



Date: 13th April 2023

The Subcommittee on the Prevention of Torture and other Cruel, Inhumane or Degrading Treatment or Punishment

Response to the draft General Comment No.1 on places of deprivation of liberty (article 4)

Dear Members of the SPT,

Thank you for providing us with the opportunity to share our perspective on the draft of the General Comment no.1 on places of deprivation of liberty (article 4). As the National Preventive Mechanism of the Maldives, we regard this General Comment as very important and useful for our work.

After a thorough review of the draft general comment, we would like to provide our feedback and suggestions. Our comment is on II. Comprehensive Approach to defining places of deprivation of liberty. We would like to highlight the need to broaden the definition of deprivation of liberty beyond “not being permitted to leave at will”, as we have observed cases where individuals may have the freedom to leave at will, but their vulnerable position may limit their ability to do so.

We would like to note that there are instances where authorities have claimed that facilities such as military training camps, drug detoxification halfway houses, shelter facilities for victims of human trafficking and shelters for victims of domestic violence should not be classified as places of deprivation of liberty since individuals are free to leave at any time. However, due to factors such as job security (for instance for individuals in military training facilities) or the mental state of the individual (for instance for individuals in shelters for victims of domestic violence), they may be unable to exercise their freedom of movement.

Hence, we believe broadening the definition “not being permitted to leave at will” to include such places of deprivation of liberty would be helpful for NPMs in getting access to these



facilities and for states to include such facilities in the CAT and OPCAT related legislative framework.

We would like to express our thanks once again for the efforts by the SPT towards providing further guidance on the definition of Article 4. We look forward to the finalization of the General Comment and to its effective implementation.

Sincerely,

Mariyam Muna

President

Human Rights Commission of the Maldives