

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

National Criminal Justice Action Plan

2004 - 2008

**Attorney General's Office
Republic of Maldives
December 2004**

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National Criminal Justice Action Plan

Contents	Page No.
Foreword	1
PART I Introduction- the Maldives	2
Demography	2
Economy	2
Education	2
Health	3
Standard of living	3
The political structure	3
The legal system	4
The criminal justice system	4
National context	5
International context	5
First National Criminal Justice Action Plan	6
PART II Framework for action	7
Aim	7
Strategies	7
Key issues	7
Programme cycle	7
PART III Addressing key issues	8
Enacting the Penal Code	8
Codifying criminal procedure	9
Evidence in investigation and trials	10
Developing a comprehensive juvenile justice model	11
Strengthening the court system	13
Parole and re-integration programmes	15
Sentencing and administration of sentences	16
Penalties and sentences	17
Strengthening of custodial services	19
Victim support services	21
Drug abuse prevention and intervention	22
Statistics and data analysis	24
PART IV Implementing the National Criminal Justice Action Plan	25
Present situation	25
Criminal justice administration and policy	25
Legal awareness and education	25
Human resource and institutional development	26
Financing the Action Plan	26
PART V Way Forward	27

FOREWORD

The Government of Maldives has always placed significant emphasis on providing efficient and effective legal and judicial services in the country. The country's geographical layout, scarcity of its resources and the challenges of logistics have been but a few of the obstacles the Government has always encountered in this important process forward.

As a logical sequence to the remarkable heights of economic development and the phenomenal successes in social progress achieved over the past several years, the Government has now embarked upon an exciting phase of political and constitutional reform to ensure that those strides of national development are sustained. Bringing about concurrent and palpable reforms in the legal and judicial landscape of the country and in the delivery of those vital services constitute an important aspect of the reforms.

The establishment of a comprehensive and consistent criminal justice system for the country is thus a matter of national priority. The Government aims at ensuring that the country's criminal justice system will support the administration of justice in its totality; contribute towards reduction and prevention of crime in the community; and enhance public confidence in the delivery and efficacy of the various legal and judicial services in the Maldives. This action plan is a manifestation of that aim.

The establishment of the criminal justice system and the implementation of this action plan will bring the relevant ministries and agencies of the Government to a common platform and bind them with a common intent and agenda. The synergy so created will bring together a pool of talent and resources that shall strengthen the legal and judicial infrastructure of the country. It will also provide an effective mechanism towards addressing the needs of the community. The combination of resources and talent shall also pave the way for sustainable development of the country's legal and judicial sectors in view of the 2020 goals of the country.

My sincere thanks are due to all those partners and participants who made this action plan possible. My humble prayers are with those who have shown the courage to take this bold step forward.

Hassan Saeed
Attorney General

PART I

Introduction

The Maldives

1. Demography

The Republic of Maldives is a chain of low-lying coral islands extending across the equator in a north-south strip, 860 km long and 120km wide. The archipelago is located to the south-west of Sri Lanka and consists of 1190 islands grouped into 26 natural atolls. For administrative purposes the islands have been regrouped into 20 administrative regions. The entire territory covers approximately 859,000 sq km of which only 300 sq km is comprised of land.

The Maldivian population is approximately 285,066 distributed thinly over 200 inhabited islands. Approximately 75,000 people representing 27% of the population live in the capital, Male', an island of about 1.97 square kilometers. Male' is the only island housing more than 10,000 people.

2. Economy

The Maldives has been experiencing rapid GDP growth for the past two and a half decades with a growth rate 16.9% in 1990 and 8.5% in 2003. While traditional occupations such as boat building and handicraft continue to flourish, the mainstays of the economy are fisheries and tourism which account for 7% and 33% of the GDP respectively.

Industrial sector development is recognized as vital to meet the growing demands of the economy. However, the shortage of skilled labour, limited natural resources and the country's geographical layout combined with difficulties in transportation present major constraints on industrial development. Foreign investment is highly encouraged with liberalized regulations to foster increased foreign investment.

3. Education

The Maldives now enjoys 99% literacy rate, the highest among its neighbours. The country has universalised primary education. However, due to limited infrastructural development, some islands do not provide for secondary education. Similarly tertiary education institutes are limited with tertiary education becoming available in the country for the first time only recently. Generally, Maldivian students travel abroad for higher education.

4. Health

In the health sector life expectancy has risen from 64 years in 1990 to 70 years in 2003 and infant mortality rate has dropped from 34 in 1990 to 14 in 2003. Health services in the Maldives are organised and delivered through the primary health care approach via a network of Family Health Workers. At least one Family Health Worker is present in each of the inhabited islands. In addition, Maldives also has 27 Atoll Health Centres, 4 Regional Hospitals and a government owned central level hospital as well as a private hospital in Male'.

5. Standard of living

In the early 1990s Maldives was ranked by the UN among the world's twenty-nine least developed countries. However, spurred by significant expansion in tourism and modernization of the traditional fishing sector the economy has undergone rapid growth throughout the decade. Today the country ranks among the world's most popular tourist destinations and caters for more than twice its entire population annually.

The country has graduated from the list of least developed countries in December 20, 2004. It now enjoys a marked increase in the standard of living as compared to the past two decades. However, there is still a great disparity between the standard of living in the capital and the standard of living in the outer islands.

6. The political structure

The Maldives is a republic governed by a president who is both the head of the Government as well as the State. The President is elected by the People's Majlis and confirmed by the public in a referendum. The President is assisted by the Cabinet of Ministers appointed by the President. Members of the Cabinet may or may not belong to the People's Majlis.

The People's Majlis is the primary legislative body and is unicameral, comprising of 42 elected members and 8 appointed members. The People's Special Majlis is the constitutional assembly convened at the direction of the President. Any amendment to the constitution may only be made by the People's Special Majlis.

Justice is administered by a network of first instance courts, one in each of the inhabited islands and four specialized courts, the Criminal Court, the Civil Court, the Family Court and the Juvenile Court in Male'. A right of appeal lies to the High Court from each of these courts. Under the Constitution the President is the highest authority for administering justice in the Maldives and has the power to appoint and remove judges and the Chief Justice.

In response to the country's socioeconomic development and the growing need for political reforms, the President has announced a sweeping agenda for reform on 9 June, 2004. The Agenda proposes, among other things, the introduction of greater separation of powers, the entrenchment of judicial independence and the introduction of a multi-party system.

7. The legal system

The legal system, owing to minimal commercial activity and low crime rate evolved at a very slow pace and remained greatly underdeveloped as compared to its neighbours. Further, unlike its neighbours the country did not receive English law or a common law culture although it remained a British protectorate during the period of 1887 to 1965.

The social dynamics changed with the advent of tourism and rapid economic development that brought along with it complex international transactions, altered lifestyles and socio-economic pressures. The Maldives also experienced fast population growth with the country's under-18 population presently exceeding 45% of its total population. The change in population dynamics along with globalisation resulted in increased behavioural problems and varied crime patterns, the biggest challenge now being acceleration in drug abuse within the past 15 years. The country also has a foreign labour force which exceeds 10% of its population. A significant proportion of the foreign labour force consists of unskilled labourers with poor education backgrounds which is yet another factor contributing to the crime situation.

The rapid economic development along with social progress has created enormous pressure on the legal system to develop into a sophisticated system that can handle complex issues. Legislation has been enacted to deal with some of the issues resulting in an ad hoc mixture of Shariah and legislation based on the laws of common law jurisdictions. The random responses have resulted in an incomprehensive and inconsistent system that is out of touch with the society it serves. Thus, much remains to be done in terms of eliminating the inconsistencies within the system, enacting new legislation and bringing the system into conformity with international standards and best practices.

8. The criminal justice system

Crime and criminal justice has not been much researched upon in the Maldives. However, a study undertaken by the Ministry of Home Affairs and published early 2001 found that crime, especially juvenile delinquency, was increasing with very high rates of imprisonment and re-offending.

Available statistics show that convicted jail population increased by 243% in the two and a half years from February 2000 to September 2003. During

August 2003 about 80% of the jail population were drug offenders with 29.3% serving life sentences for drug-related offences. Over 75% of the jail population were below the age of 30 years. During September 2003 1.43% of the nation's above-16 population were serving sentences.

The few consultancy reports on the subject and professionals working in this area suggest that the current situation is a reflection of a criminal justice system that too readily absorbs offenders into the system without providing exit points. Further the unavailability of alternatives to detention, disproportionate sentences prescribed in the Anti-Narcotics Act and a general lack of correlation between criminal culpability and sentences contribute to this issue. It has also been suggested that the prevailing punitive approach in sentencing is not effective in managing current crime patterns leading to high rates of recidivism and failures in re-integration into society.

As Professor Paul Robinson succinctly put:

The Maldivian criminal justice system systematically fails to do justice and regularly does injustice, that the reforms needed are wide-ranging, and that without dramatic change the system and its public reputation are likely to deteriorate further.

9. National context

The Maldives Vision 2020 envisages the legal and judicial system to be developed to internationally comparable standards by the year 2020. Further the Sixth National Development Plan 2001-2005 focuses on strengthening the legal and judicial framework, particularly for the purpose of creating a system that would facilitate and support robust social and economic development.

10. International context

The increasing number of human rights conventions and specific instruments on crime and criminal justice such as the Standard Minimum Rules for Non-Custodial Measures and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice reflect the international community's commitment to the protection of human rights and its appreciation of the role of the criminal justice system in the protection and promotion of human rights.

The Maldives itself is party to numerous human rights conventions such as the Convention against Torture, Convention on the Rights of the Child and Convention on the Elimination of All Forms of Discrimination Against Women. The Maldives has also recently signed an agreement with the International Committee of the Red Cross (ICRC) under which the ICRC is provided with

access to all places of detention in the country. At present, the Maldives is considering, among other international instruments, the Statute of the International Criminal Court, International Covenant on Civil and Political Rights and International Covenant on Social, Cultural and Economic Rights. Within the constraints of limited resources, the Maldives has endeavoured to give effect to the conventions and treaties to which it is a party. Further, it remains deeply committed to doing everything possible to meet its international obligations.

11. First National Criminal Justice Action Plan

The country's first National Criminal Justice Action Plan is formulated against the backdrop of social and political change and reforms.

The approach taken in this plan is to highlight the issues that need to be addressed and then identify responses and actions necessary to deal with the issues. Recognizing that criminal justice cuts across the work of different organisations and institutions and that any one issue may draw responses and actions that need to be implemented by a variety of institutions, the Action Plan takes the integrated approach requiring collaboration and concerted action on the part of all organizations.

The Attorney General's Office would take the lead in the implementation of the Action Plan. However, for the implementation of specific projects, partnerships would be developed with other government departments in accordance with their institutional mandates.

As part of this project, to date, the Attorney General's Office has fielded two missions with financial assistance from the UNDP. The first was the consultancy of Professor Paul Robinson of the University of Pennsylvania who undertook a situation analysis of the Maldives criminal justice system. The other was the review of the juvenile justice system and gender issues arising within the criminal justice system conducted by Professor Kenneth Polk and Professor Christine Alder of the University of Melbourne. This Action Plan is built upon their recommendations, the proposals of other stakeholders in the system and the experience of the Attorney General's Office in this area.

PART II

Framework for action

Aims

The aim of the Criminal Justice Action Plan is to establish a fair and effective criminal justice system which is based on the rule of law.

Strategies

The main strategies are to:

- Ensure the effectiveness of law enforcement mechanisms
- Enhance transparency and accountability
- Introduce evidence-based investigation, prosecution and trials
- Enhance rehabilitation and re-integration opportunities
- Minimise re-offending
- Promote alternatives to pre-trial detention
- Promote alternative sentencing mechanisms
- Prescribe punishments reflective of crime and criminal culpability

Key areas for Development

- Police powers and responsibilities
- Investigation techniques
- Juvenile justice
- Collection, analysis and admission of evidence
- Pre-trial diversions
- Criminal procedure
- Prosecution
- Judiciary
- Sentencing and alternative sentencing mechanisms
- Penal System
- Drug abuse prevention and rehabilitation
- Victim support

Programme Cycle

This Action Plan identifies the policies and priorities for the next four years.

PART III

Addressing Key Issues

Enacting the penal code

Issue

Perhaps the biggest issue of within the criminal justice system is the absence of an updated and effective penal code. The present Maldivian Penal Code was enacted in the year 1967 following civil unrest that occurred in some parts of the country. The Penal Code was enacted primarily to deal with the uprising and is an incomprehensive document that failed to address many of the fundamental issues occurring within the system.

Since its enactment, today crime patterns have changed, outdated existing provisions. Today, a significant number of charges are made under Section 88(a) of the Penal Code, a miscellaneous provision which states that disobeying orders issued under Shariah or law constitute an offence. The provision is commonly regarded as a catch-all provision that can virtually cover any situation. It has also been suggested that the fundamental rights provisions in the Constitution of 1997 require changes to the criminal law for their meaningful enforcement.

Policy

Enact a Penal Code that delivers justice fairly and effectively in conformity with the principles of Shariah as well as internationally accepted norms and standards.

Strategies and measures

- Review the existing Penal Code, re-draft and enact the Penal Code to suit the current needs and in conformity with Shariah and international best practises.
-

Codifying criminal procedure

Issue

The Police was separated from the military and established as a civilian authority with effect from September 1, 2004. However, as of yet, there is no legislation that defines and sets out police powers and responsibilities. Further, there are no comprehensive rules that govern investigation *and trials procedures* leading to a system that lacks consistency and uniformity in the handling and management of cases.

Policy

Establish modern up-to-date laws and procedures which protect the rights of detainees, defined police powers, with adequate mechanisms to ensure transparency and accountability; and facilitate fair and effective delivery of justice.

Strategies and measures

- Enact legislation which sets out police powers and responsibilities.
- Introduce alternatives to pre-trial detention.
- Ensure access to legal representation at all stages including investigation and police custody.
- Introduce legal aid for serious offences.
- Formulate a set of comprehensive rules governing the operation of courts in adjudicating criminal cases, especially the setting up of trial rules and procedures that provide for:
 - o definite timetables for negotiation, charge and trial designed to ensure certainty in detention and trial.
 - o trial procedures and evidentiary rules which ensure fair notice, effective preparation, and uniformity in negotiation.

Evidence in investigation and trials

Issue

Investigative authorities in the Maldives are untrained in modern methods of investigation. The result is a culture of investigation that focuses on obtaining confessions and a prosecutorial and judicial process that centre around confessions. Data from the Criminal Court (2002-2003) which shows that 97% of cases tried during the period were confession-based, is indicative of the heavy reliance the system places on evidence.

Along with institutional weaknesses the legislative framework is inadequate to deal with evidence issues. The Evidence Act 24/76 comprises of only the basic provisions and does not address many of the requisites in this area including the issue of admissibility, the probative value of evidence from different sources, the concept of illegally-obtained evidence and the admission of scientific / forensic evidence.

Policy

Reduce reliance on confessions to eliminate non-transparent investigation techniques and injustice in trials and establish an evidence based system of investigation and trials.

Strategies and measures

- Strengthen the capacity of investigative authorities to carry out investigations including the provision of training on modern techniques of collecting and analysing evidence.
- Strengthen the capacity of prosecutors to understand and analyse scientific and expert witness evidence.
- Strengthen the capacity of the Judiciary to admit scientific and expert witness evidence.
- Enact legislation and establish procedures to govern the admission of all types of evidence including forensic, scientific and expert witness evidence with particular consideration given to the area of admitting evidence from minors.

Developing a comprehensive juvenile justice model

Issue

Juvenile delinquency is growing at an alarming rate, a major proportion of these being substance abuse cases and offences triggered by substance abuse. Current estimates are that almost 95% of current offenders started at the age of 12-16 years with petty offences and a number of them have ended up as hardcore criminals. Though drug abuse itself is a relatively new problem authorities estimate that the average age of the drug user has drastically dropped within the past 10 years with the total number of drug users steadily on the rise.

The current criminal justice system does not effectively cater for first time juvenile offenders. The system does not have options and programmes to guide a young offender out of the system. Existing laws, rules and regulations do not confer adequate discretion on investigators, prosecutors and the Judiciary to divert offenders into rehabilitative pathways. The judge, for instance, has no alternative but to acquit or convict the accused. Where a conviction results the sentencing options are once again confined to a fine, house arrest, banishment or jail. Even where limited discretion exists there are no guidelines that govern the exercise of such discretion. Further the system fails to provide rehabilitative mechanisms for offenders.

Policy

Develop a comprehensive juvenile justice model that provides for different levels of intervention at various points in the juvenile justice system, maximizing the opportunity for diversion from the system at the early stages of contact with the system.

Strategies and measures

- Establish restorative justice principles and practices at all levels within the juvenile justice system.
- Introduce formal and informal cautioning at the police level.
- Introduce family conferencing at the pre-prosecution stage with guided discretion conferred on the police, prosecution and the Judiciary to refer cases to family conferencing.
- Introduce a process whereby existing sentencing conference practices are held outside the court so as to enable the minor to stay out of the court process.
- Confer discretion on the sentencing judge to impose alternatives to detention such as suspension of proceedings, good behaviour bonds,

probations and community based orders.

- Enact legislation to ensure a graded approach to sentencing such that the more restrictive options would be resorted to only after exhausting the less restrictive options.
 - Set up legal, administrative and institutional framework necessary for the effective working of the juvenile justice model.
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Strengthening the court system

Issue

There are 204 first instance courts in the Maldives comprising of an island court in each of the 200 inhabited islands and four specialised courts in Male', these being the Civil court, Criminal court, Family court and Juvenile court. There is an automatic right of appeal from all these courts to the High Court which sits in Male', the capital.

Along with fundamental structural deficiencies, the substantive procedures themselves are riddled with serious problems which are outlined below.

- At present appeals can be made to the High Court on questions of law as well as questions of fact. In addition, there are no filtering mechanisms to sort out unmeritorious claims, leading to a clogged appellate mechanism and wastage of resources.
- The doctrine of precedent and law reporting is non-existent from the system leading to an absence of uniformity and consistency between cases.
- Case management is an alien concept and there is no established process whereby all parties could meet prior to hearing.
- Cost recovery is not available rendering access too costly for the average person.
- The High Court sits only in Male' and this creates the issues of timely delivery and affordability of justice at the appellate level. The seriousness of the issue becomes readily apparent when the geographical lay-out of the country as well as the high costs of Male' are considered.

While each island court generally hears all non-serious cases occurring in the island, the case loads of courts differ with the population level of the island and the volume of commercial activity. Given that the population of islands, in the atolls vary from 200 to 12,000 this system creates disproportionate overhead costs and administrative burden on the Government. Further getting such a large number of qualified judges is not possible for a small developing country like the Maldives. Having a court in every single inhabited island also fails to serve its intended purpose because all serious offences are tried in the Male' courts.

Strategies and measures

- Review the current court-set up according to case flow and on cost-benefit grounds and introduce necessary reforms.
- Review the current appeals process.

- Revise the administrative set up of courts.
- Introduce efficient and effective case management mechanisms.
- Introduce comprehensive law reporting mechanism and establish the doctrine of precedent.
- Establish an independent Judicial Services Commission which would recommend appointment and removal of judges, set up guidelines and standards for judicial practices and review complaints against the Judiciary.
- Introduce cost recovery.
- Streamline the Judiciary to make it answerable and accountable to a single authority.

Parole and re-integration programmes

Issue

At present the completion of the sentence and presidential pardon provide the only ways out of the penal system. The disproportionately lengthy sentences combined with the unavailability of other exit mechanisms have created feelings of hopelessness as well as a perception of injustice amongst convicted population. Further, absence of suitable programmes to prepare inmates for societal and family life has resulted in increased levels of re-offending and high social costs.

Policy

To establish a system of sentence administration which provides for guided pathways out of the system, thereby enabling successful rehabilitation and re-integration into society.

Strategies and measures

- Introduce clear exit mechanisms out of the criminal justice system.
 - Review and revise the current Parole Board functions and ensure effective functioning of the Parole Board.
 - Introduce a system of guided re-integration into society such as aftercare centres, assistance in finding employment and other re-integration programmes.
-

Sentencing and administration of sentences

Issue

The current penal system provides for fines, house arrest, banishment and imprisonment. The system does not provide for a hierarchy of sentences that include community based orders nor does it allow for a system of suspended sentences. In addition, there are no published procedures or guidelines on sentencing. A closer look at penalties reveal inconsistencies in the underlying principles resulting in sentences that sometimes bear no link between criminal culpability and sentences.

Further there is no legislation or published rules and regulations governing the administration of sentences. The Department of Penitentiaries and Rehabilitation Services functioning under the Ministry of Home Affairs is currently in charge of the administration of sentences.

Policy

To establish a fair, consistent and effective sentencing mechanism and to set out clear guidelines on the administration of sentences.

Strategies and measures

- Establish guidelines on passing fair and effective sentences which take into account relevant factors and circumstances surrounding the offence such as the presence of aggravating and mitigating factors.
 - Establish regulations which provide for the proper administration of sentences such as accounting for the period of pre-trial detention, home and medical leave as well as the administration of multiple sentences.
-

Penalties and sentences

Issue

The present penal system provides for the imposition of fines, house arrest, banishment, and imprisonment. Save for the Anti-Narcotics Act, hierarchy of penalties is not evident in the penal system, and the absence of published guidelines directing the selection of one option over the other, results in too wide a discretion on judges and inconsistencies in sentencing. The prevailing practice of sentencing at the same sitting as the hearing itself aggravates the situation. Apart from the lack of consistency, some of the available sentencing options themselves have become outdated and ineffective as deterrent measures.

The fines prescribed in the Penal Code and most of the other legislation are based on the levels of income prevailing at the time of formulating those pieces of legislation. With the rise in the level of income and inflation in subsequent years, these fines have become completely outdated with the result that people carry out calculated violations of the law with the knowledge that the gains would outweigh any penalty imposed.

House arrest as a form of punishment has become ineffective. With the availability of modern communication tools an arrestee enjoys considerable freedom. Further enforcement of such orders especially in relatively larger islands remains a serious problem. House arrest is the most common form of punishment for juvenile offenders. However, in the congested capital, Male' where extended families often live under one roof juveniles are often unable to remain for long periods within the confines of their small houses. Breaking house arrest orders attract further prosecutions and further convictions leading to a vicious circle.

Banishment was seen as a punitive measure in the age where transport was difficult and modern day communications were not available. Banishment consists of being sent away to remote islands without attaching further conditions. As a form of punishment, banishment has become highly ineffective because the "foisting" of offenders on unsuspecting island communities have frequently resulted in the offenders committing crimes against the island communities. Thus, in recent years, there has been a growing reluctance in island communities to accept convicts. The condition a banished person enjoys depends on what the person can offer to the local community in terms of wealth and skills, naturally disadvantaging the poor.

These factors have resulted in a noticeable increase in the imposition of prison sentences which carries with it the risk of imposing harsher sentences and injustice in some cases. However, in a jail system without adequate facilities such as educational and life skill training, and where inmates are not segregated according to the nature of the offence committed or their age, even simple offenders are sometimes forced to become hardcore criminals. While modern legal systems have introduced community based orders and

other forms of regulated and monitored non-custodial and semi-custodial sentences the Maldivian penal system remains unchanged resulting in an outdated system grappling with modern day problems. It is thus recognised that the current system is in urgent need for alternative forms of dealing with offenders with emphasis on seeking to implement restorative justice.

Policy

Restructure the penal system to achieve the goals of sentencing with particular focus on the rehabilitation and re-intergration of offenders.

Strategies and measures

- Review the penal system and introduce alternative forms of punishments.
 - Introduce a graded framework to tailor sentences to the offender and the offence.
 - Establish proper mechanisms to administer non-custodial sentences.
 - Establish rehabilitation programmes for juvenile offenders.
-

Strengthening of custodial services

Issue

Statistics prior to the government's release of about 80% of the prison population totalling 1,100 in September 2003 (following the death of a prison inmate) indicate very high rates of imprisonment and re-offending. The rate of imprisonment in August 2003 was about 300-400 per 100,000 of the adult population. A study done in 2002 by the Ministry of Home Affairs indicated 76% to be repeat offenders.

Women are detained in the same jail under the same management though in different physical location and they are sometimes accompanied by their small children. Young male offenders are detained in a separate facility while no such facility exists for young female offenders. As the country has only one prison, segregation according to needs and types of crime is increasingly difficult.

Rehabilitation and education facilities in jail are minimal and so is employment and income earning opportunities. Food and laundry for the inmates are serviced by outsourced contractors.

Parole and early release schemes are not in place and there is no certain path out of the sentence except after serving the entire sentence.

There is no law or regulation which prescribes for the manner in which sentences are to be administered. The Maldives has, by practice, a cumulative sentence implementation procedure and there are no written procedures on how pre-trial detention and home and medical leave are to be taken into account in the administration of sentences.

A study done in July 2004, on the criminal justice system of the Maldives puts forward recommendations on strengthening custodial services as a matter of priority. Further studies done in August 2004 on the gender and juvenile justice systems have highlighted specific issues relating to detention and imprisonment of women and minors. The study recommends immediate action in this area.

Policy

Maximise rehabilitation and re-integration while minimizing recidivism.

Strategies and measures

- Review and reform the existing system of jail management.
- Establish effective jail inspection and complaints-hearing mechanisms.

- Introduce early release and parole programmes, to ensure guided re-intergration.
 - Establish regulations and procedures on the administration of sentences which would prescribe for the execution of multiple sentences and the accounting of pre-trial detention, home leave and medical leave.
 - Introduce rehabilitation and re-integration programmes necessary for the minimizing of repeat offending.
 - Establish a mechanism to deal with offenses committed while in custody.
 - Introduce institutional strengthening and human resources development of the Department of Penitentiaries and Rehabilitation Services as well as all detention facilities.
-

Victim support services

Issue

Research conducted on the criminal justice system has highlighted the high incidence of child abuse, domestic violence and other such offences carried out against women and children. Further, it has also indicated that a considerable number of such cases are not reported for fear of being further victimized, preventing victims from taking legal action against the perpetrators.

The fear of further victimisation is aggravated by the absence of support services available for victims. Additionally staff employed by the various agencies within the criminal justice system are generally untrained in the specific issues that concern victims of such crimes and are not informed of the services to which the victims could be referred to.

Policy

To establish a process whereby the victims would be able to stand up for their rights and obtain justice against perpetrators.

Strategies and measures

- Establish victim support services such as counselling, legal advice and safe houses at all stages of the criminal justice system and within the general community.
- Implement programmes which would enhance broader social understanding of gender relations including community development activities such as networks of assistance and options to victims of violence and advice to government departments in the development of gender sensitive policies and practices.
- Strengthen existing programmes of the Gender and Development Section of the Ministry of Gender, Family Development and Social Security.

Drug abuse prevention and intervention

Issue

The problem of drug abuse is one of the most pressing and serious problems the country is facing today. The problem is most common among adolescents and youth. It is estimated that the average age of first time drug user has dropped from about 19 to 14 in the past 10 years. The most common form of drugs used is heroin. The recent introduction of injected drugs has given rise to fears concerning blood-transmitted diseases such as HIV-Aids and there have been calls for immediate action in this area.

Drug abuse is generally perceived as a crime rather than a health issue. This criminalisation has led to widespread stigmatisation and social exclusion, leaving the drug user with a criminal record, expulsion from school or workplace, and difficulties in obtaining employment. Further, the fear of arrest and punishment create difficulty in obtaining reliable information from drug users, which in turn makes it difficult to address the issue properly.

Presently, Maldives lacks proper services for the current requirement. Currently there is only one rehabilitation centre in the country. There is no network for community-based outreach for those who cannot or do not want access to treatment centres. The existing drug rehabilitation centre which is fully government-financed is currently running 40% below capacity resulting from obstacles posed by the Anti-Narcotics Act.

Policy

Revise the existing legal and administrative framework and develop treatment facilities and a comprehensive user-friendly support system geared towards effective drug-abuse prevention and intervention.

Strategies and measures

- Review and revise the existing legal framework for drug prevention and intervention to enable an environment which caters for the existing needs.
- Establish a national drug treatment protocol including a systematic referral system involving public-private sector partnership and introduce minimum standards for drug treatment service providers.
- Establish drug prevention training by incorporating it into the institutional and professional education and training of community health workers, doctors, teachers and other relevant professionals.
- Establish a comprehensive system of care for drug abusers which is

needs-based and client-led. This care system should address issues such as pre-treatment, motivational counselling and other harm reduction measures, detoxification and treatment, rehabilitation and aftercare, and follow-up and social re-integration.

- Establish an effective system of after care and re-integration which would help reduce relapse and re-offending.
 - Establish programmes which empower parents and family to help in re-integration of offenders thereby reducing relapse and re-addiction.
-

Statistics and data analysis

Studies which led to the formulation of this Action Plan highlighted the need to streamline the formulation of criminal justice policies. As a significant number of these issues are handled by more than one government agency a mechanism which converge all policy decisions need to be established.

This Action Plan envisages a mechanism to streamline criminal justice policy formulation. Policy decisions need to be made in an informed environment with data being collected and analysed for effective decision making. Every social policy has a direct or indirect link to the criminal justice system and vice versa. Thus for cohesive and sustainable development of the criminal justice system it is necessary that adequate research is done and fed into the policy making process before decisions are made.

To facilitate such research and analysis it will be necessary to:

- o Develop a data base which will collect data from all points of the criminal justice system.
- o Analyse data and advise policymakers of the impacts of policy and legislation.
- o Establish a depository of information and reports on the Maldives criminal justice system, literature and other research published internationally.
- o Feed research results and recommendations towards continued strengthening of the system.
- o Harmonise all existing data.

It is crucial that a funding mechanism be set up to enable the establishment of the data base and for continued research into this area.

PART IV

Implementing the Criminal Justice Action Plan

Present situation

The issues identified and set out in this Action Plan and actions recommended herein are the result of extensive discussions and coordination with all relevant government agencies. Implementation of the plan will be headed by the Attorney General's Office in coordination with relevant agencies.

However for the implementation of the Plan the following are important co-requisites.

Criminal justice administration and policy

Studies which led to the formulation of this Action Plan highlighted the need to ***streamline the formulation of criminal justice policy***. Therefore, a mechanism to converge all policy decisions needs to be established.

The Criminal Justice Commission which will be a policy level organisation will take all policy decisions impacting on the criminal justice system. Such a commission will comprise of the heads of all government agencies responsible for the administration of criminal justice.

The Commission will be assisted by a secretariat based in the Attorney General's Office which would draw assistance from other agencies. Further the Commission would also receive data analysis and technical input from the Research and Data Analysis Centre to be set up.

The Law Reform Unit of the Attorney General's Office will take on the task of implementing the Action Plan and providing support service to the Criminal Justice Commission. The Unit will be supported by staff who will take on the task of conducting data analysis and research. It is envisaged that once developed the Unit can take on its full capacity as the Criminal Justice Bureau which will analyse data and develop criminal justice policies and law.

Legal awareness and education

The average age of the first time drug offenders and other offenders are tied around the age of 14-16 years. Education and awareness need to be disseminated to students regarding legal issues and societal norms and values.

The Maldives boasts near universal primary education, which therefore

would ease the dissemination of information. There are a number of programmes already being run by individual government agencies and NGOs which address issues faced by adolescents. These include legal awareness programmes, drug awareness programmes and life skills programmes.

All programmes need to be reviewed and replaced with a more focused single programme which could include all the relevant information.

Human resource and institutional development

This Action Plan outlines the necessary actions that is needed to strengthen the criminal justice system. However in order to effectively implement the Plan and for the sustainability of the actions taken in the implementation, all institutions of the criminal justice system need to be injected with trained man power and institutions need to be strengthened and their capacity enhanced.

In this regard it is crucial that the Government gives a high priority to institutional and human resources development of relevant government departments. It is thus recommended that a special human resource development programme be formulated and implemented for each institution of the criminal justice system.

Further where possible it is advisable that all projects of this Plan carry a component of human resource development and institutional development.

Financing the Action Plan

Financial support for the Action Plan will be derived from a number of sources including the national budget, bi-lateral and multi-lateral sources and the private sector.

PART V

Way forward

The Criminal Justice Action Plan will pave the way in the development of the criminal justice system, for greater protection of human rights, effective delivery of justice which ensures protection of legal rights and international best practices thus creating a legal system, which enhances social development while complementing economic development.

The Plan will form partnerships with relevant government and non-governmental organisations and the civil society as well as bilateral and multilateral agencies, to implement the Plan.

To continue this process of criminal justice development this Plan, its implementation and effectiveness should be reviewed after the four year time frame and re-written accordingly.
