



*Empowered lives.  
Resilient nations.*

# Legal and Justice Sector Baseline Study 2014



# **Legal and Justice Sector Baseline Study 2014**

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## Foreword

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The largest and most substantive changes that the 2008 Constitution introduced, while it rethought decades or centuries of custom, were centred on our justice and legal sector. While model structures have been put in place, perhaps we can all agree that much work still needs to be done and that we are nowhere near where we would like to be. Studies such as this are provably the onset of all revisionary efforts, the baseline for all such thought. Studies such as this are key in determining where you are, where you need to be, and how best to possibly get there.

This study is a first of its kind in the Maldives and for that I thank the United Nations Development Program for its initiative. Evidence based approaches is one notion the country is yet to become familiar with. This however, is the notion on which the most recent Government plans and targets have been built upon.

The public perceptions survey included in this report is landmark, while the scope and methodology of approach is benchmark. For this I congratulate and thank the country team here in the Maldives, but more specifically to its visionary leadership and driving force. The Government appreciates the continued engagement with the Government and all relevant stakeholders by the UNDP. This study undoubtedly will greatly help the Maldivian Government in the implementation of its Legislative Agenda published in 2014, alongside the Strategic Action Plan of the Attorney General's Office.

On behalf of the Government of Maldives, I also extend my heartiest gratitude to Ms. Leigh Toomey and her team at the Institute for Research and Innovation (Villa College), alongside the Maldives Law Institute for their work and dedication in the compilation of this study.

Mohamed Anil  
Attorney General

# FOREWORD

The ratification of the 2008 Constitution of the Maldives remains a defining point in its history. For the first time the Judiciary was made independent from the executive, the International Bill of Rights were comprehensively localized and adopted as the fundamental rights of the Maldivian people and most importantly, the major constitutional shift laid down the foundations of a framework that envisaged on achieving fair, transparent and impartial adjudication and access to justice.

However, as will be the case anywhere around the world, mere adoption of these essential elements does not bring an end to the work commenced. As this report itself finds, the Maldivian Justice Sector, despite the number of changes that it had undergone, still remains in transition and much work remains to be done to address them.

The Legal and Justice Sector Baseline Study, the first of its kind, aims to grasp a comprehensive understanding of the current situation of the sector and identifying the impacts of the changes that it had undergone over the years. The data collected in a three-fold process will help in identifying what are the current challenges faced by the sector primarily on its ability to function and operate efficiently, impartially and transparently, which in turn would allow stakeholders to take informed decisions and adopt policies and strategies that are backed by evidence.

The recommendations presented in the report are based upon comprehensive and credible reviewing and analysis of existing institutional data, nationwide public surveying on perceptions towards the sector and as well as series of focused group discussions held with key stakeholders including a range of legal and justice sector agency leaders and personnel, as well as with the legal profession.

The United Nations Development Programme (UNDP), especially the Integrated Governance Programme under its Democratic Governance pillar takes great pride in having partnered with the key stakeholder of the Legal and Justice Sector to come up with the first such comprehensive analysis on the sector.

It is my sincere wish that the recommendations of this report will, in future, be used in formulating national policies and decisions towards improving the sector. On this note, I would also like to congratulate and thank all those involved, including the Attorney General's Office in leading the Study and the contribution received from all the Justice Sector agencies in conducting this Study. We also extend our gratitude to Ms. Leigh Toomey, the International Team Leader and the National Research team from the Institute for Research and Innovation of Villa College and Maldives Law Institute in coming up with such a comprehensive and extensive report, that will benefit in shaping up the future of the sector.

Ms. Shoko Noda  
Resident Coordinator  
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# Acronyms

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<b>AGO</b>	Attorney-General's Office
<b>DJA</b>	Department of Judicial Administration
<b>DNP</b>	Department of National Planning
<b>HRCM</b>	Human Rights Commission of the Maldives
<b>JSC</b>	Judicial Service Commission
<b>MCS</b>	Maldives Correctional Service
<b>MPS</b>	Maldives Police Service
<b>PGO</b>	Prosecutor-General's Office
<b>UNDP</b>	United Nations Development Programme

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# 4

## Executive Summary

The justice and legal sector of the Maldives has undergone a number of changes over the last two decades. However, this sector still remains in transition, albeit with much promise towards a future state of accountability, transparency and governance by the rule of law. This study is the first of its kind carried out in the legal and justice sector to gather evidence so that UNDP and the sector can make evidence-based decisions and measure changes over time.

The study was conducted from April to September 2014. It focused on three different methods of quantitative and qualitative data collection, namely:

- an extensive desk review of data kept by legal and justice sector agencies on the delivery of services, as well as previous reports on the sector (a list of previous reports is found in Annex 1 to this report);
- a nationwide public perceptions survey on the barriers which people face in accessing justice (the profile of survey respondents and the survey instrument are found in Annexes 2 and 3 to this report); and
- focus groups with a range of legal and justice sector agency leaders and personnel, as well as with the legal profession, on the challenges involved in providing justice in the Maldives.

The desk review analysed existing institutional data held by the different agencies, and identified gaps in that data as well as areas in which existing procedures could be improved. Data from six agencies was analysed, namely the Attorney-General's Office (AGO), the Prosecutor-General's Office (PGO), the Maldives Police Service (MPS), the Courts/Department of Judicial Administration (DJA), the Judicial Service Commission (JSC), and the Maldives Correctional Service (MCS). In addition, five groups were consulted, namely the AGO, PGO, MPS, Home Ministry, and the legal profession, to clarify any questions in relation to that data.

The public perception survey was used to determine areas of concern for the public in accessing justice services, as well as the community's views of the different agencies and their performance. A total of 2,076 households were surveyed.

Finally, focus groups were held to better understand the challenges faced by the different legal and justice agencies in delivering fair and timely justice. Focus group discussions were held with 8 clusters of groups, with respondents chosen from the AGO, PGO, MPS, Judges, Court Officials, MCS, the legal profession, and caregivers of people living with disabilities.

## LACK OF ACCESSIBLE DATA

The desk review as well as focus group discussions identified that there are no consistent means of recording and maintaining data across the justice agencies. The different legal and justice agencies use different formats to store their data, making it difficult to make any meaningful comparisons between the different agencies in terms of efficiency and consistency.

### RECOMMENDATIONS

- ▶ *The National Bureau of Statistics to determine a consistent format for agencies to measure, collect, report and publish data.*
- ▶ *The Maldives Correctional Service to conduct regular audits to ensure up-to-date data is collected and maintained.*

### RECOMMENDATIONS

- ▶ *Enact a comprehensive civil procedure code and criminal procedure code.*
- ▶ *Judiciary to adopt interim civil and criminal procedural rules until codes are put in place by the Majlis.*

## LOW LEVELS OF PUBLIC CONFIDENCE

The general public have low levels of trust with respect to the quality of justice, independence, integrity and efficiency of justice delivery. This low level of confidence is due to (i) timeliness, (ii) awareness, and (iii) fairness. There is no mechanism for the monitoring and inspection of non-performance of judges and the backlog of each judge to find out the reasons for delays in concluding cases.

## LACK OF PROCEDURE

The focus groups as well as the desk review showed that there is lack of systematic, realistic, time-bound and comprehensive procedural rules in the justice system. The absence of clear procedural rules and sentencing guidelines lead to conflicting decisions by different courts and conflicting decisions by judges of the same court.

### RECOMMENDATIONS

- ▶ *Increase awareness to address low levels of awareness on legal issues and the justice agencies.*
- ▶ *Introduce a credible public complaints system and involve court users in the review of public complaints.*
- ▶ *Conduct anti-corruption initiatives to address levels of perceived corruption in the community*

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## DELAYS IN DELIVERING JUSTICE

The desk review and focus group discussions indicated that significant progress has been made within the justice sector in recent years, even though problems of cost, delay and public distrust appeared to have increased. In addition, there is no established statutory procedure to enforce civil judgments passed by the courts since the courts do not have the means and human resource to enforce civil judgments.

### RECOMMENDATIONS

- ▶ *Establish an informal Alternative Dispute Resolution (ADR) system.*
- ▶ *Build an integrated case management system over the long term.*
- ▶ *Carry out an audit of the training needs and conduct required training.*
- ▶ *Develop a central legal resources library (e.g. databases of court decisions, legislation) accessible to the entire sector.*
- ▶ *Conduct frequent written performance evaluations of judges.*
- ▶ *Develop mechanisms to expedite the legal and judicial processes.*
- ▶ *Establish a separate judgement enforcement office in the court system for the purpose of enforcing judgements.*

---

## LACK OF AWARENESS

The public perception survey and focus groups discussions strongly highlighted that public awareness of the roles, functions and procedures of the legal and justice sector agencies was low. It was noted in the focus groups that very basic information (such as how to file a case) was unknown to many people, especially in the islands.

### RECOMMENDATIONS

- ▶ *Conduct public understanding/ awareness campaigns on constitutional rights and law-making.*
- ▶ *Ensure constitutional rights and law-making are embedded in the new curriculum and monitor the implementation.*
- ▶ *Ensure that the general public is consulted on proposed new legislations.*

---

## AFFORDABILITY

The public perceptions survey highlighted cost as one of the factors for not seeking justice. This was supported by the focus group discussions, especially the legal profession group, which highlighted that lawyers' fees are not affordable to the majority of people. In addition, the desk review showed that a large majority of the lawyers were in Male' and that lawyers are not available in the outer islands. Furthermore, the cost of transportation to Male' and staying in Male' to seek justice is prohibitive.

### RECOMMENDATIONS

- ▶ *Establish a nationwide informal ADR system.*
- ▶ *Introduce legal aid schemes through a legal professions act.*

## COST TO THE STATE

The desk review indicated that a large percentage of the expenditure of the sector budget is on travel. It also demonstrated that the percentage of cases submitted and completed in the Magistrates Courts in the islands are insignificant compared to the number of cases submitted and completed in the courts in Male'.

### RECOMMENDATIONS

- ▶ *Conducting a review of the costs of maintaining a decentralised system of justice throughout the Maldives (e.g. island courts on inhabited islands across the country)*
- ▶ *Clustering of islands for conducting criminal trials, so that only one magistrate court from a particular cluster will conduct criminal trials; there is no need for all magistrate courts to conduct criminal trials. This can be done by amending the Judicature Act. This will not affect the needs of the people to have a court in the island itself for marriage and civil disputes etc.*

# 5

## Background

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### 5.1 MALDIVIAN LEGAL AND JUSTICE SECTOR

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#### BRIEF HISTORY

In 1887, the Sultan of the Maldives signed a treaty with the United Kingdom which gave the Maldives the status of a British Protectorate. The Maldives remained under British protection until 1965, when it gained its independence. Despite being under British protection for 78 years, the Maldives did not inherit a system of legal administration from the British and, upon independence, faced the difficult task of establishing a justice system.

In 1968, the Maldives became a Republic and its Constitution was revised to adopt a presidential form of government. This revised Constitution paved the way for a strong executive presidency in which the President had full control over all branches of the government, which meant that the judicial system in effect functioned as a branch of the Executive. The President acted as the head of the Judiciary. Judges were poorly trained and therefore had very limited knowledge of the law, and could be appointed and dismissed by the President at will. Additionally, judges had no safeguard against undue influence and were bound by interpretations of the law issued by the President.

The courts did not have codified procedures to conduct trials. This resulted in prolonged trials, uncertainty and injustice. Access to justice was difficult and the quality of justice was poor. The absence of judicial review of unlawful administrative actions permitted repression of freedoms and human rights. For example, 97% per cent of all criminal cases were 'confession-based' as opposed to investigation-based. These confessions were non-retractable and were often obtained through threat or torture. A prosecutor would read out the charges, and the judge would announce the appropriate sentence. As such, lawyers had a limited role to play in the conduct of trials. The island judges forwarded their findings and decisions for review by an administrative official at the Ministry of Justice in Male' before they were handed down.

Until 1990, the legal profession was almost non-existent. By 1999, the country had 70 lawyers, only 3 of whom were female, and most of them worked in government departments located in the capital city of Male'. As lawyers were in short supply, legal advice was not readily available to the general public. There was also no legal aid provided for by law and legal representation was unaffordable to the vast majority of people. Without a lawyer attending a criminal investi-

gation, the possibility of police obtaining false statements through coercion, mistreatment and torture was very high.

In response to public uprisings and international concern, in June 2004, the Government announced a program of democratic reform to legalise political parties and create an independent judiciary. These reforms resulted in the adoption of the 2008 Constitution.

## CHANGES INTRODUCED IN 2008

Under Article 141 of the 2008 Constitution, the judicial power of the state is vested in the Supreme Court, the High Court, and other trial courts established by law. The Supreme Court is the highest authority for the administration of justice in the Maldives and the Chief Justice is the highest authority within the Supreme Court.

The Maldivian court system is a three-level hierarchy, with each court bound by the rulings of the courts above it. The Supreme Court and the High Court are referred to as the higher courts, and the courts below are referred to as the subordinate courts because they are generally subject to the supervision of the higher courts. The higher courts are established under Chapter 7 of the Constitution, whereas the subordinate courts are established by and derive their jurisdiction from the Judicature Act 2010.

There are 198 subordinate courts in the country. Of these, six are located in Male' (the Male' Superior Courts and a magistrate court) and the remaining courts (the Magistrates' Courts) are located on all of the 192 inhabited islands of the country. The Male' Superior Courts are separated in jurisdiction by subject matter (civil, criminal, family, drug and juvenile). Most of the judges

in the Male' Superior Courts have foreign law degrees, while most of the island magistrates have had certificate level short-term training in courses conducted by local institutes. The jurisdiction of island magistrates is usually limited to routine family, property and criminal cases, with commercial, company and financial cases for the most part being filed or transferred to the Male' Superior Courts.

The DJA oversees the administrative affairs of courts throughout the Maldives. Its key functions include the construction and maintenance of buildings for the judiciary, providing technological assistance to the courts, conducting training programs, and the compilation and publication of court statistics. The JSC was established under the 2008 Constitution to make recommendations on the appointment and removal of judges of the Supreme Court, to investigate complaints against judges and to take disciplinary action against them when complaints are found to have merit.

The AGO represents the Government of the Maldives in all civil matters, and is responsible for the provision of legal aid in serious criminal matters. Prior to 2008, the AGO also conducted criminal prosecutions, but that function was transferred under Article 220 of the 2008 Constitution to the newly established PGO. The PGO works closely with the MPS in investigating and prosecuting criminal matters. The MCS (which replaced the Department of Penitentiary and Rehabilitation Services in December 2013) is responsible for the safe and secure detention of remand and convicted prisoners in detention centres and prisons in the Maldives.

Currently, there are about 700 registered lawyers in the Maldives. Of these practitioners, only a minority obtained their law degrees outside the Maldives, while the majority was trained under programs offered by the former Ministry of Jus-

tice, the College of Islamic Studies and the Maldives National University. The vast majority of practising lawyers in the Maldives are located in Male'. They are in short supply to the rest of the country, and are often unable to meet the commercial and social needs of a developing country. Lawyers are licensed and the registry of lawyers is maintained by the AGO. There is neither a statutory regulatory body nor a self-regulated professional body for practising lawyers in the Maldives.<sup>1</sup>

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## 5.2 BASELINE STUDY

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Over the last five years, the Maldivian legal and justice sector has taken important steps to build upon the 2008 reforms and strengthen the institutional capacity of the relevant sector agencies to deliver services. With the support of the United Nations Development Programme (UNDP) and partners, a range of programs in the area of democratic governance are being implemented, including establishing a stronger legal framework through a new Penal Code; addressing the knowledge, skills and training needs of legal and justice sector personnel with targeted capacity building programs, and supporting the Attorney General's Office to implement its five-year Strategic Plan to improve compliance with human rights obligations. At present, information on what justice means to the people of the Maldives is largely anecdotal. There is little hard data on how people across the Maldives perceive the reforms undertaken since 2008,

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<sup>1</sup> In this report, the term 'Maldives legal and justice sector' refers to the following agencies: the Judiciary (all higher, subordinate and island courts); the Department of Judicial Administration; the Judicial Service Commission; the Attorney-General's Office; the Prosecutor-General's Office; the Maldives Police Service, and the Maldives Correctional Service.

whether they have confidence in the justice system, how they access information on the law, and what avenues of redress they choose when they have a legal problem. The purpose of this baseline study is to gather more objective data on these and other issues from several sources including the legal and justice sector agencies as well as members of the community. This will allow the sector agencies and their international partners to make more evidence-based policy and strategic decisions, to continue to develop tailored responses relevant to the actual needs and experiences of Maldivians, and to measure the impact of reforms over time.

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### RESEARCH TEAM

Upon key sector partners' request to undertake this study, UNDP engaged a research team from Villa College and the Maldives Law Institute to undertake this baseline study from April to September 2014, supported by an international team leader who provided advice on international best practice in research involving the justice system. This model was a deliberate policy choice designed to build local capacity to conduct comprehensive research studies in the legal and justice sectors, rather than using a team composed solely of international consultants who would complete the assignment quickly but leave few skills behind in the Maldives.

While this model has all the challenges typically associated with capacity development in a developing country context, it proved to be an effective means of developing local skills in the areas of planning, design and implementation of research tools, and analysis of a large amount of data. It resulted in extensive engagement with the community in Male' and in the islands, and important local insights appropriate to the Maldivian context that would not have been possi-

ble under other models. That is, there was value in the results obtained by the research team, but also in the process of conducting the research, due to the skills transfer that took place between the international team leader and the research team.

This model is consistent with UNDP's longer-term view of capacity development. From this perspective, this baseline study should be considered as the beginning of a process of developing skills and demand for better data on the issue of access to justice in the Maldives, rather than an end in itself. There were many lessons learned during this process that can be explored when the study is repeated in future. These will be discussed further in the concluding sections of this report.

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## PREVIOUS STUDIES

When preparing to undertake this baseline study, the research team found that there is already a significant amount of information available in the Maldives on different areas of the provision of legal and justice services. This includes studies by local and international stakeholders on juvenile justice, the effectiveness of police services, the prosecution of criminal matters, the provision of legal aid, public awareness of human rights, and proposals to strengthen custodial services in the Maldives.<sup>2</sup>

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2 For example: 'Report on Juvenile Delinquency', Ministry of Home Affairs (2001); 'Implementation of the Maldives Police Service Strategic Plan 2007-2011: An Analysis', Commonwealth Human Rights Initiative (2011); 'Report on the Criminal Justice System of the Republic of the Maldives: Proposals for Reform', Paul H. Robinson (2004); 'Report on Options for Legal Aid Programming in the Maldives', Richard H. Langan (2013); 'The "Rights" Side of Life: A Baseline Human Rights Survey', Maldives Human Rights Commission (2005 and 2012); and 'Strengthening Custodial Services in the Maldives',

The information found in these reports provided important guidance to the Research Team on the availability of existing data, and challenges in the justice system, in conducting the current baseline study. A full list of previous studies consulted by the Research Team is found in Annex 1 to this report.

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## APPROACH

During consultations with legal and justice sector stakeholders on the scope of this baseline study, it became clear that the study would not only produce valuable data on access to justice, but could also build demand within the Maldivian legal and justice sector for better data in the future. The research team sought to involve the legal and justice sector as much as possible through consultations carried out during the desk review, in designing and applying the survey instruments, and during the focus group activities. This engagement allowed the research team to reassure the sector that the baseline study is not intended to assess any particular agency, but considers how the agencies are performing collectively as a sector, and how legal and justice services can be improved for the benefit of all Maldivians, from an academic and research perspective. The baseline study takes a strengths-based approach by identifying areas in which the sector is performing well, as well as areas in which improvements in service delivery are needed. This information will support other current sector initiatives, such as the Attorney-General's Strategic Plan and the 2014-18 legislative agenda before the People's Majlis.

This baseline study employs a deliberate strategy to keep the data collection as simple as possible so that it is sustainable and can be repeated

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Attorney-General's Office and the Ministry of Home Affairs (2004).

in the future. This does not mean that the data is less comprehensive, but that more strategic means were used to gather it. For example, unlike other baseline studies which involve multiple complex surveys, in this case one nationwide survey was used to assess the views of a range of people, and the same questions were asked of people living in urban and rural areas so that useful comparisons could be drawn. Where possible, existing information produced by Maldivian institutions was used in the study, including census data produced by the Department of National Planning (DNP), and information provided by Island Councils on the number and location of households within certain islands and atolls.

The study itself was kept at a practical and manageable scale, with sample sizes for the survey and focus groups that are representative of a wide range of views but small enough to be repeated by the Maldivian legal and justice sector in the future using the available budget and human resources. The desk review, survey instrument and focus group discussions focused only on relevant and meaningful data which can be used as the basis for recommendations for programs which UNDP and the legal and justice sector will develop to improve access to justice.

Finally, the baseline study recognises that access to justice is the most difficult for members of vulnerable and marginalised groups in both urban and rural settings across the Maldives. The study identified the types of vulnerable and marginalised groups, and how their views could be ascertained through the survey and focus group discussions. After consultation with the legal and justice sectors, it was determined that vulnerable people include women, migrant workers, the very poor, people living with disabilities, people living in areas remote from service hubs, prisoners, the elderly and juveniles, and people suffering from drug dependency.

The study therefore sought the views of several of these groups to determine whether they face different barriers in accessing justice, and what can be done to remove or reduce those barriers. The study also attempted to assess whether disadvantages experienced by vulnerable and marginalised groups are compounded by more than one factor – for example, when people are part of more than one vulnerable group (e.g. disabled woman, a prisoner with a drug dependency). This concept is referred to in the international literature as ‘intersectionality,’ and is a useful lens through which a baseline study can view the realities of disadvantage for those who are seeking justice.



# 6

## Methodology

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### 6.1 RESEARCH DESIGN

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#### PUBLIC PERCEPTIONS SURVEY

#### DESK REVIEW

In April-May 2014, the research team completed a desk review of available data from all of the legal and justice sector agencies in the Maldives. The purpose of the desk review was to identify the gaps in existing data maintained by the agencies, as well as to understand the processes and procedures used by the justice agencies to make justice available throughout the Maldives. The methodology used in this phase of the data collection consisted of initial interviews with legal and justice sector agencies to request and obtain their existing data on the indicators set out below.

Consultations were held with representatives from the MPS, PGO, AGO, and data was received from these agencies. Consultations for the purposes of the desk review were not possible with some agencies due to difficulties in scheduling appointments, staffing changes, and the absence of representatives due to work-related matters overseas. However, this did not affect the desk study as data was requested and received from other agencies, including the DJA, MCS and JSC.

In July and August 2014, the research team conducted a nationwide public perceptions survey. A questionnaire was used as the key instrument for primary data collection in this study. The questionnaire consisted of a series of questions on demographics, vulnerable groups, perceptions, awareness and access to information, and experience with the justice system. These questions were designed to elicit mainly quantitative data, though some open-ended questions were included to obtain qualitative information on how people access justice throughout the Maldives. A primarily quantitative survey was used as it allowed the research team to gather data easily from a wider audience, and to carry out a standardised analysis of that data. The profile of survey respondents is included in Annex 2 to this report.

The survey questionnaire was designed to capture the perceptions and views of people across the Maldives regarding each of the justice agencies, particularly public awareness of the functions of each agency and the level of confidence in the agencies. The questionnaire also collected data on how different groups within the Maldivian community, especially vulnerable groups, access justice. This allowed the research team to disaggregate the data based on:

- Age
- Personal and household income
- Marital status
- Education level
- Employment
- Gender
- Disadvantage in seeking justice:
  - Juveniles (under 18)
  - Elderly people (above 65)
  - People living with a mental or physical disability, or special need
  - People living with a chronic disease which impedes travel and movement
  - Remand or convicted prisoners
  - People with a drug dependency
  - Migrant workers
  - People with low levels of literacy

In addition, the questionnaire was designed with the target respondents in mind, taking into account their educational level and experience. The language used and the context of the questions was framed in such a way that they are all familiar to the respondents. This was one of the benefits of having a local research team carrying out the research, as they were able to offer their insights

## EXPERT FOCUS GROUPS

In August and September 2014, the research team conducted a series of focus group discussions with representatives of the legal and justice sector agencies as well as the legal profession. This allowed the research team to obtain empirical data from the justice agencies on the issues they face in the provision of services. The focus group questions were based on the same indicators outlined in section 6.5 below, that were used for the questionnaire design, though with a greater focus on matters such as the co-ordination between different justice agencies and the cost of providing justice throughout the Maldives.

## 6.2 SAMPLING

### PUBLIC PERCEPTIONS SURVEY

In order to obtain a representative sample of the Maldivian community, a multi-stage cluster sampling was used. Cluster sampling was used to overcome the logistical difficulties that may arise when all islands are selected at random. The Maldives was divided into four groups: (i) Male', (ii) Larger atolls, (iii) Mid-sized atolls, and (iv) Small atolls – with the size of each atoll being determined in terms of its population. Table 6.1 shows each cluster.

▼ **Table 6.1:** Clusters of atolls used for sampling

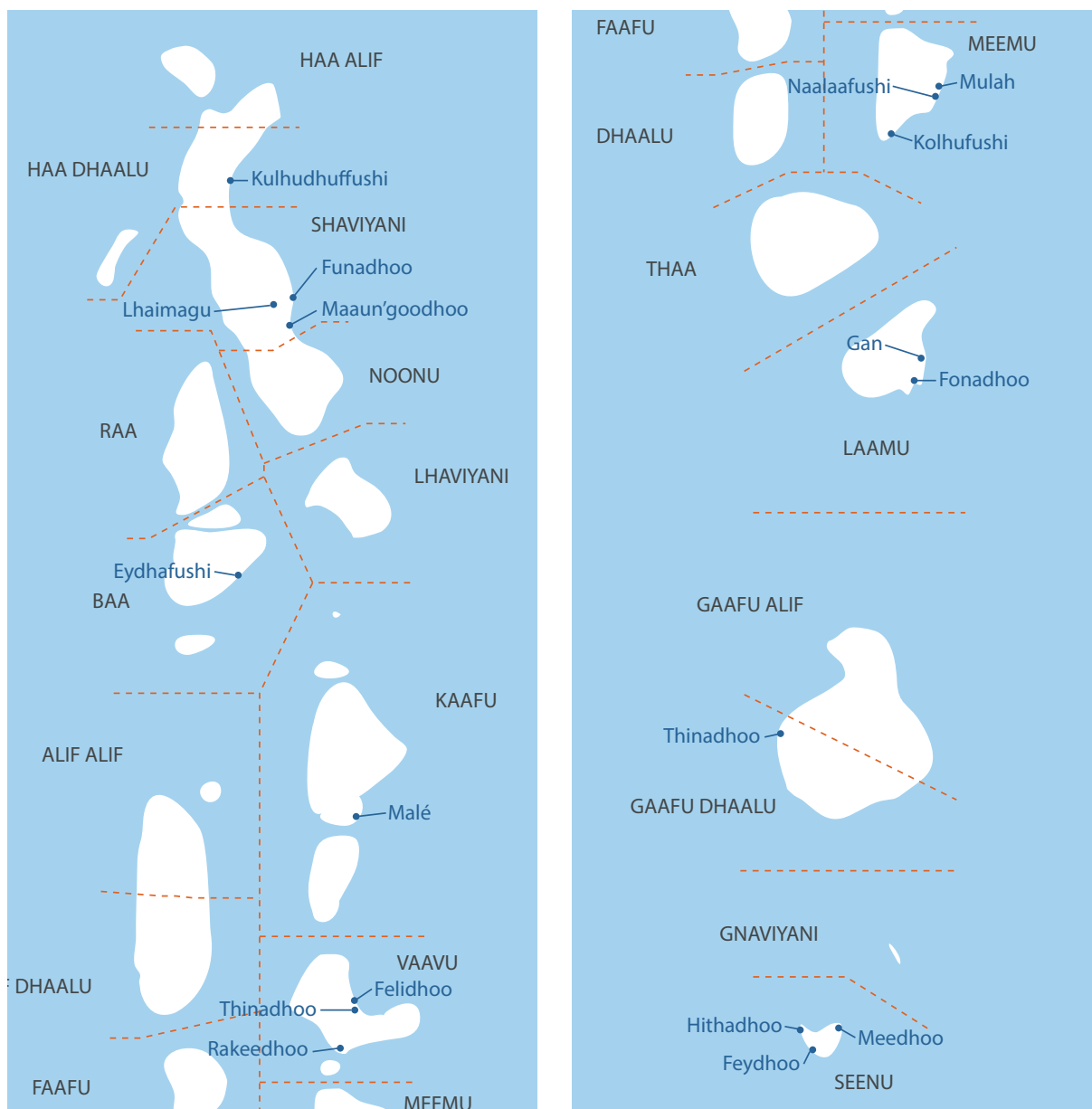
Cluster	Atolls
Male'	Male', Villin'gilli, Hulhumale
Larger atolls	Haa Dhaalu, Gaafu Dhaalu, Gnaviyani, and Seenu
Mid-sized atolls	Haa Alifu, Shaviyani, Noonu, Raa, Baa, Lhaviyani, Kaafu, Alifu Alifu, Alifu Dhaalu, Thaa, Laamu, Gaafu Alifu, Gaafu Dhaalu
Small atolls	Vaavu, Meemu, Faafu, Dhaalu

Once the clusters were defined, a group of islands from each cluster was selected. This selection was based on the size of the island, as well as its proximity to other services such as airports and transport facilities, which would allow greater ease of movement and access to justice services. Table 6.2 shows the selected islands from each cluster.

▼ **Table 6.2:** Islands chosen from the clusters

Cluster	Atolls
Male'	Male', Villin'gilli, Hulhumale
Larger atolls	Kulhudhuffushi, Thinadhoo, Fuahmulah, Meedhoo, and Hithadhoo
Mid-sized atolls	Funadhoo, Lhaimagu, Maaun'goodhoo, Eydhafushi, Fonadhoo, and Gan
Small atolls	Thinadhoo, Felidhoo, Rakkeedhoo, Mulah, Naalaafushi, and Kolhufushi

▼ **Figure 6.1:** Map showing the location of islands selected for the sample



Once the islands were determined, individual households were selected based on a systematic sampling of households. That is, enumerators were instructed to conduct the survey in a systematic pattern (e.g. every second household on the island) depending on the size of the island and how many households needed to be surveyed to obtain a representative sample. Once the households were determined, a random

sampling technique was used to select individuals within each household. The person with the last birthday was surveyed from the selected household. This ensured that the individual was randomly selected and that there was not a pre-planned set of respondents.

## SAMPLE SIZES

The sample size for each island was determined using a calculation of a 95% confidence level and 5% confidence interval. The calculation also took into consideration a 50% return rate so that a low rate of data collection would also have minimal impact on the data analysis. Table 6.3 shows the sample sizes.

The sample sizes were determined using the 2012 population data published on the DNP website. However, the research team discovered during the survey that the population estimates made available by the DNP were not accurate and, in some cases, were not accurate by a significant margin. It was therefore not possible to obtain the planned samples in some islands. For example, 84 respondents were to be selected from V.Rakeedhoo, but there are only 20 inhabited houses in the island and only 19 samples were taken. Similar issues were experienced in V.Thinadhoo and L.Fonadhoo. However, the research team was still able to obtain a representative sample of 2,076 households through the public perceptions survey.

► **Table 6.3:** Sample Sizes from each island

Cluster	Atolls	Proposed sample	Actual sample
<b>Male'</b>	Male'	400	315
	Villin'gilli	50	20
	Hulhumale	50	40
<b>Larger atolls</b>	Kulhudhuffushi	150	124
	Thinadhoo	149	136
	Fuahmulah	151	118
	Meedhoo	143	114
	Feydhoo	149	118
	Hithadhoo	152	116
	Funadhoo	110	94
<b>Mid-sized atolls</b>	Lhaimagu	98	50
	Maaun'goodhoo	85	45
	Eydhafushi	144	112
	Fonadhoo	109	494
	Gan	147	934
	Thinadhoo	68	19
<b>Small atolls</b>	Felidhoo	95	664
	Rakeedhoo	84	194
	Mulah	108	694
	Naalaafushi	91	92
	Kolhufushi	106	81
	Jail	70	42
	Maafushi (Pilot)		61
	Gaafaru (Pilot)		65
	Rehabilitation Centre	30	18
<b>Total:</b>		2739	2076

## FOCUS GROUPS

Purposive sampling was used in the case of focus groups. That is, the research team determined which groups would be interviewed, based on their understanding of the Maldivian justice sector. The main reason for using purposive sam-

pling was to ensure that the respondents would have sufficient knowledge of the legal and justice sector to be able to contribute meaningfully to the focus group discussions. Table 6.4 shows the sampling of respondents for focus group discussions.

▼ **Table 6.4:** Samples chosen for the focus groups

	Proposed	Actual
<b>MPS</b>	One from each unit/section	Same as proposed
<b>Police – Investigation Officers</b>	(The most experienced)	
<b>PGO</b>	Two to three	
	(Most experienced)	
<b>AGO</b>	Two to three	Two state attorneys
	(The most experienced)	
<b>Island Magistrates</b>	4 Magistrate Court Judges	1 magistrate court judge
<b>Male’ Superior Court Judges:</b>	Two from each court (The	Civil Court and Drug
<b>Juvenile Court</b>	most experienced and the	Court
<b>Drug Court</b>	least experienced)	
<b>Family</b>		
<b>Civil</b>		
<b>Criminal</b>		
<b>High Court Judges</b>	Four judges	Seven judges
<b>Supreme Court Judges</b>	Full bench (or at least	None
	3 judges)	
<b>Court officials of Male’ Superior Courts</b>	Two from each court	Civil Court and Juvenile
	(The most experienced)	Court
<b>Maldives Correctional Services</b>	Four prison officers	Same as proposed
<b>Legal Profession:</b>	2 from each category who	Same as proposed
<b>Locally trained</b>	are practicing	
<b>Western trained</b>		
<b>Shariah trained</b>		

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## 6.3 RELIABILITY OF DATA

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The research team considered that the reliability and validity of data was of the utmost importance throughout this study. The reliability and validity of data was given careful consideration during the design of the desk review, the public perceptions survey questionnaire, and the focus group questions, as well as during the completion of data analysis. In the initial design stage, several experts in the areas of quantitative and qualitative data analysis within the research team held panel discussions in developing the survey questions. In addition, the international team leader provided guidance to the research team in all stages of the study on international best practices and lessons learned in carrying out research on the justice sector.

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### PEER REVIEW

The survey questionnaire was shared with stakeholders from the legal and justice sector at a workshop held in June 2014, where stakeholders were able to comment upon and give their feedback on the validity of the questionnaire. The survey questionnaire also went through a process of international peer review which was conducted by UNDP after the stakeholder consultations. No major changes were recommended to the questionnaire, which was then piloted in three locations in the Maldives as a further test of its validity and reliability.

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### PILOTING THE QUESTIONNAIRE

The questionnaire was piloted in Male' and two

islands in Kaafu atoll (Maafushi and Gaafaru). These two islands were selected because they are similar to, and were considered representative of, most of the islands in the country. During the pilot study of the questionnaire, a few minor issues with the questions were identified and rectified prior to conducting the final survey. Since there were no major issues with the questionnaire during the pilot study, the validity of the questionnaire was established and results obtained from the three survey sites have been included in the final Study.

However, some issues were identified in the data collection during the pilot study. In Male', a significant number of individuals refused to participate in the survey. However, it was believed that this may have been because the pilot was conducted during Ramazan. In addition, in Gaafaru Island, there were a number of refusals from households as well. This experience is captured further in the lessons learned section at the conclusion of this report.

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### SUPERVISORS

One of the measures used to maintain reliability of data was the use of supervisors in the data collection. The role of the supervisors was to ensure that the data collected was authentic as well as accurate. The supervisors were required to carry out spot checks of the data collection every day for each enumerator. In addition, the supervisors tallied the data collected each day to ensure that the data collected covered all groups of individuals to be surveyed, such as women, the elderly, and other vulnerable groups.

The supervisors selected for the study were experienced teachers who have a high level of respect in the community. This was an additional measure of reliability for the data collected.

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## ENUMERATORS

The research team also selected enumerators from the field of education, mainly teachers, as they are respected by the communities in which the survey was conducted. In addition, extra care was given to selecting teachers who were politically impartial. Most of the enumerators were mature individuals over 25 years of age who could be trusted to ensure that the data was obtained in an ethical, accurate and reliable manner.

Finally, the data collected by each enumerator from each individual survey participant was put into an envelope in the presence of the participant and later handed over to the supervisor. This helped to ensure the reliability of the data as well as its confidentiality.

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## RESEARCH ETHICS

The anonymity and confidentiality of respondents was maintained at all stages of the data collection. The names of the individuals who participated in the survey were not recorded in any of the documentation. In addition, the individuals were assured of the right to withdraw from the survey at any point during the data collection. The survey respondents were also informed that they had the right not to answer any question. Likewise, the respondents in the focus group discussions were also asked to sign a short agreement indicating their consent to participate in the discussions, and that they would keep all material discussed in strict confidence.

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## USE OF OFFICIAL DOCUMENTATION

Any external data used for the purposes of this study was taken from official documentation and sources. These include official publications as well as data shared by the respective justice agencies. This was another key way of maintaining the reliability of the data used during this study.

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## RECALL OF DATA FROM INCONSISTENT PRACTICES

Even though the research team employed a variety of measures to ensure the reliability of data, some issues arose during data collection. Two instances of inconsistent practices were identified. In one of these cases, the enumerator distributed 5 survey questionnaires to her colleagues to complete. The second instance was when an enumerator distributed 10 forms to his students to complete. The data obtained in both these cases was still valid as it was collected from the general public who fit within the study's research parameters. However, as the practices used were inconsistent with the methodology developed by the research team (particularly the random sampling of households), the surveys were recalled and not used in the study. It should be noted that it is not unusual to experience problems such as these during a nationwide survey. In fact, the problems were very limited given the size of the surveyed population and the challenges associated with conducting a survey of this nature across the geographically dispersed islands of the Maldives.

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## DATA ENTRY AND DATA CLEANING

Data entry was carried out in two different ways. Originally, data entry was planned to be automated through the scanning of survey questionnaires. However, due to technical problems, only a small portion of data was entered automatically. A major part of data entry was carried out manually and careful data cleaning was carried out to ensure that the data entered was free of errors.

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## 6.4 CONSTRAINTS AND LIMITATIONS

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The following were identified as the main difficulties experienced by the team in conducting this research.

- Time
- Difficulty in obtaining demographic information
- Challenges of obtaining information from vulnerable groups

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### TIME

The survey was commissioned by the UNDP to be completed within four months from late April 2014 to early September. During this period, the research team was required to conduct a large national study consisting of a desk review,

survey and focus groups. This was a significant limitation as most baseline studies take at least 6 months to complete. In addition to the time limitations, the duration of the project also included Ramazan, Eid holidays, public holidays, the monsoon season, and the World Cup, all of which made the progress of the project extremely slow due to unavoidable delays.

Planning of this research took into consideration some of the challenges listed above. Ramazan and Eid holidays were addressed, taking into account the life style of the people residing in targeted areas. Survey teams travelled across the sea to the targeted islands only when the weather was safe for them to travel by boat. Scheduling of meetings and training of enumerators in Ramazan were timed in a flexible manner to accommodate local customs and rituals associated with Ramazan, and consequently some training workshops were conducted late in the evening.

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### DIFFICULTY IN OBTAINING DEMOGRAPHICS INFORMATION

The second difficulty faced by the team was obtaining census information. The last census was carried out in 2006. Consequently, the DNP had out-of-date data on the households on islands, which made determining accurate samples for the survey in the outer islands very difficult.

## CHALLENGES OF OBTAINING INFORMATION FROM VULNERABLE GROUPS

While data collection from women was not an issue, it was difficult to reach most other vulnerable groups. Vulnerable groups are generally often hidden from society or experience disadvantages that keep them excluded. There were only a limited number of juveniles in custody but as per UNDP requirements, only those in detention were interviewed. Most juveniles who had been convicted of a criminal offence were under house arrest and therefore excluded from this study. Furthermore, many elderly, disabled, drug dependent, or illiterate groups were not reached, as the research team could not effectively target those groups. Migrant workers were hard to access too as they were less willing to speak. It is possible that this was due to either language difficulties and/or their status as lawful residents in the country. This is discussed further in the lessons learned section below.

## 6.5 INDICATORS

The main objective of this assessment is to have a full understanding of the performance and capacity of the legal and justice sector agencies in the Maldives. The performance and capacity of these agencies have been measured against two main areas which included several indicators; namely, (i) areas in which individuals experience barriers in accessing justice and (ii) areas in which there are systemic barriers to providing justice within the justice agencies.

### Barriers faced by individuals in accessing justice

- Access to justice
  - Information
  - Procedural
  - Physical
  - Legal representation
  - Legal aid
  - Affordability for litigants (court fees, travel costs, accommodation, legal fees, opportunity cost of taking time from work)

### Barriers faced by the justice agencies in providing access to justice

- Provision of justice services
  - Duration/timeliness of justice delivery
  - Fairness, integrity and independence
  - Transparency
  - Quality of justice delivery
  - Public confidence in the judiciary
  - Coordination among justice agencies
  - Cost to the state in providing services

The indicators above have been divided into individual barriers and systemic problems that

impede access to justice. These indicators have also been compared with the indicators that have been used in similar studies conducted in other countries.

► **Table 6.5:** Comparison of the indicators with their use in other similar studies

	UN Code of Conduct for Law Enforcement Officials (1979)	UN Guidelines on the Role of Prosecutors (1990)	UN Basic Principles on the Role of Lawyers (1990)	UN Basic Principles on the Independence of the Judiciary (1985)	International Framework for Court Excellence (2013)	UN Standard Minimum Rules for the Treatment of Prisoners (1955)	Vera Institute A2J Indicators (2008)	UNDP A2J Indicators in the Asia Pacific Region (2003)	UN Rule of Law Indicators (2011)
Access to Justice									
Information			✓		✓	✓	✓	✓	
Procedural					✓		✓	✓	✓
Physical					✓		✓		
Legal representation			✓		✓	✓	✓	✓	✓
Legal aid			✓		✓	✓	✓	✓	✓
Affordability for litigants			✓		✓		✓	✓	✓
Duration/timeliness of justice delivery		✓	✓		✓			✓	✓
Fairness, integrity and independence	✓	✓	✓	✓	✓		✓	✓	✓
Transparency	✓	✓	✓	✓	✓	✓	✓	✓	✓
Quality of justice delivery	✓	✓	✓	✓	✓	✓		✓	✓
Public confidence in the judiciary				✓	✓		✓		✓
Coordination among justice agencies		✓			✓				
Cost of administration of justice					✓		✓	✓	✓

# 7

## Findings and Recommendations

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This section will be divided into three main sub-sections. It will initially look at the importance of including each of the indicators in this study. Emphasis is given to contextualise these into the Maldivian context when describing each of the indicators. Some general findings are also stated under each of the indicators. As mentioned earlier in the report, the indicators are categorised into individual barriers and systemic problems that impede justice. The second sub-section will outline the legal issues in the community as seen from the public perceptions survey and supported by both focus group discussions and the desk review. This sub-section will outline the public perception of major legal issues in the community as well as how these points of view differ between the different groups. The final sub-section will be the key findings of the study.

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### 7.1 ACCESS TO JUSTICE – INDIVIDUAL BARRIERS

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#### INFORMATION

The purpose of this indicator is to find out the level of public knowledge regarding:

- legal and justice sector agencies and their

functions and procedures to approach these agencies;

- their legal rights;
- laws and regulations that affect them; and
- information which people need to attain justice.

All previous studies indicated that lack of information relating to filing cases and complaints as one of the biggest hindrances to access to justice by people, particularly women and expatriates living in the Maldives.

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#### PROCEDURAL

The purpose of this indicator is to determine whether it is difficult for the public to approach the legal and justice sector agencies because of the existing procedural rules of the respective agencies.

Previous studies [see Annex 1] conducted in the Maldives demonstrate that the absence of an appropriate legislative framework and lack of clear procedural rules to govern trials are the main impediments to accessing justice in the Maldives. Therefore, this baseline study explores the situa-

tion after the adoption of the new Constitution in 2008 and the enactment of several pieces of important legislation such as the Judicature Act 2010, Judges Act 2010, Prosecutor General Act 2008 and the Judicial Services Commission Act 2008.

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## PHYSICAL

The purpose of this indicator is to determine whether it is difficult for the public to approach the legal and justice sector agencies due to geography and distance to services, and to assess whether there are physical barriers to accessing services by vulnerable groups.

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**“For people with special needs we do make certain allowances, even though there is no written procedure for such cases. But a lot of people do not even know that they can apply for special assistance. For example, some might not be able to sit in a trial due to their mental condition. We would not know from seeing the person. There has to be a way for them to apply for these special allowances.” – Focus Group**

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Previous studies have identified the barriers to accessing the legal and justice sector agencies in the Maldives due to geography and distance. The National Criminal Justice Action Plan 2004 – 2008 stated that as the High Court sits only in Malé, timely delivery of justice and affordability

of justice were affected at the appellate level. This was also highlighted in the focus group discussions with both the High Court and lawyers. The 2004-2008 Plan also highlighted the seriousness of the issue due to the geographical layout of the country as well as the high costs of Malé.

However, no study has been undertaken to assess whether there are difficulties faced by vulnerable groups due to physical barriers, such as building design (lack of ramps for wheelchair access) and facilities or services (such as a lack of braille to assist the visually impaired, or hearing loop facilities to assist the hearing impaired) available on the legal and justice sector agencies' premises.

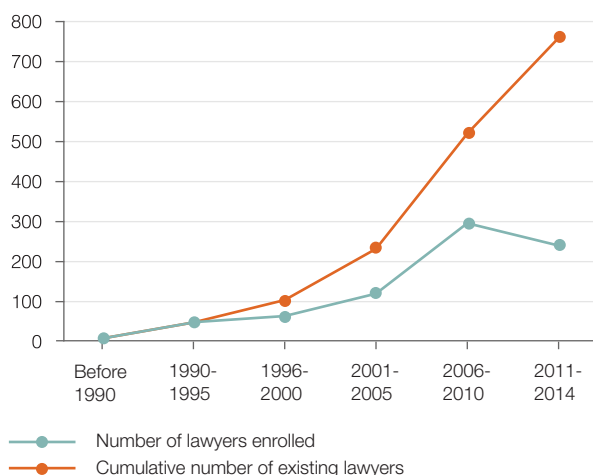
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## LEGAL REPRESENTATION

The purpose of this area is to find out the availability of lawyers to assist people in seeking justice. Previous studies have identified the short supply of lawyers, particularly in the islands, as a factor that affects people's ability to access justice.

The desk review identified that until 1990 the legal profession was almost non-existent. By 1999, the country had 70 lawyers, of whom only 3 were female, and most of them worked at government departments located in the capital city of Malé. As the lawyers were in short supply, legal advice was not readily available to the people. The Paul Robinson Report (2004) highlighted that to a lawyer attending a criminal investigation, the possibility of police obtaining false statements through coercion, mistreatment and torture was wide open. Following the Paul Robinson Report (2004), lawyers were permitted to be present during police investigations.

▼ **Figure 7.1:** Registered lawyers as at August 2014.



Attorney-General's Office: <http://agoffice.gov.mv/pdf/lawyers/lawyers26-05-2014.pdf>

Figure 7.1 shows that there were 760 registered lawyers at the end of August in 2014. At present, 99% of registered lawyers are based in the capital Malé, making the availability of legal representation extremely limited and expensive in the outer islands of the Maldives. Lawyers based in Malé are often prevented from travelling to the outer islands due to the uncertain scheduling of hearings by Male' trial courts.

## LEGAL AID

The purpose of this indicator is to find out the availability of legal aid to indigent defendants who are charged with a criminal offence and to measure the awareness of people about legal aid. Before the adoption of the Constitution in 2008, there was no legal aid provided for by law and legal representation was unaffordable for the vast majority of the accused.

Article 53 (b) of the Constitution requires the state to provide legal aid to indigent defendants charged with serious criminal offenses. The AGO

reports that the volume of cases as stated in Article 53(b) was relatively small from 2010 to 2012. The number of applications made for legal aid between 2009 and 2014 has not been made available for the purpose of this study. However, focus group discussions revealed that there is a backlog of criminal cases in Male' Criminal Court, as the AGO cannot find a lawyer for the defendants who have made applications for legal aid. The reasons provided by the lawyers' focus group for this lapse included the fact that lawyers did not want to defend persons accused of particularly heinous or unpopular crimes (i.e. a woman who killed her child; a person who had killed a police officer). They also stated that the lawyers had no incentive to represent indigent defendants at such a low fee. As there are no lawyers on outer islands, seeking legal aid in such islands is not possible. Initially, the AGO paid MVR 5000/- to defence lawyers for each case. However, the fee has recently been increased.

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**“Legal aid is a problem in Male' courts as well. We have certain cases which have drawn a lot of public attention. Defence attorneys are not interested in getting attached to these cases because of negative public perception. When the AG's Office outsources these cases for legal aid, they usually get no response. This in turns delays the case as the court will send these cases back to the PG's Office.” – Focus Group**

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## AFFORDABILITY

The purpose of this indicator is to determine the affordability of the justice system to the people. No previous study has been undertaken in the Maldives to assess this issue. Therefore, this study explores whether factors such as legal fees, travel costs, accommodation and the opportunity cost of taking time off work to attend court impedes access to justice.

## 7.2 SYSTEMIC PROBLEMS THAT IMPEDE ACCESS TO JUSTICE

### DURATION / TIMELINESS OF JUSTICE DELIVERY

Previous studies [Annex 1] conducted in the Maldives show that the excessive delay of both criminal and civil cases is a factor attributing to the low level of confidence in the legal and justice sector and a cause for injustice. The delay in hearing and resolving cases has resulted from the absence of a proper and efficient case flow management system in most of the legal and justice sector agencies, lack of qualified human resources, lack of comprehensive procedural rules, inadequate physical facilities, budgetary constraints, lack of coordination among legal and justice sector agencies, and the prevalence of corruption in legal and justice sector agencies.

**“There is no victim protection because of the prolonged**

**duration it takes to prosecute. The victim ends up living close-by to the perpetrator. This is especially true for child abuse cases.” – Focus Group**

The Report on Juvenile Delinquency (2001) concluded that crime, especially juvenile delinquency, was increasing, with very high rates of imprisonment and re-offending, and a major proportion of those being substance abuse cases and offences triggered by substance abuse. The report found that the criminal justice system did not effectively cater to first-time juvenile offenders and did not have options and programmes to guide a young offender out of the system. The report also mentions that the existing laws, rules and regulations did not confer adequate discretion on investigators, prosecutors and the judiciary to divert offenders into rehabilitative pathways. The Paul Robinson Report (2004) also highlighted the need to divert less serious cases from the criminal justice system entirely in order to reduce the huge backlog of cases.

### FAIRNESS, INTEGRITY AND INDEPENDENCE

The purpose of this indicator is to identify the level of public confidence in the system. Fairness, integrity and independence will lead to public confidence in the system. However, no previous study has been undertaken in the Maldives to assess these indicators.

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## TRANSPARENCY - ACCOUNTABILITY

Previous studies [see Annex 1] conducted in the Maldives demonstrate that the lack of transparency and accountability in the legal and justice sector agencies is a factor contributing to the low level of public confidence in those agencies. This is due to the absence of codes of ethics or guidelines, the absence of case reporting, and the fact that some agencies do not publish annual reports, all of which result in a lack of information made available to the public.

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## QUALITY OF JUSTICE DELIVERY

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**There is no one in the Maldives who can come out and say “ok, these are all the laws and regulations up to date”. – Focus Group**

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Previous studies [see Annex 1] indicate that the quality of justice delivered by legal and justice sector agencies was affected by the lack of qualified personnel whose performance is regularly reviewed, the absence of procedural laws and sentencing guidelines, and difficulties in the enforcement of judgments.

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## PUBLIC CONFIDENCE IN THE SECTOR

Although previous studies [Annex 1] have found

the several reasons that contribute to the low level of confidence in the legal and justice sector agencies, no assessment has been made to find out the negative effects on the society as a result of this.

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## COORDINATION AMONG JUSTICE AGENCIES

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**“There is no juvenile justice centre in the islands which creates a lot of problems when a juvenile commits a crime in the islands” – Focus Group**

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Previous studies [Annex 1] highlight the delays in the delivery of justice caused by lack of coordination among the legal and justice sector agencies. They also emphasize the need for closer coordination between police and prosecutors and the importance of maintaining a central database of criminal records accessible to all agencies to speed up the criminal justice system.

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## COST OF ADMINISTRATION OF JUSTICE

The National Criminal Justice Action Plan 2004 – 2008 highlighted the disproportionate overhead costs and administrative burden on the Government of the Maldives of having a Magistrates Court in each inhabited island. While each island court generally hears all non-serious cases occurring in the island, the case-loads of courts differ proportionate to the population level of the island and the volume of commercial activ-

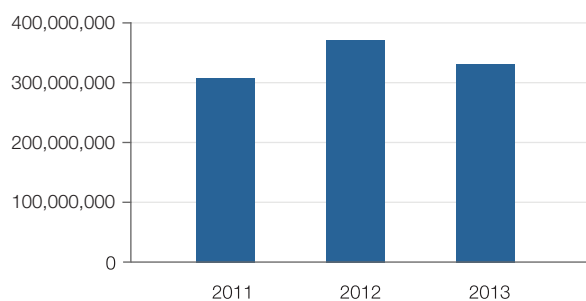
ity. However, the resources are equally allocated to all island Magistrate Courts, regardless of the size of the population of the island.

The National Criminal Justice Action Plan 2004 – 2008 also concluded that having a court or a magistrate in each island is costly, and supporting such a large number of qualified judges was not possible. Having a court in every single inhabited island also fails to serve its intended purpose, because all serious offences are tried in the Malé trial courts. The data published by the DJA from 2009 – 2013 also shows that more than half of the country's total number of cases are tried in Malé trial courts.

### BUDGET FOR COURTS 2011- 2013

Figure 7.2 demonstrates that there has been no increase in the Judiciary's budget.

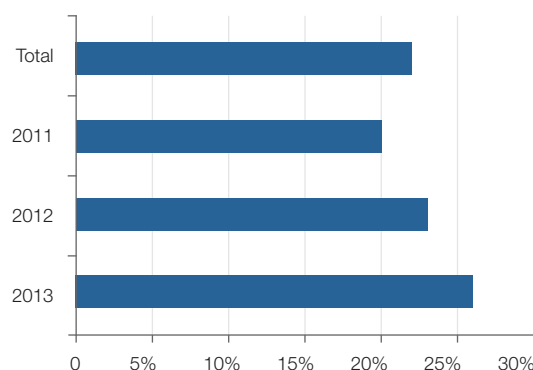
▼ **Figure 7.2:** Annual Budget for the Courts from 2011 to 2013



### BUDGET FOR MALDIVES POLICE SERVICES 2011-2013

An analysis of the MPS budget reveals that a large amount is spent on travel (Figure 7.3). This is due to the high level of inter-island transport required for the islands where there is no police presence. Regional police stations attend to the needs of 115 islands when police assistance is required, making policing extremely costly.

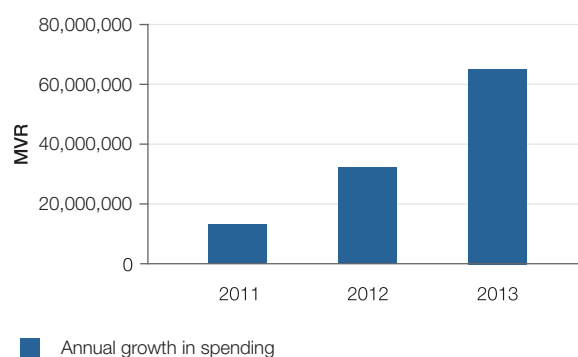
▼ **Figure 7.3:** Percentage of budget spent on travel



### BUDGET FOR ATTORNEY GENERAL'S OFFICE 2011-2013

An analysis of this expenditure needs to be carried out by reviewing the distribution of the AGO budget, particularly the budget allocation for legal aid for the past 5 years. Figure 7.4 shows the total budget of AGO for the years 2011 to 2013. It shows that the budget has increased over the three years.

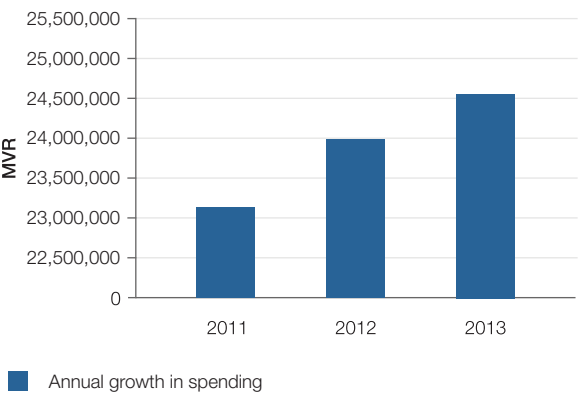
▼ **Figure 7.4:** Annual Budgets of AGO from 2011 to 2013



# BUDGET FOR PROSECUTOR GENERAL'S OFFICE 2011-2013

Figure 7.5 indicates there has been an increase in the PGO budget

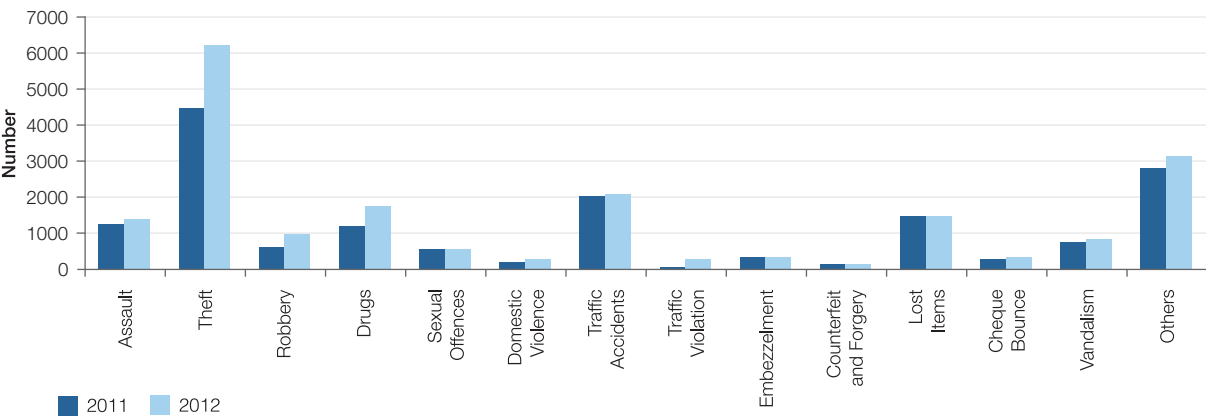
▼ **Figure 7.5:** Annual Budgets of PGO from 2011 to 2013



## 7.3 LEGAL ISSUES IN THE COMMUNITY

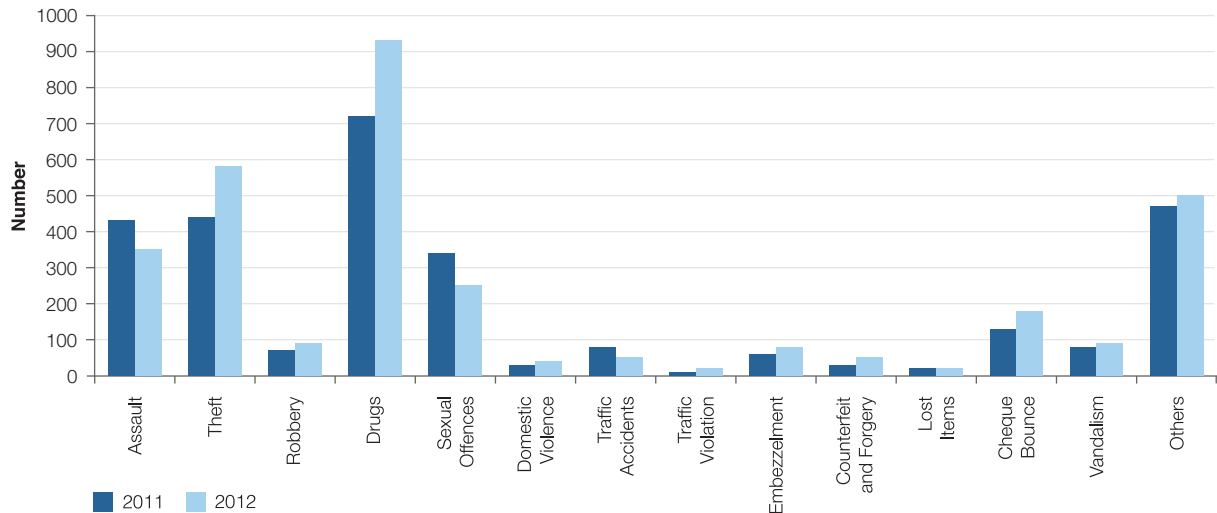
The desk review showed that there is a gradual increase in drug cases and theft cases from 2008 to 2013. This is shown in the number of cases concluded by the police in 2011 and 2012 as well as the number of cases sent to the Prosecutor General's Office during 2011 and 2012.

▼ **Figure 7.6:** Cases Concluded in 2011 and 2012



Source: [http://www.police.gov.mv/s/annual\\_report\\_2011\\_2012.pdf](http://www.police.gov.mv/s/annual_report_2011_2012.pdf) [retrieved on 18-02-2014]

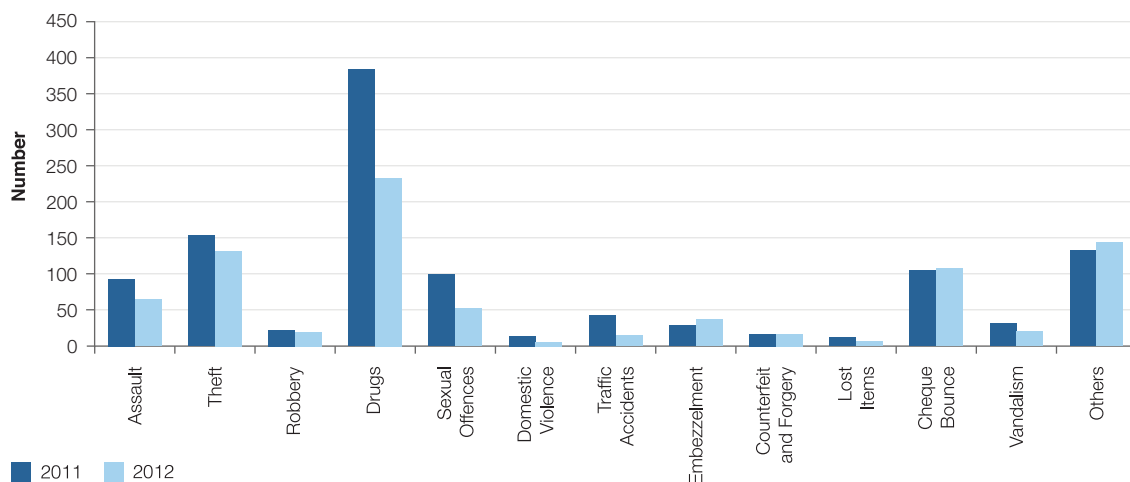
▼ **Figure 7.7:** Cases sent to PGO in 2011 and 2012



Source: [http://www.police.gov.mv/s/annual\\_report\\_2011\\_2012.pdf](http://www.police.gov.mv/s/annual_report_2011_2012.pdf) [retrieved on 18-02-2014]

Furthermore, the number of cases reverted back to MPS from the PGO also shows drug related cases as the highest number of cases. While the number of drug cases concluded by the police, and sent between the MPS and PGO does not, in itself, indicate a higher rate of drug related crime, it does indicate that such crimes are occupying substantial amounts of agency time and appear to be regarded as significant legal issues.

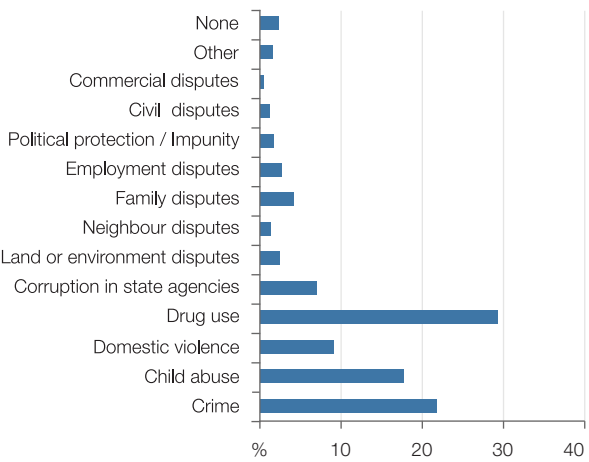
▼ **Figure 7.8:** Cases revereted back to MPS from PGo during 2011 and 2012



[http://www.police.gov.mv/s/annual\\_report\\_2011\\_2012.pdf](http://www.police.gov.mv/s/annual_report_2011_2012.pdf) [retrieved on 18-02-2014]

Drugs have been noted as the most important legal issue in the public perceptions survey [30%] as well. This is followed by crimes [21%] and child abuse [18%] as the second and third respectively. This finding supports the MPS crime data as well as data from the PGO. The MPS crime data shows that theft is the highest reported crime while in focus group discussions the police clarified that most of the theft cases are related to drugs. In addition, domestic violence and corruption are seen by the public as the 4th and 5th most important legal issues in the community.

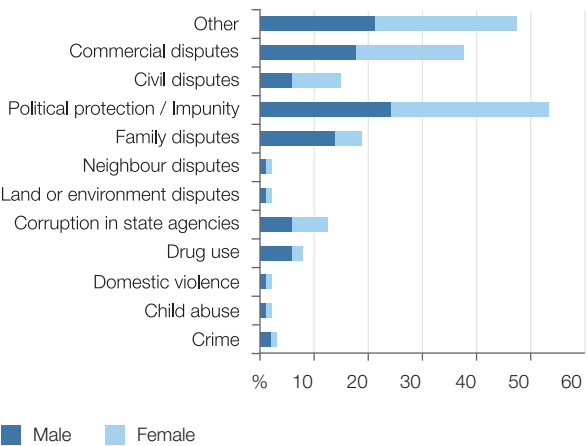
▼ **Figure 7.9:** Legal issues identified by the public



### DISAGGREGATED BY GENDER

When the legal issues of most importance to the community are disaggregated by gender, it shows that there are no significant differences in the top three issues mentioned above. However, females tend to view domestic violence as a more serious issues when compared with corruption in state agencies, while male view corruption as a more serious issue.

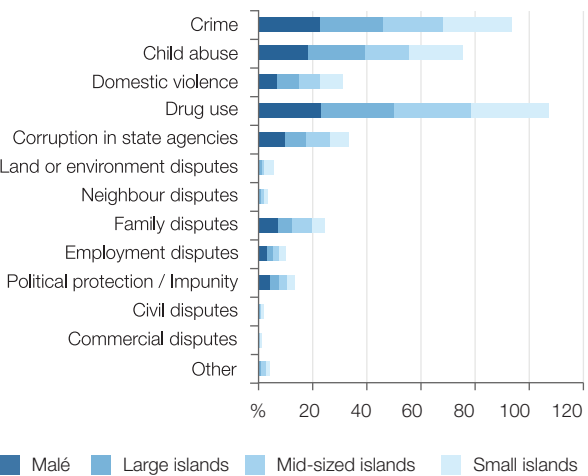
▼ **Figure 7.10:** Legal issues identified by the public disaggregated by gender



### DISAGGREGATED BY REGION

The survey also shows that there is no difference between the different regions in the top three legal issues in the community. There are differences between the regions for the 4th and 5th most serious legal issues in the community. In Male’, the view is that corruption is a more serious issue when compared to domestic violence, while in the outer islands this is not the case.

▼ **Figure 7.11:** Legal issues identified by the public disaggregated by region



## 7.4 KEY FINDINGS

Although the study was based on a set of indicators, it was difficult to present the findings based on each indicator separately as most of the

findings relate to more than one of the indicators. Therefore, the table 7.1 below lists the key findings separately, with a matrix showing how these findings relate to the indicators.

▼ **Table 7.1:** Indicator - Findings Matrix

	Lack of Accessible Data	Lack of Procedures	Low Levels of Public Confidence	Delays in Delivering Justice	Lack of Awareness	Affordability	Cost to the State
<b>Access to Justice – Individual</b>							
a. Information	✓				✓		
b. Procedural	✓	✓			✓		
c. Physical							
d. Legal representation							✓
e. Legal aid					✓	✓	
f. Affordability for litigants (court fees, travel costs, accommodation, legal fees, opportunity cost of taking time from work)							✓
<b>Systemic problems that impede access to justice</b>							
a. Duration/timeliness of justice delivery			✓	✓			✓
b. Fairness, Integrity and Independence			✓				
c. Transparency			✓				
d. Quality of justice delivery				✓			
e. Public confidence in the sector			✓				
f. Coordination among justice agencies				✓			✓
g. Cost to the state in providing services							✓

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## LACK OF ACCESSIBLE DATA

The desk review as well as focus group discussions indicated that there are no consistent means of recording and maintaining data across the justice agencies. The different legal and justice agencies use different formats to store their data, making it difficult to make any meaningful comparisons between the different agencies in terms of efficiency and consistency. The MPS and DJA publish their data in a comprehensive manner. The PGO also publishes data but with a more aggregated form than the other two agencies. Although this data is available to the public, it lacks consistency e.g. the crime coding (the way crimes are described) used by the different agencies. Furthermore, it has to be noted that the data required for the purposes of analysis was not available from some legal and justice agencies. The MCS provided only data on the number of prisoners and capacity to house prisoners. Adequate data was not received to carry out an analysis on other performance issues involving service delivery, including the number of staff, budget, and training. The data received from the MCS indicates that the total number of remand and convicted prisoners exceeds the number of vacancies available in prisons to accommodate the prisoners.

### RECOMMENDATIONS [SHORT TERM]

- *The National Bureau of Statistics to put in place a mechanism to determine a consistent format for agencies to measure, collect, report and publish data.*
- *Maldives Correctional Service to conduct regular audits to ensure up-to-date data is collected and maintained.*

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## LACK OF PROCEDURES

The desk review found that although there are a few ad hoc administrative and sector-centred internal efforts by legal and justice sector agencies to divert less serious criminal cases from the criminal justice system, these programmes lack consistency, certainty and transparency. Therefore, there is little impact across all legal and justice sector agencies. Moreover, during the focus group discussions the agencies specifically noted the absence of procedural laws, namely, a Civil Procedure Code and Criminal Procedure Codes, which play an important role in streamlining the judicial processes in the courts.

The absence of witness protection programs and the under-resourced victim support unit at the PGO were highlighted during focus groups by a few agencies as a factor which restricts access to justice. The absence of such programs not only deprives victims and witnesses of support, but prevents many of them from coming forward to provide evidence in criminal matters and assist in the quicker and more effective disposition of matters.

### RECOMMENDATION [SHORT TERM]

- *Judiciary to adopt interim civil and criminal procedural rules until codes are enacted by the Majlis.*

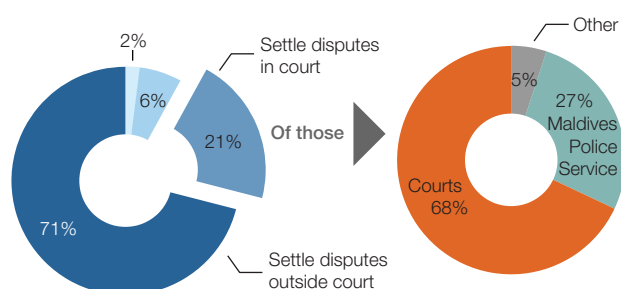
### RECOMMENDATION [LONG TERM]

- *Enact a comprehensive civil procedure code and criminal procedure code.*

## LOW LEVELS OF PUBLIC CONFIDENCE

The public perceptions survey showed that a large percentage of people prefer to settle their disputes outside court. A total of 71 per cent of the people surveyed prefer to settle disputes outside court while only 21 per cent prefer to go to court. Ninety per cent of the people who want to settle disputes outside the court say that they want to settle the disputes through informal discussion between the parties. Only a mere 2 per cent of the people want to have formal settlements outside court later endorsed by a judge. Of the 21 per cent who wanted to seek the help of a justice agency to settle their disputes, 68 per cent stated that they would seek the help of the courts while only 27 per cent stated that they would seek the help of the police.

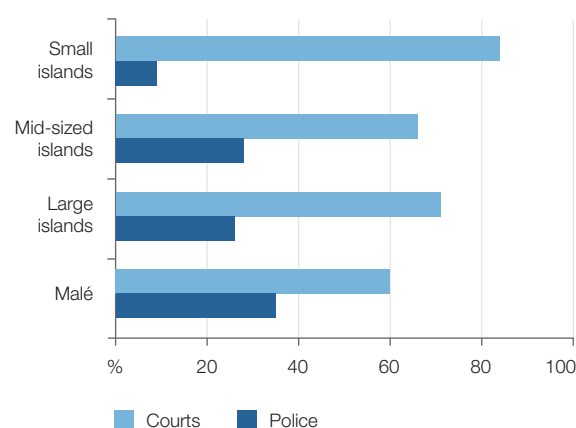
▼ **Figure 7.12:** Percentage of people wanting to settle disputes outside the legal and justice sector



In addition, when asked what the respondents would do if someone owes them a large sum of money and fails to pay for a considerable amount of time, only 26 per cent of the respondents said that they would seek help from the legal and justice sector agencies. Of these, 26 per cent, a large percentage [68%] of the respondents said that they would approach the courts for help. It is important to note that less than 27 per cent stated that they would approach the

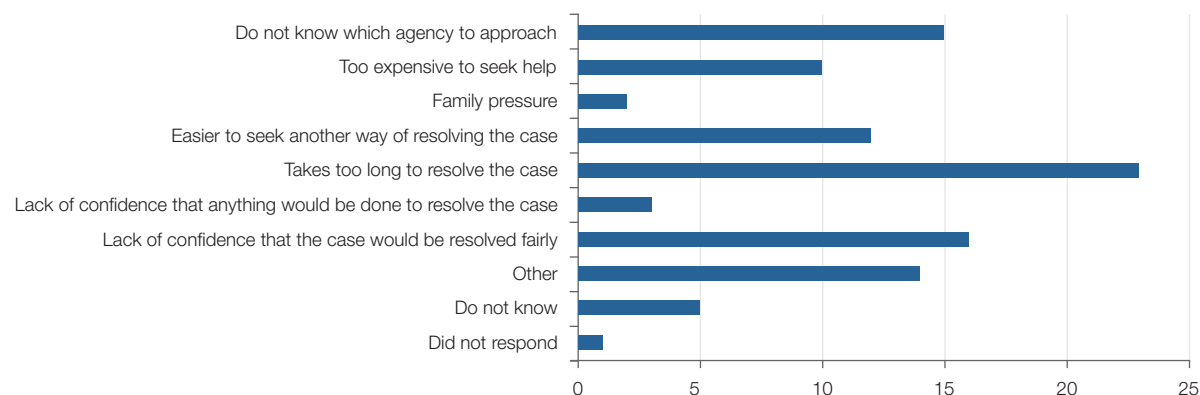
police. When examined more closely, this shows that the percentage of people approaching the police in Male' is higher [60%] compared to other regions and the percentage of people approaching the courts [84%] is higher in smaller islands.

▼ **Figure 7.13:** Percentage of people using MPS and Courts in Male' and in Atolls

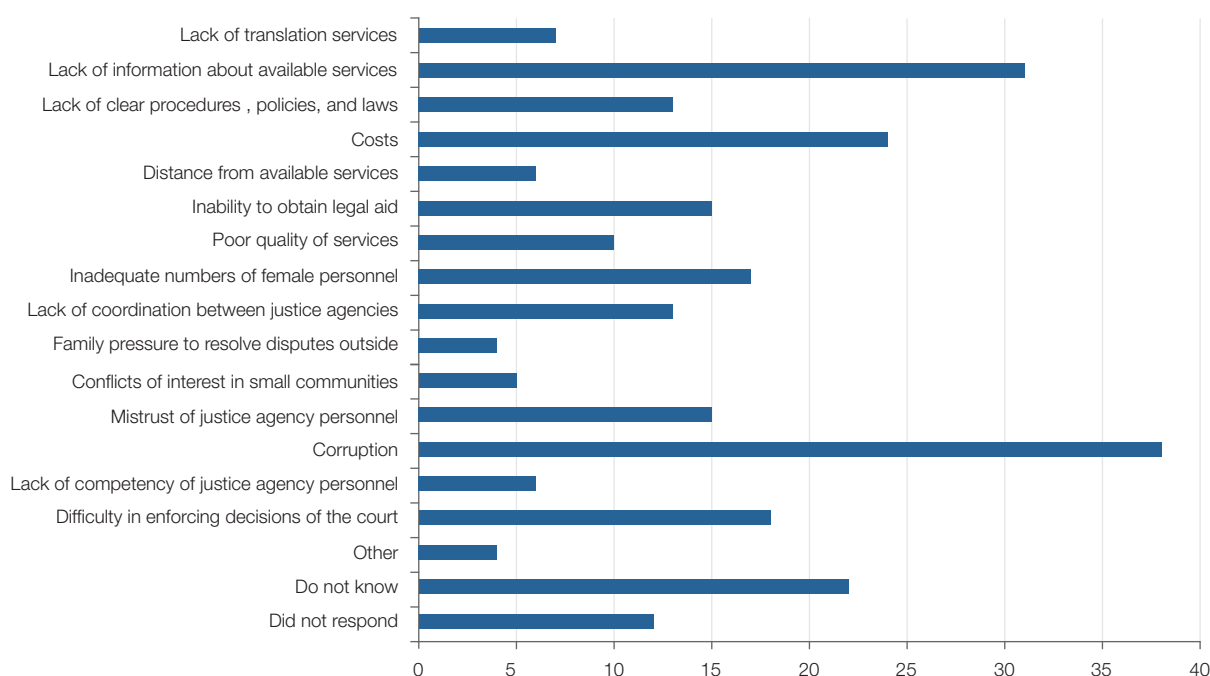


The reason for not seeking help from justice agencies was the low level of confidence respondents had in the legal and justice sector agencies. The three major reasons for this lack of confidence were timeliness, fairness, and awareness. Timeliness and awareness are also findings seen from other data, hence these are dealt with separately. However, the low confidence due to lack of fairness is discussed here. The major challenge stated by the respondents in seeking justice was corruption.

▼ **Figure 7.14: Reasons public do not seek help from justice agencies**



▼ **Figure 7.15: Challenges in seeking justice**



Forty-two per cent of the respondents who experienced a legal issue stated that they sought help from a legal and justice sector agency. However, the agency they sought help was in line with the earlier findings that most people seek help from the courts. More than half of these respondents [53%] sought help from the courts to resolve their dispute.

The main reasons identified as the cause for not using the justice agencies for disputes is the

time taken to resolve the disputes [25%], lack of information on which agencies to approach [15%], and lack of confidence in the legal and justice sector on fairness [16%].

The focus group discussions with all legal and justice sector agencies support the public perception that too much time is taken to resolve disputes using the justice sector. In addition, the lack of information was a key issue identified by the AGO as well as lawyers in seeking access to

justice. However, the lack of confidence in the legal and justice sector agencies is not aligned as the perception survey suggests that there is a lack of confidence, while the agencies report that the public confidence has grown. Therefore, it can be stated that even though public confidence may have increased it still is a major concern when seeking help through legal and justice sector agencies.

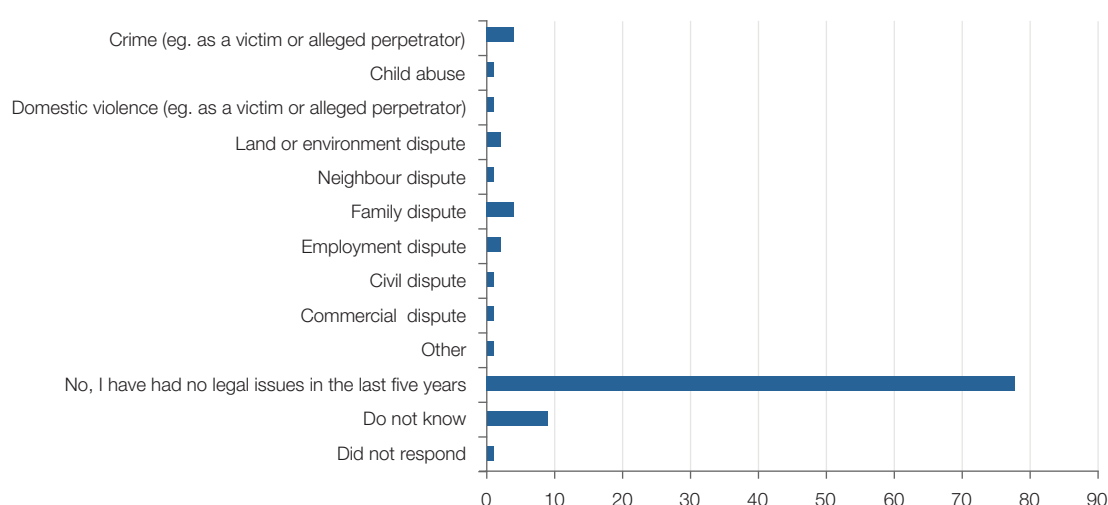
In general, the percentage of the population that had any experience in dealing with the legal and justice sector agencies was low. Only 17 per cent had any experience in dealing with the courts in the last 5 years, while the percentage is 16 per cent for the MPS. These percentages are very low for lawyers [7%], the MCS [3%], and PGO [2%]. These statistics were too low to make any significant analysis.

With regards to courts, more people were satisfied [53%] in comparison with the people who were dissatisfied with the courts [34%]. However, it has to be noted that 1 in every 3 persons who has had contact with the courts were not satisfied with them.

In the case of the police, once again more people were satisfied [52%] when compared with the percentage of people dissatisfied [38%]. The percentage of respondents dissatisfied with the police service is considerable when looking at the quality of service of an agency [more than 1 in 3 people are dissatisfied].

In general, less than 20 per cent of the respondents had any experience with a legal issue in the past 5 years. Most people had an experience with the legal and justice sector agencies in relation to a crime. It is alarming to note that 1 per cent of the respondents stated child abuse as the legal issue they experienced. Although this is a small number, it is considerable when absolute values are taken into account. Of the 20 per cent who has had an experience with a legal issue, only 42 per cent sought help from the legal and justice sector agencies. A high percentage of them approached the courts [53%], with police as the second choice [34%]. Fifty-three per cent of the respondents stated that they were satisfied with the legal and justice sector agency, but it has to be noted that 47 per cent were not satisfied. This means that nearly half the number of people seeking help from the justice agencies, especially courts, were not satisfied with the service.

▼ **Figure 7.16:** Legal issues identified by the public



In summary, these findings demonstrate that the general public has a low level of trust with respect to the quality of justice, and the independence, integrity and efficiency of justice service delivery.

#### **RECOMMENDATIONS [SHORT TERM]**

- ▶ *Increase awareness of the functions and existing procedures of the justice agencies.*
- ▶ *Increase public awareness regarding codes of conduct for legal and justice sector staff and encourage courts users to report breaches of such codes.*
- ▶ *Conduct anti-corruption initiatives to address levels of perceived corruption in the community including:*
- ▶ *Building awareness of what is corruption and what is not.*

#### **RECOMMENDATIONS [LONG TERM]**

- ▶ *Making arrangements to enable submission of appeal to High Court from magistrate courts in islands through the magistrate court itself or through the island councils to the High Court, so as to alleviate the financial burdens on litigants on travelling and lodging in Male’.*
- ▶ *Introduce a credible public complaints system and involve court users in the review of public complaints.*
- ▶ *Conduct anti-corruption initiatives to address levels of perceived corruption in the community including:*
  - ▷ *Training the court officials on the Code of Ethics in the agencies;*
  - ▷ *Establishing compulsory training for all new agency staff on ethics; and*
  - ▷ *Support agencies to develop a Service Charter incorporating transparent Standards of Conduct for personnel and ensure existence and implementation of internal disciplinary measures.*

## DELAYS IN DELIVERING JUSTICE

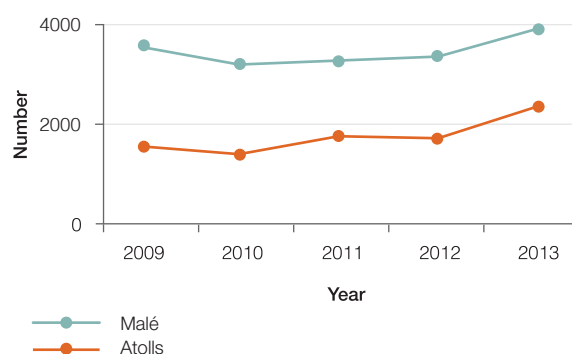
The desk review and focus group discussions show that while significant progress has been made within the legal and justice sector in recent years, problems of cost, delay and public distrust appear to have increased. In addition, there is no established statutory procedure to enforce civil judgments passed by the courts. Courts do not have the means and human resource to enforce civil judgments.

**“The case backlog is ridiculously high!” - Focus Group**

The following tables indicate the trend in the total number of cases (both civil and criminal) tried in Maldivian courts. They also show the length of time taken to conclude cases

## CASELOADS OF TRIAL COURTS AND DISPOSAL RATES 2009 - 2013

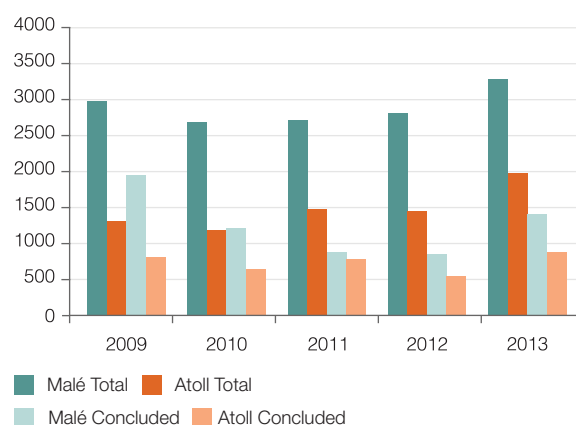
▼ **Figure 7.17:** Trends of Criminal Cases in Male' and Atolls between 2009 to 2013



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## CRIMINAL CASES FILED AND CONCLUDED FROM 2009 TO 2013

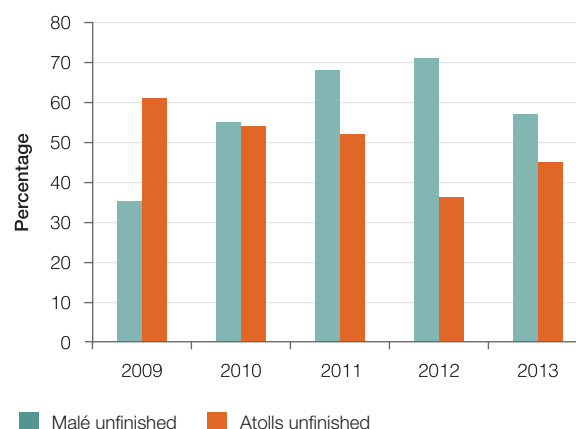
▼ **Figure 7.18:** Criminal Cases concluded in Male' and Atolls from 2009 to 2013



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## UNFINISHED CRIMINAL CASES 2009-2013

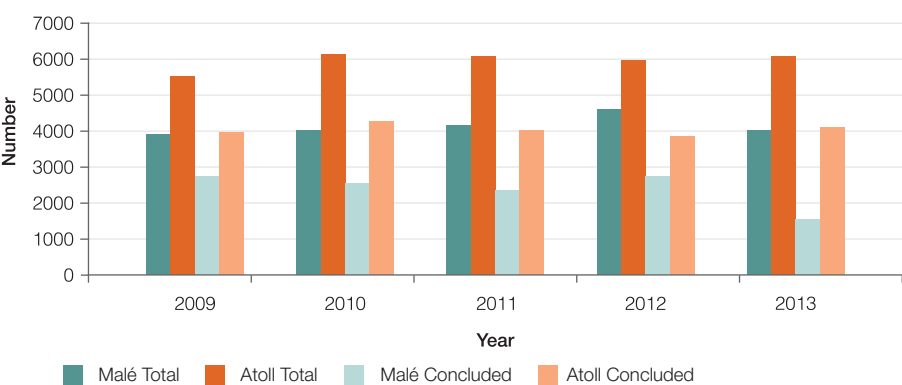
▼ **Figure 7.19:** Pending Criminal Cases in Male' and Atolls from 2009 to 2013



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## CIVIL CASES FILED AND CONCLUDED FROM 2009 TO 2013

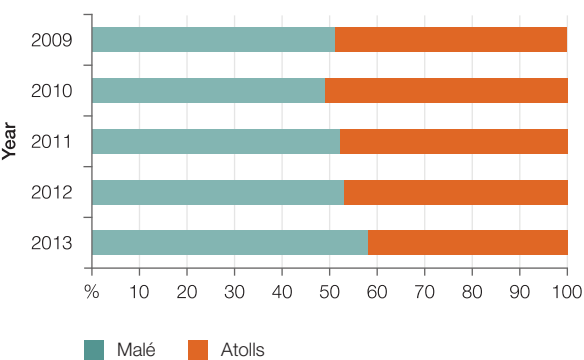
▼ **Figure 7.20:** Civil Cases concluded in Male’ and Atolls from 2009 to 2013



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## UNFINISHED CIVIL CASES 2009-2013

▼ **Figure 7.21:** Pending Civil Cases in Male’ and Atolls from 2009 to 2013



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## CRIMINAL CASES CONCLUDED BY MALÉ AND ISLAND COURTS

Another data set to be analysed is the comparison of criminal cases concluded in Malé courts versus island courts. The data is not available for 2013 and is therefore not included in this desk

review. The desk review showed clearly that for the years 2009 to 2012 the total criminal caseload of all the island courts is less than that of the Criminal Court in Malé.

▼ **Table 7.2:** Criminal Cases concluded in Male’ and Atolls between 2009 and 2013

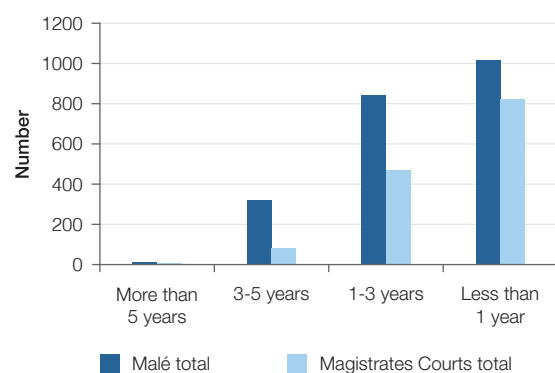
Year	Malé	Island courts
2009	2334	963
2010	1433	758
2011	1036	903
2012	990	627
2013	1670	1057

Source: Department of Judicial Administration, Judicial Statistics 2009-2013

In addition, the trend in the backlog of cases is the same for both the islands courts as well as the Criminal Court in Malé.

## BACKLOG OF CRIMINAL CASES

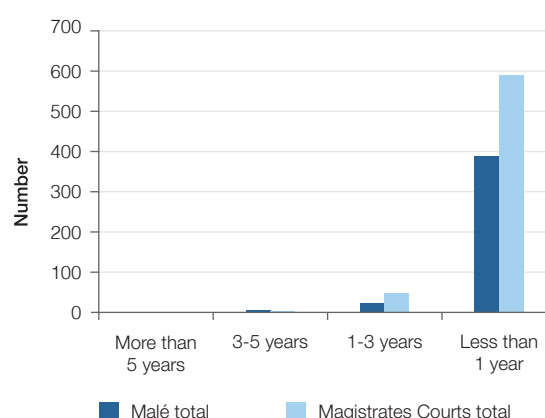
▼ **Figure 7.22:** Duration of Criminal Cases



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## BACKLOG OF FAMILY CASES

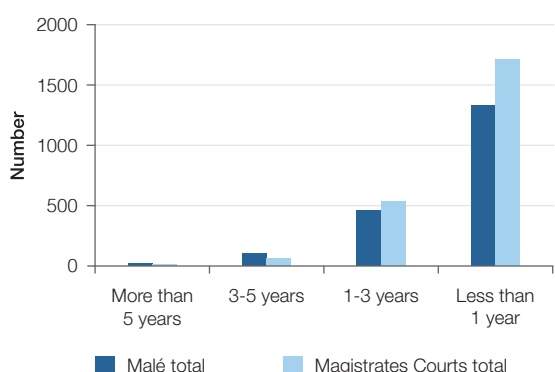
▼ **Figure 7.24:** Duration of Family Cases



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

## BACKLOG OF CIVIL CASES

▼ **Figure 7.23:** Duration of Civil Cases



Source: Department of Judicial Administration, Judicial Statistics 2009-2013

The desk review shows that the average caseload of a trial judge in Male' Criminal Court and Male' Civil Court is approximately 200 cases. The average caseloads of island magistrates vary from island to island depending mostly on the population size of the respective island. Only two courts outside Male' register more than 50 criminal cases per year.

## TRENDS IN PROSECUTIONS

The following tables indicate the trends in prosecutions. The following tables also show the backlog at the PGO and the length of time taken to process cases by the PGO. These tables have been formulated using the desk review data as well as data provided by the agencies.

▼ **Table 7.3:** Number of criminal prosecutions over the last five years in Malé and the atolls

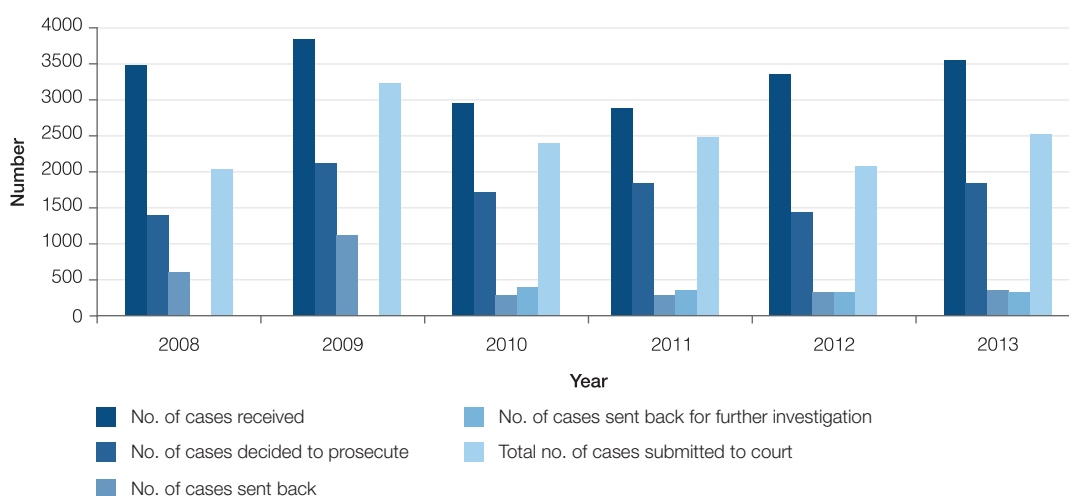
Year	2008	2009	2010	2011	2012	2013
No. of criminal prosecutions in Malé and atolls	1417	2129	1737	1850	1429	1821

▼ **Table 7.4:** Number of pending criminal prosecutions in Malé and the atolls

Year	2008	2009	2010	2011	2012	2013
No. of pending criminal prosecutions in Malé and atolls	1451	596	580	379	1293	1030

## CASE FINALIZATION / CLEARANCE RATE

▼ **Figure 7.25:** Number of Prosecutions at PGO from 2008 to 2013

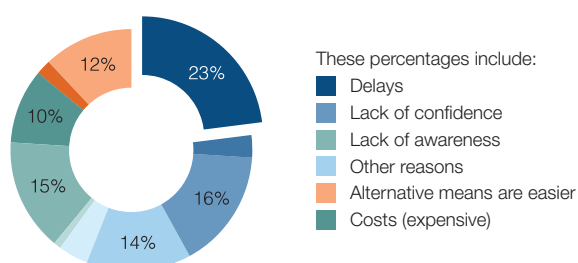


The desk review of the annual reports from the PGO shows that the average caseload of a prosecutor is 60 – 70 cases.

The public perceptions survey also supports the data analysis from the desk review that delays in delivering justice are a major concern for the general public. Twenty-three per cent of the re-

spondents stated that they would not seek the help of a justice agency due to delays.

▼ **Figure 7.26:** Challenges in seeking justice



In addition, all legal and justice sector agencies supported the public perception that too much time is taken to resolve disputes using the justice sector. The reasons they stated for the delays include:

- Lack of trained legal staff in courts
- Lack of resources
- Lack of a case management system
- Heavy Caseloads for judges

## CASE

*Ahmed was accused of a crime when he was a minor.*

*But he was called for his case that commenced at the juvenile court several years later, and after he had even attained majority. By that time Ahmed was married and had children and had been working in a respected job. As soon as he received the court summons, he was terminated from his employment and lost his only source of income to provide for his family. Ahmed was convicted of the accused crime and a one year sentence*

*of banishment to an island was awarded in that case, as judges took note that the case only began several years after the crime.*

*What was unfortunate was that the case commenced so late that it had already passed the duration of the maximum possible sentence that could be awarded.*

## RECOMMENDATIONS [SHORT TERM]

- *Increase public awareness regarding Alternative Dispute Resolution (ADR) systems.*
- *Carry out a pilot ADR project in Male' with a view to establishing a national informal ADR system.*
- *Carry out a training audit of the training needs assessments developed by each of the agencies.*
- *Develop training plans that allow the agencies to fund and provide their staff with regular and relevant training appropriate to their functions (e.g. train the trainers programs).*
- *Make sure that information regarding laws, regulations and court decisions are made available to all the stakeholders in the justice process, especially magistrates.*
- *Conduct frequent, written performance evaluations of judges.*
- *Set internal deadlines by the courts to conclude cases.*

► *Review the current procedural steps to ensure reduction of delays in delivering justice.*

► *Increase the role of prosecuting officers in police investigations.*

*necessary statutory tools for strict and speedy enforcement.*

► *Divert less serious criminal cases from criminal justice system*

## RECOMMENDATIONS [LONG TERM]

► *Build case management systems in each agency which will allow the agencies to develop an integrated case management system over the longer term.*

► *Develop a central legal resources library (e.g. databases of court decisions and legislation) accessible to the entire sector.*

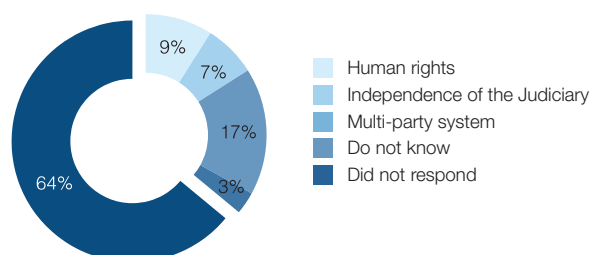
► *Appoint a case manager to every court and grant him/her statutory power to take actions such as transferring cases not concluded within 18 months, or where hearings have not been held regularly or where the judges cannot stick by the hearing schedules of the case. Case management power may initially be granted to the chief judge of the court or to the chief magistrates of the Judicial Areas in the case of magistrates. The chief judge may be required to conduct performance evaluation on a quarterly basis and forward the performance report to JSC and the Supreme Court.*

► *Establish a separate judgement enforcement office in the court system for the purpose of enforcing judgements of all courts and decisions of all tribunals, and provide them with*

## LACK OF AWARENESS

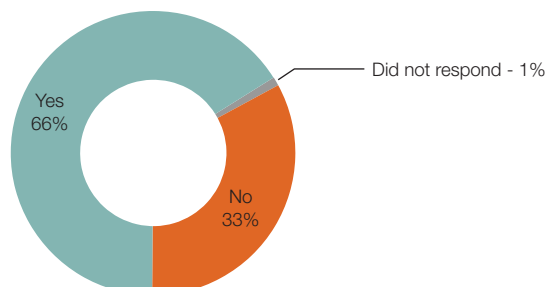
On the issue of awareness it is worth noting that only 66 per cent of the respondents stated that they are aware that a new Constitution has been in place since 2008. Furthermore, 74 per cent of the respondents were unable to name the significant changes in the new Constitution. Only 17 per cent was able to state the introduction of multiparty system as a significant change in the Constitution, while 9 per cent noted the guarantee of human rights and 7 per cent noted the independence of the judiciary as significant changes.

▼ **Figure 7.27:** Public Awareness on Changes in 2008 Constitution



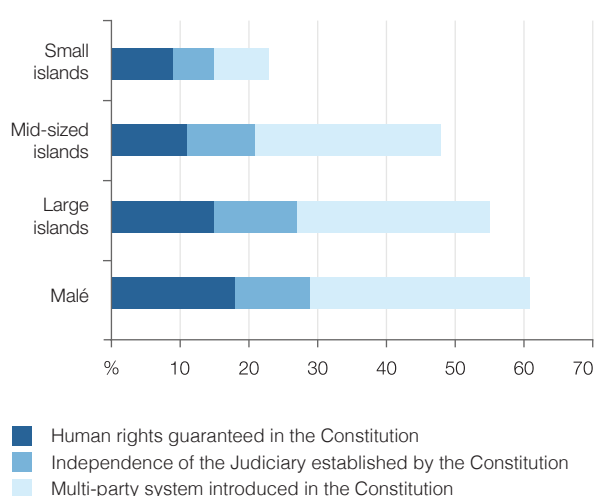
This shows lack in awareness of constitutional changes and rights among the general public.

▼ **Figure 7.28:** Public awareness on 2008 Constitution



The lack of awareness was further confirmed when specific questions on constitutional rights were asked. These questions include the right to legal representation, the right to remain silent, and the right to presumed innocence, and the circumstances in which people could claim these rights. More than 50 per cent of the respondents were not aware of their right to legal representation while only 19 per cent knew the right to remain silent. Only 16 per cent of the respondents were able to understand the right to presumed innocence.

▼ **Figure 7.29:** Public Awareness on Constitutional Rights



In terms of the functions of the agencies, the majority of respondents knew the function of the courts [60%] and the police [58%]. However, less than 20 per cent of the respondents knew

the functions of the other legal and justice sector agencies, namely the PGO, AGO, and MCS.

The findings on lack of awareness were supported by the focus group findings with lawyers as well as the AGO.

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**“People who live in the islands believe that they have to write a letter to the court regarding a case. They don’t even know they have to fill a form. They write a letter to the court saying that someone owes them money and has not paid up.” – Focus group**

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## CONSULTATION ON LAW MAKING

The survey results clearly indicated that people want to be consulted in law making. Only 21 per cent did not respond to the question on who should consult them on law making, and how they should be consulted (eg. through seminars, websites etc). Nearly 50 per cent of the public would prefer to be consulted at a local level, either through their local council, local community or local MP. The highest medium of preferred consultation was through community dialogue [30%].

Although there was a high percentage of the public who wanted to be consulted in law making, the percentage of respondents who had actually been consulted is very low [2%].

### RECOMMENDATIONS [SHORT TERM]

- *Conduct public understanding / awareness campaigns on citizens' rights, especially in relation to court processes and the filing of cases.*
- *Conduct awareness campaigns on constitutional rights and law-making, starting in the smaller islands identified in this study.*
- *Ensure that the general public is consulted on proposed new legislations.*

### RECOMMENDATION [LONG TERM]

- *Ensure constitutional rights and law-making are embedded in the new curriculum and monitor the implementation*

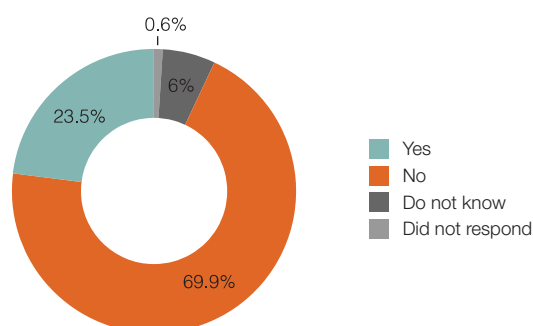
## AFFORDABILITY

Only 17 per cent of respondents knew what legal aid was, with only 24 per cent stating that they had adequate information regarding legal aid. This contradicts a later finding in the survey where respondents stated that they knew about applying for legal aid [69.9%] and a considerable number of respondents stated that it was not difficult to apply for legal aid [55%]. Of the respondents who stated that they had difficulty in applying for legal aid, 38 per cent identified obtaining the supporting documents as a major difficulty.

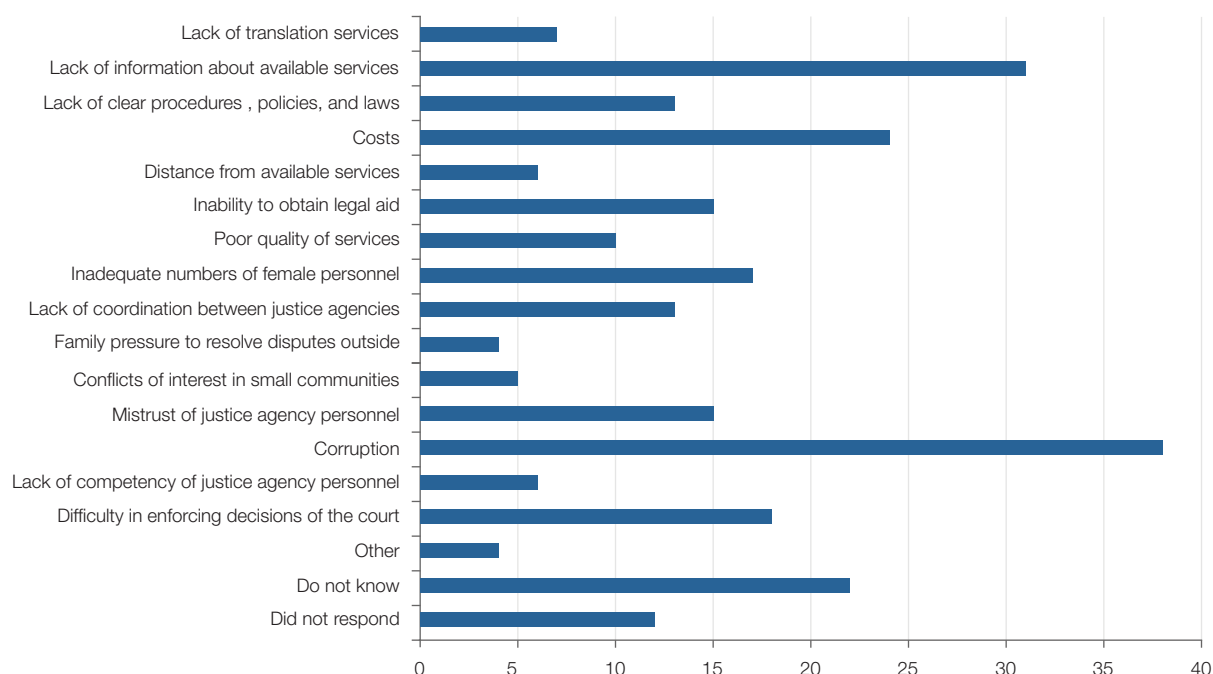
**“Even if people in the islands they know their rights, they don’t ask for lawyers, because they know that the procedures are so long and that they have to fax everything to Male’. They think there is not much to be done in the islands even if they ask for legal aid.” – Focus Group**

Ninety-four per cent stated they were not in any situation to need legal aid and 43 per cent of the respondents who used legal aid were not satisfied with the service.

▼ **Figure 7.30:** Awareness of Legal Aid

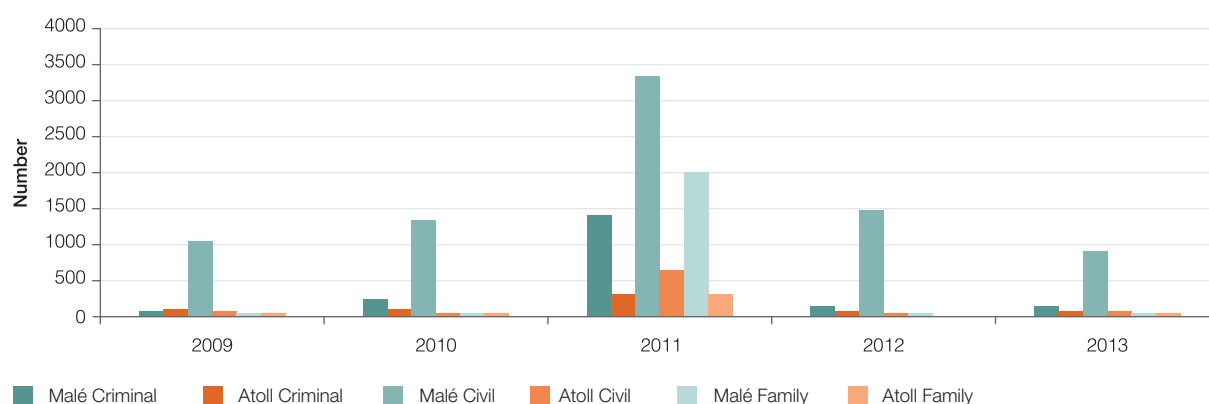


In addition, cost was stated as the 3rd most challenging factor restricting people in seeking justice. Therefore, affordability is a concern in seeking justice.

▼ **Figure 7.31: Challenges in seeking justice**

The public perception of the lack of affordable justice is further supported by the data analysis undertaken during the desk review, which demonstrated that the number of accused persons represented by lawyers is low due to the cost of hiring a lawyer. The disparity between legal representation in Malé and the islands is high as well, as shown in the table below.

When the number of cases decided by the courts during 2009-2013 is compared with the figures in the table above, the number of cases where legal assistance was sought is extremely low, particularly in family and criminal matters. The figures for 2011 above could be an anomaly due to an error in DJA statistics for 2011. The figures in the DJA report for 2011 are unrealistic and do not match the rest of the statistics.

▼ **Figure 7.32: Number of accused represented by lawyers in Malé and Islands 2009-2013**

Source: Department of Judicial Administration, Judicial Statistics 2009-

2013

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**“People in the islands don’t have that kind of money to pay for legal fees. And they don’t ask for it. A common practice in the islands is that usually in island courts they have a tendency to confess when charges are being read. In islands they have an easier route if they confess. It is something like plea bargaining. If you confess it’s easier for the judge to hear the case and give the lightest sentence on the same day. So it gets speedier, speedier, speedier!” – Focus Group**

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An important aspect which was highlighted by several agencies, mainly the AGO and the PGO, was the lack of a mechanism to provide legal aid to those who are unable to afford a lawyer and who are accused of serious criminal charges. Moreover, it was noted that legal aid was not often sought by the public because of the lack of awareness of the availability of this service. This perception may change in the future when the Legal Aid Bill is passed. The Bill is currently scheduled on the 2014-18 legislative agenda.

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**“It is safe to say defence attorneys are only available in Male’, because they can afford to get a lawyer and avenue for appealing is easier.”- Focus Group**

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In addition, the lawyers’ focus groups highlighted that the lawyers’ fees are not affordable to the majority of people, and lawyers are not available in islands. Moreover, the cost of transportation to Male’ and staying in Male’ to seek justice is prohibitive.

#### **RECOMMENDATION [SHORT TERM]**

► *Carry out a pilot ADR project in Male’ with a view to establishing an information national ADR system.*

#### **RECOMMENDATION [LONG TERM]**

► *Introduce legal aid schemes through a legal professions act.*

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## **COST TO THE STATE**

### **POLICE PRESENCE ACROSS THE COUNTRY**

The police are present only in 74 islands outside the capital Malé. Therefore, 118 inhabited islands do not have a police presence, making it difficult for the people in these islands to access police services. Regional police stations attend to the needs of these 118 islands when police assistance is required, making policing extremely costly due to the high cost of inter-island transport. There are 940 police officers working in 74 police stations outside Malé, and out of these 940 police officers, 164 are investigating officers.

▼ **Table 7.5:** Islands where police stations are located in the Maldives and number of officers employed in the stations

Police Divisions	Number of police officers	Investigating Officers
Upper North Central	197	41
North Police	144	26
North Central	128	24
Central	70	15
South Central	148	21
Upper South	106	20
South Central	147	17
Nation	940	164

## LOCATION OF PROSECUTING OFFICERS ACROSS COUNTRY

Table 7.6 shows the branches of PGO across the country and the atolls these branches are serving.

▼ **Table 7.6:** Branches of PGO across the country

Branches	Jurisdiction
Thiladhunmathee South	HA, HDh and Sh atoll islands
Sh Atoll	Sh. Atoll islands
B. Atoll	N, R, B and Lh atoll islands
Hahdhunmathi	L atoll islands

GDh. Thinadhoo

GA and GDh atoll islands

Fuvahmulaku

Gn Fuvahmulah

Addu Atoll

Addu atoll islands

PGO yearly report: [http://www.pgoffice.gov.mv/sites/default/files/pgo\\_ahary\\_report2013.pdf](http://www.pgoffice.gov.mv/sites/default/files/pgo_ahary_report2013.pdf)

There are 37 prosecuting officers working for the PGO across the Maldives (August 2014). These are 6 prosecuting officers working at the various regional branches of the PGO and 31 prosecuting officers based in Male'. In order to cover the shortfall in the outer islands, prosecuting officers from Male' regularly travel to island Magistrate Courts for prosecution purposes.

▼ **Table 7.7:** Staff strength at PGO from 2011 to 2013

Position	2011	2012	2013
Prosecutor general	1	1	1
Deputy prosecutor general	1	1	3
Assistant prosecutor general	1	1	1
Assistant public prosecutor Gr3	1	1	1
Assistant public prosecutor Gr1	33	33	28
Senior district prosecutor general Gr1	2	2	2
District public prosecutor Gr2	2	2	2
District public prosecutor Gr1	5	5	5

PGO yearly reports 2008-2013: <http://www.pgoffice.gov.mv>

▼ **Table 7.8:** Number of trips/circuits made to islands by PGO prosecutors annually over the last four years

Year	2011	2012	2013	2014
No of trips made	159	99	142	96

Source: PGO yearly reports 2008-2013: <http://www.pgoffice.gov.mv>

Magistrates of island courts will have to delay trials of cases until there are sufficient criminal cases to warrant a trip to the island by a prosecuting officer.

The number of cases filed at various trial courts across the country varied. Great differences can be found in terms of productivity of individual judges, with an average individual clearance rate of more than 200 cases per year in Male' trial courts. That number is significantly lower in island magistrate courts where on average the magistrates dispose of less than 20 cases per year.

## RECOMMENDATIONS [LONG TERM]

- *Review of the costs of maintaining a decentralised system of justice throughout the Maldives (e.g. island courts on inhabited islands across the country)*
- *Clustering of islands for conducting criminal trials, so that only one magistrate court from a particular cluster will conduct criminal trials; there is no need for all magistrate courts to conduct criminal trials. This can be done by amending the Judicature Act. This will not affect the needs of the people to have a court in the island itself, for marriage, civil disputes, etc.*



# 8

## Lessons Learned

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### 8.1 INTRODUCTION

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There are always important lessons learned in any comprehensive study of the legal and justice sector, and this baseline study is no exception. Over the four-month period of the study, the research team gained valuable insights which will contribute to future baseline studies of the sector in the Maldives.

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### 8.2 ENGAGEMENT WITH KEY STAKEHOLDERS

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#### SECTOR ENGAGEMENT

From the outset, UNDP and the research team recognised the importance of engaging the legal and justice sector at all stages of the study. While this was possible through the desk review, survey and focus group process, there are areas of engagement which could be more fully explored in the future. For example, it may be possible in the future for the research team to meet with agency leaders and staff prior to the study to confirm the expectations of all parties regarding the outcomes of the research, and to ensure that appointments for further meetings are arranged in advance to accommodate the busy schedules of the agencies.

It may also be possible to encourage greater ownership of the baseline study process by the legal and justice sector by involving agency leaders and staff in the training of supervisors and enumerators, and in the development of awareness-raising tools which can be distributed to the community on the findings of any research conducted on the legal and justice sector. The perspectives, advice, guidance and information offered by the sector in this initial baseline study were very valuable to UNDP and the research team, and provide significant encouragement for deeper engagement in future.

This report will be shared with legal and justice sector stakeholders. A workshop is planned to assist agency leaders and staff to interpret the results of the study and, where appropriate, to develop action plans which identify corrective measures. The workshop will focus on discussion of the gaps in public perception and actual practices in the legal and justice sector, as well as the overlapping mandates between legal and justice sector agencies.

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#### COMMUNITY ENGAGEMENT

One of the very positive aspects of this baseline study – and one which was not anticipated at the outset – was the engagement which UNDP and the research team were able to establish with the community in Male' and in the outer is-

lands where the public perceptions survey took place. As noted earlier in this report, In order to ensure the highest degree of reliability of the data obtained, the research team gave careful thought to the selection of appropriate supervisors and enumerators who came from each of the surveyed islands, and had strong existing relationships and networks with Island Councils and Women's Development Groups. The Island Councils were particularly helpful during the public perceptions survey, as they were able to announce to the community (often by loud-speaker) that the survey was taking place, which generated greater response rates, awareness of the study, and positive interaction with the research team.

It is important to continue that engagement by providing feedback and widely disseminating the results of this baseline study to the community. Follow-up with the community acknowledges the time and effort involved in their participation in the study, and builds confidence that the legal and justice sector is acting on the results of the research. It will also ensure awareness of the results among communities which were not involved in the survey.

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## 8.3 CHALLENGES IN OBTAINING AND COMPILING DATA

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### DATA COLLECTION FROM THE AGENCIES

One of the more difficult aspects of the study was obtaining data from the legal and justice sector institutions on their performance in providing access to justice. It was apparent that

many agencies do not maintain readily available data on important issues such as workloads, staff numbers, average times for providing services, annual budgets, cooperation with other legal and justice sector agencies, and training records. An exception to this was the Department of Judicial Administration, which publishes annual reports with a range of useful data on the performance of the courts. However, for other agencies, it is clear that this key data is not being maintained, and of most concern, is not being used for management purposes. It was very difficult for the research team to assess gaps in the institutional data available. There were many inconsistencies between the data provided by agencies, and it became clear to the research team that it would be very difficult for the public to obtain consistent information on any particular criminal or civil case currently being dealt with by the legal system.

The difficulties associated with obtaining reliable data from the legal and justice sector is an important lesson learned because it indicates a strong need for resources to be diverted to data collection and a common case management system that can be used by all legal and justice sector agencies to share data.

### TECHNICAL ISSUES DURING THE PUBLIC PERCEPTIONS SURVEY

During the public perceptions survey, it was quickly evident that the survey instrument was too long. This imposed additional time burdens on the supervisors and enumerators who, in some cases, required an hour to survey each participant. However, this did not affect the overall conduct of the study, as a sufficiently representative sample of households was obtained right across the Maldives. In future, the legal and jus-

tice sector may be able to reduce the length of the survey by removing questions which do not provide useful data, and may even substitute other questions which add to the baseline obtained over time.

It is recommended that the survey be repeated at least every three years, as important changes in access to justice may occur within this period. Repeating a baseline survey at regular intervals is an essential part of the monitoring and evaluation framework of both UNDP and the legal and justice sector in measuring whether the reforms which they introduce are having the desired impact. Repeating the survey would also allow the legal and justice sector agencies to demonstrate their ongoing interest in community perceptions of access to justice issues.

The research team found that there was a higher rate of refusals to participate in the survey in certain islands and atolls (e.g. Gaafaru Island). The refusal rate might be reduced in the future by undertaking an active information campaign prior to the study itself (and possibly through the media) to ensure that communities are aware of the study and that any confidentiality or other concerns which they might have can be addressed.

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## 8.4 FUTURE AREAS OF RESEARCH

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### STAKEHOLDERS OUTSIDE THE LEGAL AND JUSTICE SECTOR

Due to time constraints, it was not possible for the research team to meet with groups outside

the legal and justice sector which may have important observations on the delivery of justice services. These groups include representatives of the media, people involved in commercial business activities, and civil society. In future, these are groups which UNDP and the legal and justice sector should engage in order to obtain a fuller perspective on access to justice issues. These groups might be reached in future through innovative means, including by social media such as Facebook, Twitter, LinkedIn, Flickr and Survey Monkey. The use of social media was not regarded as appropriate in this initial baseline study because stakeholders considered that it was important to first ensure that a strong foundation of reliable data was obtained before moving on to more sophisticated means of engaging the public. If social media is used in the future, steps would need to be taken to verify any data obtained against existing or official sources to ensure that it is fair and accurate, which is not always the case when comments are made anonymously online.

There are also other stakeholders within the government, but strictly speaking outside the legal and justice sector, who should also be included in the study in the future, such as the Human Rights Commission of the Maldives (HRCM) and the Ministry of Gender, Family and Human Rights<sup>3</sup>.

As noted earlier in this report, the research team attempted to speak with juveniles in detention to obtain their perspective on access to justice issues, as they are a key vulnerable group in the Maldives. However, this was not possible as only a small and unrepresentative number of people under 18 years of age were being held in custody at the time the survey and focus groups took place, while a larger number of convicted juveniles were being detained under house arrest.

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Now the Ministry of Law and Gender

Late in the study, the research team was able to survey 18 people (2 of whom were juveniles) at a Drug Rehabilitation Centre on Himmafushi Island. However, that sample size is so small that it has not produced statistically significant results for this study on either juvenile or drug dependent groups. In the future, UNDP and the legal and justice sector may wish to consider conducting surveys and focus groups with a broader range of juveniles who are not in custody, though this would require that ethical considerations, such as seeking informed consent from a parent or guardian, are taken into account. The research team also conducted a small focus group with the parents and caregivers of people living with disabilities, though this did not yield a significant amount of information relevant to this study.

In the future, further consideration will need to be given to accessing a representative sample of other vulnerable groups, such as migrant workers, people suffering drug dependency, and people living with disabilities. Vulnerable and marginalised individuals and groups are, by their very nature, often invisible to the justice system or experience disadvantages that keep them hidden from society. It is very difficult to obtain a sufficient sample of such groups in a random survey. Purposive sampling will need to be developed that takes into account challenges such as language barriers, confidentiality concerns, fear of the consequences of participating in a study (e.g. revealing information on illegal activities such as undocumented labour and drug use), and disabilities that prevent respondents from understanding and/or responding to questionnaires. This baseline study attempted to, but did not, resolve these issues. Rather, this study represents the first step in longer-term endeavours to reach the most isolated groups in society. In the future, NGOs that provide support to vulnerable groups may be a valuable source of information on the barriers faced by vulnerable groups in accessing justice, and in providing as-

sistance in making contact with relevant individuals and groups.

# 9

## Annexes

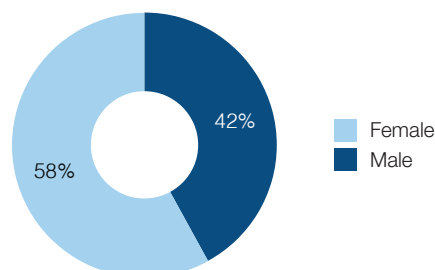
### 9.1 ANNEX 1: LIST OF PREVIOUS STUDIES

- Report on Juvenile Delinquency published by the Ministry of Home Affairs (2001)
- National Criminal Justice Action Plan 2004 – 2008 published by the Attorney General's Office.
- Report on the Criminal Justice System of Maldives: Proposals for Reform by Paul H. Robinson (2004).
- Implementation of the Maldives Police Service Strategic Plan 2007 – 2011: An Analysis, published by the Commonwealth Human Rights Initiative (2011)

different demographic groups. The following table gives a brief description of the distribution of the respondents into the different demographic groups.

#### GENDER

Gender distribution within the sample was adequate, with 58% of survey respondents being female and 42% male. Females were considered a vulnerable group and an adequate number of females participated in the survey to allow the research team to make statistically significant conclusions.

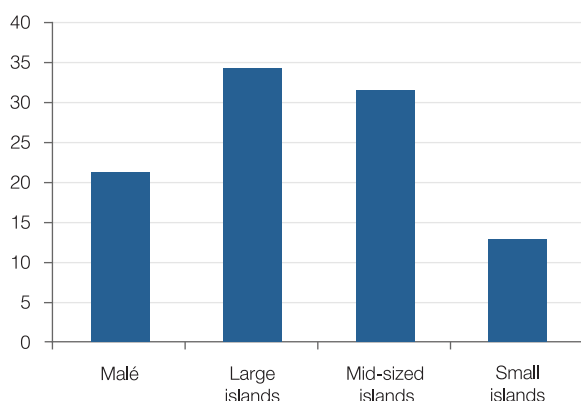


### 9.2 ANNEX 2: PROFILE OF RESPONDENTS

The public perceptions survey was conducted in Male' and 20 islands. There were several demographic factors that were recorded in the survey to analyse the difference in perceptions between

#### GEOGRAPHICAL DISTRIBUTION

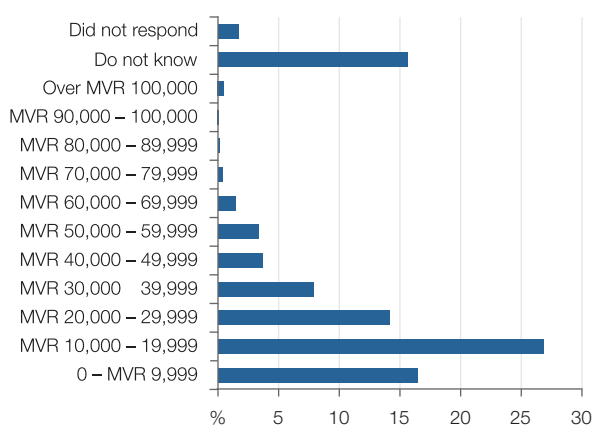
The geographical distribution was based on two groupings, i.e. Male' and the outer islands which was further divided into small islands, mid-sized islands and large islands. The distribution of data as per these groupings is shown in table below.



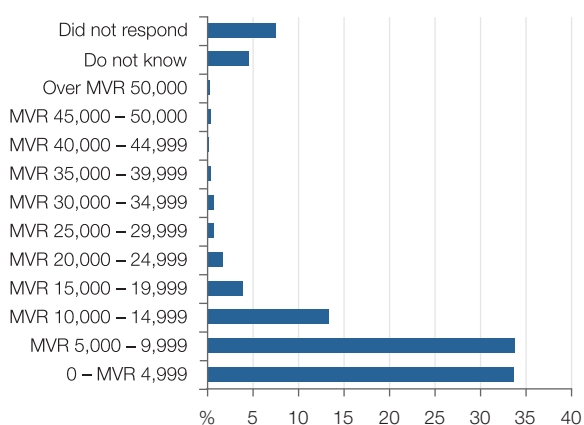
## INCOME DISTRIBUTION

Income distribution was recorded as both individual income as well as household income. Table below shows the monthly income distribution of the respondents.

### ▼ Individual Income

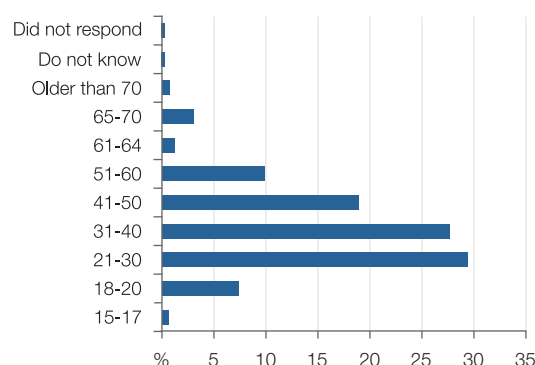


### ▼ Household Income



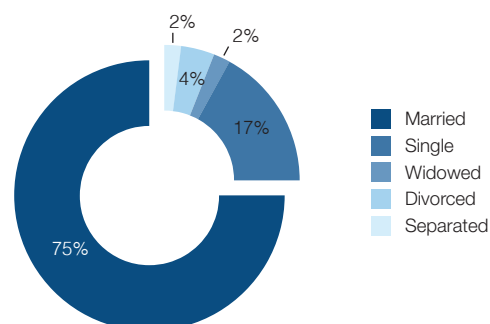
## AGE DISTRIBUTION

Nine different age groups were included in the data collection, as the survey required juveniles as well as elderly people (aged above 65). The distribution of the respondents is shown in table below.



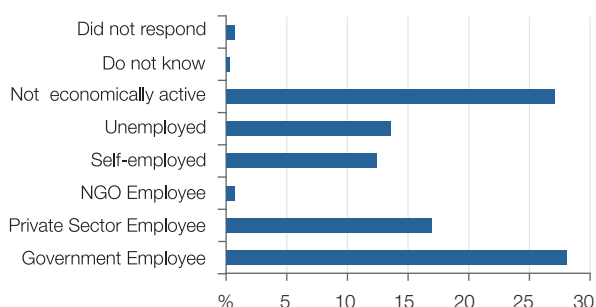
## MARITAL STATUS

Seventy-five per cent of the respondents surveyed are married, with 17 per cent stating that they were single. The remaining 8 per cent were separated, divorced, or widowed.



## EMPLOYMENT STATUS

Forty-one per cent of the respondents surveyed are either unemployed or not economically active while 57 per cent were employed.



## 9.3 ANNEX 3: SURVEY INSTRUMENT

### UNDP BASELINE STUDY ON THE MALDIVIAN LEGAL AND JUSTICE SECTOR

#### PUBLIC PERCEPTIONS SURVEY

##### *Enumerator to complete:*

Name of Enumerator: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_

Time (Start of Survey): \_\_\_\_\_

Date of Survey: \_\_\_\_\_

Atoll and Island (or Ward): \_\_\_\_\_

Household Number: \_\_\_\_\_

##### *Introduction by Enumerator*

*Good morning/afternoon. My name is [ ]. I am here today to conduct a public perceptions survey on access to justice on behalf of UNDP Maldives [show identity card or letter]. You have been randomly chosen to participate. The survey has been designed to gather information on what kind of challenges people face in accessing legal services.*

*The survey will take about 45 minutes to complete. You have the right to stop the interview at any time, or to skip any questions that you do not wish to answer. Some of the questions may be difficult to discuss, but your answers will help UNDP and the Maldives Legal and Justice Sector to know what you think about how to improve access to legal services. We would like to have your perceptions, and there are no right or wrong answers.*

*All of your responses will be kept confidential and we will not be using any information which would allow you to be identified. I will not keep a record of your name and address. At the end of the survey, I will place your response in an envelope so that it can be taken securely back to Male' for analysis.*

*Do you agree to participate in this survey?*

☐ Respondent agreed to participate in the survey

## PART I: DEMOGRAPHIC AND HOUSEHOLD INFORMATION

Is the respondent male or female? [Enumerator to select one based on his/her own observation].

- ☐ Male  
☐ Female

**Enumerator:** *I will start the survey by asking some general questions about you and your household.*

**Question 1: How old are you?** *[At the respondent's last birthday].*

- ☐ 15-17  
☐ 18-20  
☐ 21-30  
☐ 31-40  
☐ 41-50  
☐ 51-60  
☐ 61-64  
☐ 65-70  
☐ Older than 70  
☐ Do not know  
☐ Did not respond

**Question 2: What is your nationality?**

- ☐ Maldivian  
☐ Bangladeshi  
☐ Sri Lankan  
☐ Indian  
☐ Other South Asian (e.g. Nepalese, Pakistani etc)  
☐ South East Asian (e.g. Filipino, Thai, Malaysian, Singaporean, Chinese etc)  
☐ Other. Please specify: \_\_\_\_\_  
☐ Do not know  
☐ Did not respond

**Question 3: What is your marital status?**

- ☐ Single  
☐ Married  
☐ Separated  
☐ Divorced  
☐ Widowed  
☐ Other. Please specify: \_\_\_\_\_  
☐ Do not know  
☐ Did not respond

**Question 4: What is the highest level of education which you have completed?**

- ☐ No schooling  
☐ Primary school  
☐ Secondary school  
☐ High School  
☐ College / University. Please specify (e.g. College, Bachelors Degree, Masters Degree, Ph.D): \_\_\_\_\_  
☐ Other. Please specify: \_\_\_\_\_  
☐ Do not know  
☐ Did not respond

**Question 5: What is your current employment status?**

- ☐ Employed by government (e.g. civil service, public sector, independent institutions)  
☐ Employed in the private sector  
☐ Employed by a non-government organisation (e.g. UN, other international organisations, local NGOs)  
☐ Self-employed  
☐ Unemployed (looking for work but not successful). How long you have been unemployed? \_\_\_\_\_  
☐ Not economically active (e.g. student, housewife, carer, pensioner, retired)

- ☐ Do not know  
☐ Did not respond

*Enumerator: I am now going to ask you some questions about your personal monthly income as well as your household monthly income. When I say household, I am referring*

*to everyone who is living in your house.*

**Question 6: What is your monthly personal income?**

- ☐ 0 – MVR 4,999  
☐ MVR 5,000 – 9,999  
☐ MVR 10,000 – 14,999  
☐ MVR 15,000 – 19,999  
☐ MVR 20,000 – 24,999  
☐ MVR 25,000 – 29,999  
☐ MVR 30,000 – 34,999  
☐ MVR 35,000 – 39,999  
☐ MVR 40,000 – 44,999  
☐ MVR 45,000 – 50,000  
☐ Over MVR 50,000  
☐ Do not know  
☐ Did not respond

**Question 7: What is your monthly household income?**

- ☐ 0 – MVR 9,999  
☐ MVR 10,000 – 19,999  
☐ MVR 20,000 – 29,999  
☐ MVR 30,000 – 39,999  
☐ MVR 40,000 – 49,999  
☐ MVR 50,000 – 59,999  
☐ MVR 60,000 – 69,999  
☐ MVR 70,000 – 79,999  
☐ MVR 80,000 – 89,999  
☐ MVR 90,000 – 100,000  
☐ Over MVR 100,000  
☐ Do not know  
☐ Did not respond

**Question 8: How many people live in your household (including you)?**

## PART II: VULNERABLE GROUPS

*Enumerator: I am now going to ask you whether you are a member of any groups of people who may have greater difficulty in seeking help with their legal issues. As I said earlier, this survey is strictly confidential and no one will know your answers to this question. Please be as open as possible in disclosing this information.*

**Question 9: Are you a member of any of the following groups? [Enumerator to select one or more of the responses given by the respondent. Enumerators can also use their own observation].**

- ☐ Women  
☐ Juvenile (under 18)  
☐ Elderly person (above 65)  
☐ Household Income below MVR 5,000 per month  
☐ Person living with a mental or physical disability or special need. Please specify (e.g. blind in one or both eyes, cannot move or walk, mental disability, speech impediment etc) \_\_\_\_\_  
☐ Person living with a chronic disease which impedes travel and movement.  
☐ Currently on remand or a convicted prisoner. Please specify:  
     Remand/Convicted: \_\_\_\_\_  
     Location: \_\_\_\_\_  
☐ Drug dependent.

- ☐ Migrant worker. Do you have a work permit or visa?  
 Yes ☐ No ☐
- ☐ Unable to speak, read or write Dhivehi
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Not a member of any of these groups [Go to Question 13]
- ☐ Do not know [Go to Question 13]
- ☐ Did not respond [Go to Question 13]

**Enumerator:** *The next question is about the challenges which you may face when seeking help with your legal issues as a result of being part of the group or groups we just talked about.*

*When I refer to legal issues, this could include crimes in your area, disputes with an employer, or legal issues within your family such as divorce, domestic violence, or child custody. In the next question, I also refer to the justice agencies which includes the agencies which are supposed to assist you in resolving your legal issues (police, prosecutors, courts and prisons).*

**Question 10: Given that you are a member of one of the above groups, is it difficult for you to seek help with your legal issues?**

- ☐ Yes. If yes, being a member of which of these groups makes it difficult to seek help?  
 \_\_\_\_\_
- ☐ No [Go to Question 13]
- ☐ No, I do not have any legal issues. [Go to Question 13]
- ☐ Do not know [Go to Question 13]
- ☐ Did not respond [Go to Question 13]

**Question 11: What challenges do you face when seeking help with your legal issues?**  
*[Enumerator to select one or more of the*

*responses given by the respondent]*

- ☐ Difficulty in understanding the law or legal procedures
- ☐ Difficulty in understanding and filling in applicable forms
- ☐ Limits on physical access to the justice agencies that may be able to help me (e.g. ramps)
- ☐ Services for people with my specific needs are not available (e.g. hearing-impaired assistance, interpreters)
- ☐ Discrimination when dealing with justice agencies
- ☐ Additional costs for someone with my special needs to seek help from the justice agencies
- ☐ Fear of the authorities finding out about my situation (e.g. no work visa, drug dependent etc)
- ☐ Fear of the consequences (e.g. domestic violence, social pressure, religious views, economic consequences)
- ☐ Lack of awareness of people in the justice agencies about my situation and how to best help me
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Do not know [Go to Question 13]
- ☐ Did not respond [Go to Question 13]

**Question 12: What changes could be made to make it easier for you to seek help with your legal issues?** *[Open-ended. Enumerator to write down the response].*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PART III: PERCEPTIONS AND SATISFACTION WITH THE DELIVERY OF JUSTICE SERVICES

**Enumerator:** *I am now going to ask you some questions about settlement of disputes, issues in your community, your impressions of the justice services available to address those issues, and how effectively those services are being delivered.*

### SETTLEMENT OF DISPUTES

**Question 13: Would you prefer to settle your disputes without going to the courts?**

- ☐ Yes. If so, why? \_\_\_\_\_
- ☐ No *[Go to Question 15]*
- ☐ Do not know *[Go to Question 15]*
- ☐ Did not respond *[Go to Question 15]*

**Question 14: If so, how would you prefer to settle your disputes?**

- ☐ Informal discussion between the parties
- ☐ Informal discussion with the help of a third party
- ☐ Formal settlement reached outside court which is later endorsed by a judge
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

### LEGAL ISSUES IN THE COMMUNITY

**Question 15: What are the three most important issues in your community?**

*[Enumerator to select three responses only]*

- ☐ Crime. Please specify (e.g. murder, assault, theft, damage to property): \_\_\_\_\_
- ☐ Child abuse
- ☐ Domestic violence or other forms of gender based violence
- ☐ Drug use
- ☐ Corruption in state agencies
- ☐ Land or environment disputes. Please specify (e.g. acquisition of land by companies, environmental damage caused by others): \_\_\_\_\_
- ☐ Neighbour disputes. Please specify (e.g. disputes over land boundaries, excessive noise, rubbish disposal): \_\_\_\_\_
- ☐ Family disputes. Please specify (e.g. divorce, child custody, maintenance): \_\_\_\_\_
- ☐ Employment disputes (e.g. employment contracts, working conditions)
- ☐ Political protection / impunity
- ☐ Civil disputes. Please specify (e.g. contract, lease, personal injury, damage to property or livestock): \_\_\_\_\_
- ☐ Commercial disputes. Please specify: \_\_\_\_\_
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ There are no serious issues in my community
- ☐ Do not know
- ☐ Did not respond

## **SATISFACTION WITH JUSTICE AGENCIES**

**Question 16: Have you or your household had contact with the Maldives Police Service in their official capacity over the last five years?**

- ☐ Yes. Please specify what contact: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 19]*
- ☐ Do not know *[Go to Question 19]*
- ☐ Did not respond *[Go to Question 19]*

**Question 17: How would you rate your satisfaction with the Maldives Police Service in addressing legal issues in your community? Are you:**

- ☐ Satisfied. If so, why? \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 19]*
- ☐ Moderately satisfied. If so, why? \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 19]*
- ☐ Neither satisfied nor dissatisfied *[Go to Question 19]*
- ☐ Moderately dissatisfied
- ☐ Dissatisfied
- ☐ Do not know *[Go to Question 19]*
- ☐ Did not respond *[Go to Question 19]*

**Question 18: Have you faced any of the following challenges when seeking help from the Maldives Police Service in your community? *[Enumerator to select one or more of the responses given by the respondent]***

- ☐ Lack of information on how to access police services
- ☐ Difficulty in contacting the police when

help is needed

- ☐ No police officers based in my community
- ☐ Cost of travel to report matters to police
- ☐ Lack of victim / witness support facilities
- ☐ Delays by police officers (in responding to or investigating complaints)
- ☐ Inaction from police
- ☐ Lack of fairness/bias
- ☐ Corruption
- ☐ Abuse of detainees by police
- ☐ Crimes being committed by police
- ☐ Poor training of police officers
- ☐ Failure to provide information about cases by the police
- ☐ Lack of access to detainees
- ☐ Release of detainees back into the community
- ☐ Political or other interference
- ☐ Other. Please specify: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 19: Have you or your household had contact with anyone from the Prosecutor General's Office in their official capacity over the last five years?**

- ☐ Yes. Please specify what contact: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 22]*
- ☐ Do not know *[Go to Question 22]*
- ☐ Did not respond *[Go to Question 22]*

**Question 20: How would you rate your satisfaction with the Prosecutor General's Office in addressing legal issues in your community? Are you:**

- ☐ Satisfied. If so, why? \_\_\_\_\_

- \_\_\_\_\_ *[Go to Question 22]*
- ☐ Moderately satisfied. If so, why? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 22]*
- ☐ Neither satisfied nor dissatisfied *[Go to Question 22]*
- ☐ Moderately dissatisfied
- ☐ Dissatisfied
- ☐ Do not know *[Go to Question 22]*
- ☐ Did not respond *[Go to Question 22]*

**Question 21: Have you faced any of the following challenges when seeking help from the Prosecutor General's Office in your community?** *[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Lack of information on the role of the prosecution service
- ☐ No prosecutors based in my community
- ☐ Lack of victim / witness support facilities
- ☐ Delays by prosecutors in filing of cases
- ☐ Lack of fairness/bias
- ☐ Corruption
- ☐ Failure to provide information about the progress of cases
- ☐ Failure to explain the reasons why a prosecution was not successful
- ☐ Limited contact with prosecutors
- ☐ Lack of competency or poor legal skills
- ☐ Political or other interference
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 22: Have you or your household had contact with a lawyer in his/her official capacity over the last five years?**

- ☐ Yes. Please specify what contact: \_\_\_\_\_

- \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 25]*
- ☐ Do not know *[Go to Question 25]*
- ☐ Did not respond *[Go to Question 25]*

**Question 23: How would you rate your satisfaction with lawyers in addressing legal issues in your community? Are you:**

- ☐ Satisfied. If so, why? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 25]*
- ☐ Moderately satisfied. If so, why? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 25]*
- ☐ Neither satisfied nor dissatisfied *[Go to Question 25]*
- ☐ Moderately dissatisfied
- ☐ Dissatisfied
- ☐ Do not know *[Go to Question 25]*
- ☐ Did not respond *[Go to Question 25]*

**Question 24: Have you faced any of the following challenges when seeking help from lawyers in your community?** *[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Lack of information on the role of lawyers
- ☐ Difficulty in knowing how to contact a lawyer when one is needed
- ☐ No lawyers available in my community
- ☐ Cost of travel to meet with lawyers
- ☐ Delays by lawyers in preparing cases to court
- ☐ Lack of fairness/bias
- ☐ Corruption
- ☐ Failure to provide information about the progress of cases
- ☐ Failure to explain the reasons why a case was not successful
- ☐ Limited contact with lawyer

- ☐ Lack of competency or poor legal skills
- ☐ Cost of hiring a lawyer is too high
- ☐ Misconduct by lawyers
- ☐ No process for making a complaint against a lawyer
- ☐ Political or other interference
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 25: Have you or your household had contact with the Courts in their official capacity over the last five years?**

- ☐ Yes. Please specify what contact: \_\_\_\_\_
- \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 28]*
- ☐ Do not know *[Go to Question 28]*
- ☐ Did not respond *[Go to Question 28]*

**Question 26: How would you rate your satisfaction with the Courts in addressing legal issues in your community? Are you:**

- ☐ Satisfied. If so, why? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 28]*
- ☐ Moderately satisfied. If so, why? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 28]*
- ☐ Neither satisfied nor dissatisfied *[Go to Question 28]*
- ☐ Moderately dissatisfied
- ☐ Dissatisfied
- ☐ Do not know *[Go to Question 28]*
- ☐ Did not respond *[Go to Question 28]*

**Question 27: Have you faced any of the following challenges when seeking help from the Courts in your community?**

*[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Lack of information on the role of the courts or court proceedings
- ☐ No judges or magistrates available in my community
- ☐ Lack of victim / witness support facilities
- ☐ Delays by judges and magistrates in finalising cases
- ☐ Inconsistency of judgments
- ☐ Lack of fairness/bias in decisions
- ☐ Corruption
- ☐ Lack of physical facilities (e.g. space, waiting area, court rooms, etc)
- ☐ Court buildings are not in good condition
- ☐ Lack of competency or poor legal skills of judges and magistrates
- ☐ Lack of information about progress of court cases
- ☐ Political or other interference
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 28: Have you or your household had contact with the Maldives Correctional Service in its official capacity over the last five years?**

- ☐ Yes. Please specify what contact: \_\_\_\_\_
- \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 31]*
- ☐ Do not know *[Go to Question 31]*
- ☐ Did not respond *[Go to Question 31]*

**Question 29: How would you rate your satisfaction with the Maldives Correctional Service in addressing legal issues in your community? Are you:**

- ☐ Satisfied. If so, why? \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 31]*
- ☐ Moderately satisfied. If so, why? \_\_\_\_\_  
 \_\_\_\_\_ *[Go to Question 31]*
- ☐ Neither satisfied nor dissatisfied *[Go to Question 31]*
- ☐ Moderately dissatisfied
- ☐ Dissatisfied
- ☐ Do not know *[Go to Question 31]*
- ☐ Did not respond *[Go to Question 31]*

**Question 30: Have you faced any of the following challenges when seeking help from the Maldives Correctional Service in your community? *[Enumerator to select one or more of the responses given by the respondent]***

- ☐ Lack of information on the role of the prison service
- ☐ Not enough prison facilities
- ☐ Cost of travel to prisons (e.g. to visit or make a complaint)
- ☐ Not enough prison officers
- ☐ Difficulty of transporting prisoners to court hearings
- ☐ Inadequate records kept of people being held in prison
- ☐ Lack of access to people being held in prison
- ☐ Lack of fairness/bias in decisions
- ☐ Corruption
- ☐ Abuse of prisoners by prison officers
- ☐ Poor training of prison officers
- ☐ Inability of prison officers to manage serious situations inside the prison facility
- ☐ Prison facilities are not secure

- ☐ Prison facilities are not in good condition or lack space
- ☐ Inadequate medical facilities
- ☐ Inadequate rehabilitation facilities for people suffering from drug dependency
- ☐ Lack of rehabilitation facilities for others (e.g. sexual offenders)
- ☐ Political or other interference
- ☐ Other. Please specify: \_\_\_\_\_  
 \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 31: Overall, what do you consider are the three most serious challenges for you in seeking help from the justice agencies? *[Enumerator to select up to three responses given by the respondent]***

- ☐ Lack of translation services to translate laws or information about laws into other languages
- ☐ Lack of information about available services
- ☐ Lack of clear procedures, policies and laws
- ☐ Costs. Please specify (e.g. cost of hiring a lawyer, court fees, cost of giving up work to access services) \_\_\_\_\_  
 \_\_\_\_\_
- ☐ Distance from available services
- ☐ Inability to obtain legal aid
- ☐ Poor quality of services
- ☐ Inadequate numbers of female personnel to assist in particular cases (e.g. sexual offences)
- ☐ Lack of coordination between justice agencies
- ☐ Family pressure to resolve disputes without going to the legal system
- ☐ Conflicts of interest in small communities (e.g. judge or lawyer is a relative of a party to a case)
- ☐ Mistrust of justice agency personnel

- ☐ Corruption
- ☐ Lack of competency or poor legal skills of justice agency personnel
- ☐ Difficulty in enforcing decisions of the court
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 32: Can you briefly give an example of when any of the justice agencies were helpful to you or your household in resolving a legal issue?** *[Open-ended. Enumerator to write down the response.]*

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### OTHER PERCEPTIONS

**Question 33: In your opinion, what is the most important function of the justice agencies?** *[Enumerator to select only one response]*

- ☐ Ensuring that everyone is treated the same way under the law
- ☐ Assisting people to claim their rights against others or the government
- ☐ Providing people with the means to settle their disputes quickly and peacefully
- ☐ Acting as an independent body which protects the human rights of people
- ☐ Reducing the possibility for corruption in the community
- ☐ Maintaining public safety and security
- ☐ Punishing criminals
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_

- 
- ☐ Do not know
  - ☐ Did not respond

## PART IV: CONSULTATIONS, LEGAL AWARENESS AND ACCESS TO INFORMATION

**Enumerator:** *I am now going to ask you some questions about whether you are consulted in law making, your awareness of legal rights and available legal services, and whether you are able to access information about the law and your rights.*

### CONSULTATION ON LAW MAKING

**Question 34: Have you ever been consulted in law making?**

- ☐ Yes. Please specify how: \_\_\_\_\_
- \_\_\_\_\_

- ☐ No
- ☐ Do not know
- ☐ Did not respond

**Question 35: Who would you like to consult you on law making?** *[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Local Council
- ☐ My community (e.g. Raiyyithun)
- ☐ NGOs
- ☐ Relevant government agency
- ☐ My local MP
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 36: How do you want to be consulted in law making?** *[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Seminars
- ☐ Websites
- ☐ Community dialogue
- ☐ Social media (e.g. Twitter, Facebook)
- ☐ Questionnaire or survey
- ☐ Other. Please specify: \_\_\_\_\_

- ☐ Do not know
- ☐ Did not respond

## **AWARENESS OF RIGHTS**

**Question 37: Do you know that the Maldives has had a new Constitution since 2008?**

- ☐ Yes
- ☐ No *[Go to Question 42]*
- ☐ Did not respond

**Question 38: Can you name any of the significant changes made in the 2008 Constitution?** *[Enumerator to select all the correct responses named by the respondent or which the respondent comes close to naming. Do not read the options to respondents.]*

- ☐ Human rights guaranteed in the Constitution
- ☐ Independence of the Judiciary established by the Constitution
- ☐ Multi-party system introduced in the Constitution
- ☐ Other. Please specify: \_\_\_\_\_

- ☐ Do not know
- ☐ Did not respond

**Enumerator to complete:** *How many significant changes was the respondent able to correctly name?*

- ☐ Able to name 3 changes
- ☐ Able to name 2 changes
- ☐ Able to name 1 change
- ☐ Able to name another change (under Other)
- ☐ Not able to name any changes

**Enumerator:** *I am now going to ask you questions about some of the more important rights which are guaranteed in the 2008 Constitution and when you can use those rights.*

**Question 39: In what circumstances do you have the right to legal representation?** *[Enumerator to select up to three responses given by the respondent]*

- ☐ Whenever legal assistance is required
- ☐ Only if I have been charged with a minor criminal offence
- ☐ Only if I have been charged with a serious criminal offence
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 40: In what circumstances do you have the right to remain silent?** *[Enumerator to select up to three responses given by the respondent]*

- ☐ In any situation
- ☐ If I am arrested by police
- ☐ If I am detained by police
- ☐ If I am a witness to a crime and do not want to tell anyone about it

- ☐ At school, if my teacher asks me why I have not completed my homework
- ☐ At work, if I am asked by my boss if I have done something wrong
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 41: In what circumstances do you have the right to be presumed innocent?**  
*[Enumerator to select up to three responses given by the respondent]*

- ☐ In any situation
- ☐ If I am accused of a crime and am innocent of that crime
- ☐ If I am accused of a crime and am guilty of having committed that crime
- ☐ If my husband / wife asks me why I came home late
- ☐ When I am charged with any offence
- ☐ At all times until I am proven guilty in a court beyond a reasonable doubt
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

## **AWARENESS OF AGENCY FUNCTIONS**

**Question 42: Do you know what is the primary function of the following justice agencies?** *[Enumerator to select the agencies named by the respondent only if the response matches or comes close to one or both of the example in brackets]*

- ☐ Attorney-General's Office *[(a) Giving legal advice to the government, (b) represent-*

*ing the government in the courts for civil litigation]*

- ☐ Maldives Police Service *[(a) Preventing crime, (b) investigating crime]*
- ☐ Prosecutor-General's Office *[(a) Prosecuting crime]*
- ☐ Department of Judicial Administration *[(a) Ensuring that the courts have human resources, budget, and other resources to do their work]*
- ☐ Courts *[(a) Deciding civil and criminal cases, (b) hearing appeals from lower courts]*
- ☐ Maldives Correctional Service *[(a) Keeping prisoners in safe custody inside prisons]*
- ☐ Judicial Service Commission *[(a) Appointing and removing judges, (b) hearing complaints against judges, (c) disciplining judges for misconduct]*
- ☐ Do not know
- ☐ Did not respond

**Question 43: Which justice agency do you think handles the following matters?**  
*[Open-ended. Enumerator to write down the response.]*

**When a complaint is made about a theft:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If you are wrongfully dismissed from your job:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you are a victim of, or a witness to, domestic violence:

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### **AWARENESS OF LEGAL AID**

**Question 44: Do you know what is meant by legal aid?**

- ☐ Yes. Please specify: \_\_\_\_\_  
\_\_\_\_\_
- ☐ No
- ☐ Did not respond

**Question 45: Do you know who to approach if you think that you need legal aid?**

- ☐ Yes. Please specify: \_\_\_\_\_  
\_\_\_\_\_
- ☐ No
- ☐ Do not know
- ☐ Did not respond

### **ACCESS TO INFORMATION**

**Question 46: Do you feel that you can get enough information about the law and legal services in your community?**

- ☐ Yes
- ☐ No
- ☐ Do not know
- ☐ Did not respond

**Question 47: How would you prefer to receive information about the law and legal services? *[Enumerator to select one or more responses chosen by the respondent]***

- ☐ Radio
- ☐ Television
- ☐ Newspapers / magazines
- ☐ Leaflets or brochures
- ☐ Meetings with representatives of justice agencies
- ☐ Through my lawyer
- ☐ NGOs or community legal groups
- ☐ Local Council
- ☐ My local MP
- ☐ Community meetings
- ☐ Internet
- ☐ Social media (e.g. Twitter, Facebook)
- ☐ Mobile phone
- ☐ Other. Please specify: \_\_\_\_\_  
\_\_\_\_\_
- ☐ None of the above, as I do not wish to receive information *[Go to Question 50]*
- ☐ Do not know
- ☐ Did not respond

**Question 48: In what language do you prefer to receive information about the law and legal services?**

- ☐ Dhivehi
- ☐ English
- ☐ Other. Please specify: \_\_\_\_\_  
\_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 49: What kind of information would be useful to you about the law and legal services? *[Enumerator to select one or more responses chosen by the respondent]*.**

- ☐ Legislation being considered by the People's Majlis
- ☐ Police services
- ☐ Prosecution services

- ☐ Court services
- ☐ Lawyers and the legal profession
- ☐ Prisons
- ☐ Legal system in general
- ☐ Human rights
- ☐ Legal rights in criminal cases
- ☐ Legal rights in domestic violence cases
- ☐ Legal rights in land claims
- ☐ Legal rights in family disputes
- ☐ Legal rights in employment disputes
- ☐ Legal rights in civil cases
- ☐ Legal rights in commercial cases
- ☐ Information about legal aid
- ☐ Other. Please specify: \_\_\_\_\_

- ☐ Do not know
- ☐ Did not respond

## PART V: EXPERIENCE WITH AND CONFIDENCE IN THE JUSTICE AGENCIES

**Enumerator:** I am now going to ask you some questions about whether you have had any experience with the justice agencies and how you feel about that experience.

### CRIMINAL RECORD

**Question 50:** Have you or anyone in your household ever had a criminal record?

- ☐ Yes
- ☐ No *[Go to Question 52]*
- ☐ Do not know *[Go to Question 52]*
- ☐ Did not respond *[Go to Question 52]*

**Question 51:** Has this criminal record affected you or your household negatively in any of the following ways? *[Enumerator to select one or more of the responses given*

*by the respondent]*

- ☐ Finding employment
- ☐ Seeking education (e.g. scholarship opportunities)
- ☐ Seeking justice in later cases
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Not affected by my criminal record
- ☐ Do not know
- ☐ Did not respond

### EXPERIENCE WITH THE JUSTICE AGENCIES

**Question 52:** In the last five years, have you or your household experienced any of the following legal issues? *[Enumerator to select one or more of the responses given by the respondent]*

- ☐ Crime (e.g. as a victim or alleged perpetrator)
- ☐ Child abuse
- ☐ Domestic violence (e.g. as a victim or alleged perpetrator)
- ☐ Land or environment dispute (e.g. acquisition of land by companies, environmental damage caused by others): \_\_\_\_\_
- ☐ Neighbour dispute. Please specify (e.g. disputes over land boundaries, excessive noise, rubbish disposal): \_\_\_\_\_
- ☐ Family dispute (e.g. divorce, child custody, maintenance)
- ☐ Employment dispute (e.g. employment contracts, working conditions)
- ☐ Civil dispute (e.g. contract, lease, personal injury, damage to property or livestock)
- ☐ Commercial dispute

☐ Other. Please specify: \_\_\_\_\_

- ☐ No, I have had no legal issues in the last five years *[Go to Question 59]*
- ☐ Do not know *[Go to Question 59]*
- ☐ Did not respond *[Go to Question 59]*

*If respondent gives more than one response, the enumerator will ask which issue had the most impact on the respondent's life. The enumerator will then ask the following questions in relation to that issue.*

**Question 53: What action did you or your household take to address the issue?**

- ☐ Nothing *[Go to Question 59]*
- ☐ Direct negotiation with the other party *[Go to Question 59]*
- ☐ Sought help from a third party (e.g. friend, neighbour, elder, religious scholar) *[Go to Question 59]*
- ☐ Sought help from the justice agencies
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_ *[Go to Question 59]*
- ☐ Did not respond *[Go to Question 59]*

**Question 54: Which agency did you or your household approach for help?**

- ☐ Attorney-General's Office
- ☐ Maldives Police Service
- ☐ Prosecutor-General's Office
- ☐ Department of Judicial Administration
- ☐ Courts
- ☐ Maldives Correctional Service
- ☐ Judicial Service Commission
- ☐ Lawyers
- ☐ Do not know
- ☐ Did not respond

**Question 55: Was the case concluded?**

- ☐ Yes
- ☐ No *[Go to Question 57]*
- ☐ No, case is still pending *[Go to Question 57]*
- ☐ Do not know *[Go to Question 57]*
- ☐ Did not respond *[Go to Question 57]*

**Question 56: How was the case concluded?**

- ☐ Informal discussion between the parties
- ☐ Issue was mediated by the agency between both parties
- ☐ Out of court settlement
- ☐ Case was taken to court
- ☐ The dispute was withdrawn and not pursued
- ☐ Other. Please specify: \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 57: Were you or your household satisfied with the process?**

- ☐ Yes. If so, why? \_\_\_\_\_
- \_\_\_\_\_
- ☐ No. If no, why not? \_\_\_\_\_
- \_\_\_\_\_
- ☐ Do not know
- ☐ Did not respond

**Question 58: Was it difficult to take your case to a justice agency because you are a member of any of the groups listed earlier in this survey?** *[Enumerator to only ask this question of anyone who is a member of one or more of the vulnerable groups listed*

*in Question 9. If the respondent is not a member of one or more of these groups, go to Question 59].*

- ☐ Yes. If so, why? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No  
☐ Do not know  
☐ Did not respond

### **EXPERIENCE WITH LEGAL AID**

**Question 59: Have you ever been in a situation where you needed state-funded legal aid to help you with a legal issue?**

- ☐ Yes. Please specify: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No *[Go to Question 64]*  
☐ Do not know *[Go to Question 64]*  
☐ Did not respond *[Go to Question 64]*

**Question 60: Did you know that you could apply for legal aid?**

- ☐ Yes. Please specify how you knew: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No *[Go to Question 64]*  
☐ Did not respond *[Go to Question 64]*

**Question 61: Was it difficult to apply for legal aid?**

- ☐ Yes  
☐ No *[Go to Question 63]*  
☐ Did not apply for legal aid *[Go to Question 63]*  
☐ Do not know *[Go to Question 63]*  
☐ Did not respond *[Go to Question 63]*

**Question 62: Why was it difficult to apply**

**for legal aid?**

- ☐ Difficulty in obtaining supporting documents (e.g. financial statements, forms)  
☐ Difficulty in filling in the application forms  
☐ Not aware of the process of applying for legal aid  
☐ Other. Please specify: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ Do not know  
☐ Did not respond

**Question 63: Were you satisfied with the legal aid provided?**

- ☐ Yes  
☐ No. Please specify (e.g. poor legal services provided by the legal aid lawyer): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ No, legal aid was not provided. Please specify why not (e.g. not eligible, no lawyers available to assist, no response to my application by the time my legal matter commenced): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
- ☐ Do not know  
☐ Did not respond

### **EXPERIENCE IN HYPOTHETICAL LEGAL CASES**

**Enumerator:** *I am now going to give you some examples of different legal issues and will ask you what you would do if you ever faced those situations.*

**Question 64: What would you do as a first step if someone owes you a large sum of money and fails to pay for a considerable amount of time?**

- ☐ Nothing
- ☐ Directly negotiate with the other party
- ☐ Seek help from a third party (e.g. friend, neighbour, elder, religious scholar)
- ☐ Seek help from my lawyer
- ☐ Seek help from the justice agencies *[Go to Question 66]*
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Do not know *[This is the end of the survey]*
- ☐ Did not respond *[This is the end of the survey]*

**Question 65: What would you do if that step failed?**

- ☐ Nothing *[Go to Question 67]*
- ☐ Directly negotiate with the other party *[Go to Question 67]*
- ☐ Seek help from a third party (e.g. friend, neighbour, elder, religious scholar) *[Go to Question 67]*
- ☐ Seek help from my lawyer *[Go to Question 67]*
- ☐ Seek help from the justice agencies
- ☐ Other. Please specify: \_\_\_\_\_
- ☐ Do not know *[This is the end of the survey]*
- ☐ Did not respond *[This is the end of the survey]*

**Question 66: Which justice agency would you approach for help?**

- ☐ Attorney-General's Office
- ☐ Maldives Police Service
- ☐ Prosecutor-General's Office
- ☐ Department of Judicial Administration
- ☐ Courts
- ☐ Maldives Correctional Service
- ☐ Judicial Service Commission

- ☐ Other. Please specify: \_\_\_\_\_
  - ☐ Do not know
  - ☐ Did not respond
- [This is the end of the survey]*

**Question 67: Why would you not approach the justice agencies for help in this case?**

- ☐ Do not know which agency to approach
  - ☐ Too expensive to seek help
  - ☐ Family pressure
  - ☐ Easier to seek another way of resolving the case
  - ☐ Takes too long to resolve the case
  - ☐ Lack of confidence that anything would be done to resolve the case
  - ☐ Lack of confidence that the case would be resolved fairly
  - ☐ Other. Please specify: \_\_\_\_\_
  - ☐ Do not know
  - ☐ Did not respond
- [This is the end of the survey]*

## CONCLUSION:

**Enumerator:** *That is the end of the questionnaire. Thank you very much for your participation. The answers you have given will not be used in any way that will identify you. I will now place the questionnaire within an envelope.*

Signature of Enumerator:

\_\_\_\_\_

Time (End of Survey):

\_\_\_\_\_

## POST-SURVEY COMMENTS:

*To be filled by the enumerator after the survey, but not in the presence of the respondent.*

Are there any points or comments which the enumerator would like to bring to the attention of his/her supervisor or which need to be reported?

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*Empowered lives.  
Resilient nations.*

