

# **BUILDING INTEGRITY: EXPLORING ABUSE AND CORRUPTION IN THE MALDIVES PRISON SYSTEM**

*Ibrahim Nashid\**

## **I. INTRODUCTION**

In 2003, the Maldivian Prison System faced the tragic death of Hassan Evan Naseem, a 16-year-old incarcerated for a drug offence. Evan Naseem's demise, attributed to torture inflicted by military officers, ignited outrage and catalysed a series of events that would ultimately reshape the Maldivian Prison System. News of Naseem's death triggered protests within Maafushi jail, with inmates demanding answers and these demonstrations spilled over into the capital city, Male', where the public, harbouring long-held suspicions of mistreatment within the penal system, erupted in protest. The initial call for democratic reform broadened to encompass a demand for a more humane prison system, one focused on rehabilitation rather than brutality. This public outcry forced a critical re-evaluation of Maldivian correctional facilities, pushing the nation towards a future where incarceration served not as a breeding ground for abuse but as an opportunity for reform.

The Maldives Correctional Services (MCS), established in 2013 by the Prison and Parole Act 14/2013,<sup>1</sup> serves as the Maldivian government's primary agency for prison administration and operation nationwide. The MCS houses both remand and convicted inmates and actively works to establish procedures for serving court-mandated sentences, ensuring inmates fulfil their legal obligations and potential to become law-abiding citizens upon release. This is done by prioritizing a multi-pronged approach to corrections through a four-phased rehabilitation programme which equips inmates with valuable skills necessary to foster offender reform and reintegration into society. Currently, the MCS houses 1,292 offenders.

Recognizing the importance of continuous improvement, MCS has actively undertaken efforts to establish a more humane and effective prison environment by addressing persistent allegations of inmate abuse and corruption. This paper examines the current state of inmate abuse and corruption within Maldivian correctional facilities. Furthermore, the paper analyses the existing legal framework and practices designed to prevent such abuses, followed by an identification of the key challenges hindering their effectiveness and the root causes of these issues. Finally, the paper proposes a series of solutions aimed at mitigating inmate abuse and corruption within MCS.

## **II. STATUS OF INMATE ABUSE AND CORRUPTION**

A worrying trend of rising inmate abuse is seen from reports by the Human Rights Commission of Maldives (HRCM). In 2019, the HRCM documented 43 cases, and this number has increased to a staggering 114 cases in 2023, highlighting a more than two-fold increase.<sup>2</sup> Equally concerning are the reported cases of torture against MCS. These cases have also seen a sharp rise over the past five years, jumping from 17 in 2019 to a troubling 39 in 2023. Despite these alarming figures, only three cases were forwarded from the HRCM for prosecution, involving a total of seven prison officers. Furthermore, internal MCS records reveal five inmate abuse complaints against the organization in the past five years. Of these complaints, three were substantiated, prompting the MCS to take necessary measures to address the raised issues.

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\* Superintendent of Prisons, Operational Management Command, Maldives Correctional Service, Maldives.

<sup>1</sup> Prison and Parole Act (Act No. 14/2013).

<sup>2</sup> HRCM NPM Annual Report 2023.

An investigation into corruption within the prison system revealed that smuggling illegal substances into prison premises by prison officials is the most common type of corruption recorded. In the past five years alone, there have been seven documented instances of such smuggling and disciplinary measures have been taken against the involved officers, including termination for some. The investigation also brought to surface two separate incidents of inmate torture, resulting in disciplinary actions against the responsible officers.

### **III. CURRENT LEGAL FRAMEWORK TO PREVENT INMATE ABUSE AND CORRUPTION**

The Maldives has a robust legal framework in place to protect the rights of inmates and prevent abuse and corruption within correctional facilities. This framework is anchored in the following key elements.

#### **A. The Maldivian Constitution**

The Maldivian Constitution serves as the cornerstone for protecting the rights of prisoners and ensuring their humane treatment.<sup>3</sup> It enshrines fundamental rights for all individuals, including those incarcerated within the correctional system. Article 54 specifically prohibits torture and cruel, inhuman or degrading treatment or punishment. This vital provision plays a critical role in safeguarding inmates from abuse within Maldivian correctional facilities,

#### **B. Relevant Laws**

Beyond the foundational principles established by the Constitution, several specific laws provide additional protections for inmates. Notable are the following.

1. The Penal Code

The Penal Code of the Maldives contains provisions that criminalize abuse and mistreatment of inmates. Offences such as assault, harassment or neglect of duty can be prosecuted under this law.<sup>4</sup>

2. The Prison and Parole Act

This legislation governs the operation and management of correctional facilities in the Maldives. It outlines the rights of inmates, including access to medical care, legal aid and accommodation in humane conditions.<sup>5</sup>

3. The Anti-Corruption Laws

While not directly focused on inmate abuse, these laws play a vital role in preventing corrupt practices within prisons. They target actions like bribery, embezzlement and abuse of power which can create an environment ripe for exploitation and mistreatment.<sup>6</sup>

4. The Anti-Torture Act

The Anti-Torture Act serves as a critical tool for preventing inmate abuse by explicitly prohibiting and criminalizing all forms of torture.<sup>7</sup> This act defines torture as acts that inflict severe physical or mental pain or suffering, often used to elicit information, punish, intimidate or discriminate against individuals. Importantly, the Act emphasizes that torture is a fundamental violation of human rights and human dignity and ensures the protection of all individuals in custody, including inmates, from any form of torture or ill-treatment.

#### **C. Responsibilities of Correctional Facilities**

Maldivian correctional facilities must uphold the rights of inmates as guaranteed by the Constitution and relevant laws. These facilities must provide a safe and secure environment for inmates, ensuring their physical and psychological well-being. Staff members are required to adhere to professional standards and codes of conduct to prevent abuse and corruption within the facilities. By adhering to the Maldivian

<sup>3</sup> Article 54 of Constitution of the Republic of Maldives (2008).

<sup>4</sup> Penal Code of Maldives (Act No. 09/2014).

<sup>5</sup> Article 68 and 69 of Prison and Parole Act (Act No. 14/2013).

<sup>6</sup> Prevention and Prohibition of Corruption Act (Act No. 02/2000).

<sup>7</sup> Anti-Torture Act (Act No. 13/2013).

Constitution, the Penal Code, the Prison and Parole Act and other relevant laws, correctional facilities in the Maldives are mandated to protect the rights of inmates, prevent abuse and combat corruption. Effective implementation and oversight of these legal provisions are essential for fostering a rehabilitative prison environment and upholding the dignity of all individuals in detention.

#### **IV. CURRENT PRACTICES TO PREVENT INMATE ABUSE AND CORRUPTION**

##### **A. Staff Training Programmes**

To ensure a safe and humane correctional environment, training sessions on ethical conduct are conducted for the staff. These sessions equip the staff with a thorough understanding of human rights principles and equip them with the skills to prevent abuse. By consistently reinforcing ethical behaviour, these training sessions can cultivate a culture of respect and professionalism within the facility. This fosters not only a safer environment for inmates but also a more positive work environment for correctional staff.

##### **B. Monitoring Mechanisms**

Several steps are currently being taken to prevent and address abuse within correctional facilities. Inspections by independent bodies like the Human Rights Commission of Maldives (HRCM),<sup>8</sup> Inspector of Correctional Service<sup>9</sup> and National Integrity Commission<sup>10</sup> regularly assess conditions and monitor inmate treatment. Additionally, surveillance systems are being implemented in key areas to deter misconduct. Moreover, confidential reporting channels have been established for staff to report abuse or corruption without fear of reprisal (Whistle-blowing).

##### **C. National Preventive Mechanism (NPM)**

The National Preventive Mechanism (NPM) established under the HRCM to fulfil its obligations under the Optional Protocol to the Convention against Torture (OPCAT).<sup>11</sup> This independent body conducts regular inspections of detention facilities to assess conditions, treatment of inmates and adherence to international human rights standards. The NPM's recommendations, based on these visits and analyses, guide constructive dialogue with the government to strengthen protections against torture and ill-treatment within the Maldivian prison system.

##### **D. Reporting Protocols**

Formal complaint mechanisms have been established within correctional facilities. These mechanisms allow inmates to report instances of abuse or corruption directly to designated personnel and relevant authorities, such as the Inspector of Correctional Services (ICS), HRCM and the National Integrity Commission (NIC).

Clear procedures for investigating reported incidents have also been implemented. These procedures focus on documenting evidence, conducting thorough interviews and taking appropriate disciplinary action based on professional standards. A dedicated Disciplinary Committee<sup>12</sup> oversees these investigations and ensures appropriate consequences for any misconduct identified.

#### **V. THE PSYCHOLOGY OF INMATE VS GUARD AND PROPENSITY FOR ABUSE**

The relationship between guards and inmates within correctional facilities is a complex case of power dynamics. Understanding the psychological underpinnings of this dynamic is crucial for mitigating abuse and fostering a more humane prison system. The Stanford Prison Experiment (SPE) by Professor Zimbardo, a seminal study in prison psychology, serves as a stark reminder of the transformative power of assigned

<sup>8</sup> Human Rights Commission Act (Act No. 06/2006).

<sup>9</sup> Article 9 of Prison and Parole Act (Act No. 14/2013).

<sup>10</sup> National Integrity Commission Act (Act No. 27/2015).

<sup>11</sup> Article 4 of OPCAT.

<sup>12</sup> Article 45 of Prison and Parole Act (Act No. 14/2013).

roles.<sup>13</sup> College students randomly assigned as “guards” or “prisoners” within a simulated prison environment exhibited dramatic shifts in behaviour. Those tasked with guard roles displayed a concerning tendency towards authoritarianism and even abuse of power. This highlights the profound influence of assigned roles on behaviour, demonstrating how seemingly ordinary individuals can be swayed by the intoxicating allure of unchecked power.

The SPE further underscores the inherent dangers of power imbalances within prison settings. The experiment revealed a disturbing potential for prison environments to foster hostility and dehumanization, likely stemming from the stark power differential between guards and inmates. This dynamic can manifest in various forms, including guard brutality and bystander apathy among those unwilling to challenge the established power structure. Recognizing these psychological realities is paramount for implementing effective prison reform strategies. By acknowledging the ease with which abuse can occur under conditions of unchecked power, prison systems can prioritize robust oversight mechanisms and clear guidelines for guard conduct. Furthermore, fostering a culture of intervention within correctional facilities can help mitigate bystander apathy, encouraging guards to challenge instances of misconduct.

## **VI. ROOT CAUSES AND CHALLENGES TO INMATE ABUSE AND CORRUPTION**

The MCS faces significant challenges in its fight against inmate abuse and corruption within its correctional facilities. While legal frameworks exist, ensuring their effectiveness remains a critical hurdle.

### **A. Lack of Robust Internal Oversight and Overcrowding**

A major obstacle lies in the limited capacity for internal monitoring mechanisms. Resource constraints often hinder the ability to conduct regular and thorough inspections across the Maldives’ geographically dispersed prisons. Without adequate internal mechanisms to identify and address potential issues, the risk of abuse, neglect and unsanitary conditions rises significantly. Furthermore, overcrowding, a persistent issue in Maldivian prisons, can exacerbate power imbalances and contribute to a climate of violence. Inmates confined in cramped and under-stimulating environments may be more susceptible to manipulation and exploitation by both guards and fellow inmates.

### **B. Professionalism and Staff Burnout**

Another challenge lies in staff training and professionalism. Correctional officers in the Maldives receive limited training on human rights principles, de-escalation techniques and conflict resolution. This lack of preparedness can lead to a reliance on punitive measures and an increased risk of abuse. Additionally, low wages and poor working conditions for prison staff can contribute to feelings of resentment, a susceptibility to corruption and, ultimately, staff burnout. Guards facing financial hardship and chronic stress may become more vulnerable to bribery or involvement in smuggling activities, further compromising the system’s integrity. The dispersed nature of the islands can exacerbate these issues, making oversight of staff conduct even more difficult.

### **C. Transparency, Accountability and Bystander Apathy**

Finally, the effectiveness of existing legal frameworks can be hampered by a lack of transparency and accountability within the Maldivian prison system. A culture of secrecy can shield perpetrators of abuse from consequences, while inadequate grievance procedures, a lack of effective reporting channels and the social stigma of incarceration all contribute to a situation where inmates are hesitant to report abuse. This stigma, which may view inmates as deserving of their punishment, can lead to a tolerance of harsh treatment and a reluctance to intervene on their behalf, fostering bystander apathy among guards.

### **D. Difficulty Maintaining Order and Safety**

The unique social fabric of the Maldives presents a distinct set of challenges in maintaining order and safety within its correctional facilities: inmates and officers often know each other personally, and it can hinder reporting of misconduct. Officers may be hesitant to report abuse by acquaintances, fearing repercussions outside the prison walls. Similarly, inmates might be reluctant to report abuse of other inmates

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<sup>13</sup> Zimbardo, P. G. et al. (1973).

due to existing relationships or the fear of retaliation within the close-knit prison community. This dynamic creates blind spots for supervision, potentially increasing the likelihood of inmate-on-inmate violence and leaving vulnerable populations, such as people convicted of sexual crimes, particularly exposed.

## VII. PROPOSED SOLUTIONS

The Maldives faces unique challenges in its fight against inmate abuse and corruption due to the scattered nature of its islands. Below is a breakdown of proposed solutions to address the key obstacles.

### A. Limited Oversight and Overcrowding

To strengthen oversight, increased funding for independent oversight bodies is crucial. Additionally, utilizing technology like remote monitoring systems can overcome logistical challenges posed by the dispersed islands. Addressing overcrowding requires a multi-pronged approach. Exploring alternative sentencing options for non-violent offenders can help reduce prison populations. Investing in prison capacity expansion projects and prioritizing rehabilitation programmes to decrease recidivism rates are also essential steps.

### B. Staff Investments

Investing in staff training on human rights, de-escalation techniques, conflict resolution and anti-corruption measures is vital. Improving working conditions through competitive wages, better benefits packages and mental health support programmes can create a more professional and resilient correctional workforce. Regularly rotating staff assignments between islands can further reduce opportunities for complacency and collusion.

### C. Empowering Inmates

Empowering inmates through anonymous and confidential reporting channels, such as hotlines, online reporting systems or designated personnel, is key. Promoting transparency requires implementing clear and accessible grievance procedures for inmates to report abuse. Conducting regular inspections with independent oversight bodies and publishing reports can further enhance transparency. Shifting societal attitudes through public education campaigns and community outreach programmes is crucial to challenge the social stigma of incarceration and foster a culture of respect for human rights, including those of inmates.

### D. Bolstering Security

The Maldives' unique geography necessitates bolstered security measures. Increased collaboration between island communities and prison authorities can improve information sharing and identify potential threats. Implementing stricter screening procedures for staff and visitors, including background checks and random inspections, is essential. Additionally, exploring the use of technology solutions like surveillance cameras, access control systems and contraband detection equipment can enhance monitoring and control within prison. By implementing these targeted reforms, the Maldives can move towards a more humane and rights-respecting prison system, where both staff and inmates are treated with dignity.

## VIII. CONCLUSION

The MCS faces a growing challenge of a rising number of inmate abuse and corruption allegations documented by the HCRM reports and internal MCS records. This concerning trend necessitates a comprehensive response from the MCS, even though the existing legal framework provides a strong foundation for preventing abuse. The gap lies in effectively translating these legal protections into everyday practices within MCS facilities. To bridge the gap between legal protections and their practical application, the MCS must actively strengthen oversight mechanisms and implement robust reporting systems for abuse allegations. Furthermore, fostering a culture of transparency and accountability within the MCS is equally important as providing guards with necessary mental health support. This further mitigates the risk of inmate abuse and corruption. By actively implementing these solutions, the MCS can embark on a transformative journey towards creating a more humane and effective prison system in the Maldives. This system will prioritize the respect for the rights and dignity of all individuals, both inmates and staff.