



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES  
PARTIES UNDER ARTICLE 12, PARAGRAPH 1, OF THE  
OPTIONAL PROTOCOL TO THE CONVENTION ON THE  
RIGHTS OF THE CHILD ON THE SALE OF CHILDREN,  
CHILD PROSTITUTION AND CHILD PORNOGRAPHY**

**Initial reports of States parties due in 2007**

**MALDIVES**

[13 September 2007]

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## Introduction

1. Improving the quality of life of the people of the Maldives has always been the central tenet of Government policy. Strident social and economic progress over the past two decades has moved human rights and democracy to the domestic centre stage. The Roadmap for the Reform Agenda published by the Government on 27 March 2006 expresses a strong commitment to meeting international standards in human rights protection. This is reflected in the sweeping reform measures that would overhaul both the legal and judicial sectors of the Maldives.
2. Most recently, the Government of the Maldives ratified the International Covenant on Civil and Political Rights, and the first Optional Protocol thereto, and the International Covenant on Economic Social and Cultural Rights. The two Covenants came into force on 19 December 2006.
3. In particular, the Maldives is committed to the full realization of international children's rights. Furthermore the Government is committed to the enhancement of the situation of children in the Maldives especially to child survival and basic education.
4. At the World Summit for Children in New York in 1990, President Maumoon Abdul Gayoom stressed the importance of the need to mobilize powerful resources for child development and to establish institutional frameworks, at both the national and regional levels.
5. In this regard, the Maldives ratified the Convention on the Rights of the Child in 1991 and the Optional Protocol on the sale of children, child prostitution and child pornography on 10 May 2002. Moreover, the Maldives ratified the South Asian Association for Regional Cooperation's (SAARC) Convention on Preventing and Combating Trafficking in Women and Children for Prostitution and the Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia in 2003.
6. In its efforts to meet international human rights law and norms, the Government is committed to the domestic enforcement of its international treaty obligations, particularly human rights obligations. Thereby, the Government is currently drafting laws to this effect including, inter alia, a penal code bill, an evidence bill, and a criminal procedures bill.
7. Pursuant to article 12, paragraph 1, of the Optional Protocol the State party has the obligation to submit, within two years following its entry into force, a report to the Committee on the Rights of the Child, providing comprehensive information on measures taken to implement the provisions of the Protocol.
8. The deadline for reporting was 10 June 2004. However, due to limited human and technical resources at the Ministry of Gender and Family (MGF), the Maldives was unable to prepare and submit a report within this time frame. The present report provides details of actions taken by the State to implement the Optional Protocol since 10 June 2002.
9. The present report was prepared after comprehensive consultations with stakeholders, especially the concerned government authorities, the Maldives Police Service, the Attorney General's Office, the Ministry of Higher Education, Employment and Social Security, the Ministry of Foreign Affairs, the Ministry of Home Affairs and the two national

non-governmental organizations (NGOs) working in the field of human rights and child rights, CARE Society and Society for Health Education. Personal interviews were conducted with individuals in charge of divisions in different Government Ministries and departments with responsibility in the area of child protection. This report is a compilation of their contributions, and was circulated to them for comments to ensure accuracy. Additionally, the report was sent for comments to NGOs actively involved in promoting the rights of children in the Maldives. The existing legal framework governing child rights was reviewed by an independent legal practitioner appointed for the purpose and the findings are incorporated in the present report.

10. The MGF has an overall role in implementing and coordinating measures for the protection of child rights in the Maldives. The Optional Protocol came into force in the Maldives on 10 June 2002. However, despite the fact that it has been in force for over four years, due to a lack of resources both financial and human, a situation analysis has not been made to determine the situation of the Maldivian children in relation to the areas covered by the Optional Protocol.

11. The State has taken extensive action to implement the Convention on the Rights of the Child. In this regard, the MGF has the mandate to implement programmes for the protection of children in the Maldives. A concerted approach is taken for child protection and the MGF has formed alliances with different government departments to facilitate the promotion of child rights. The MGF is working in close collaboration with the Ministry of Justice, the Maldives Police Services and Indhira Gandhi Memorial Hospital.

12. The National Council for the Protection of the Rights of the Child, which was established in 1991 to oversee the implementation of the Convention, monitors the actions of the Government, agencies, parents and the general public to ensure protection of the rights of the child.

## **MEASURES ADOPTED TO IMPLEMENT THE PROVISIONS OF THE OPTIONAL PROTOCOL**

### **A. Legal framework (arts. 1, 2 and 3)**

#### **1. Child prostitution**

13. Under the general laws of the country, prostitution is illegal and as such, any person selling sexual favours or assisting someone in this regard commits a crime. No study has as yet been conducted to determine whether child prostitution is an issue facing the country. Reports on the Maldives have concluded that though tourism is the major industry, sex tourism is not present.<sup>1</sup> However, the Government recognizes that this may be an emerging issue that needs to be researched further in the Maldives.

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<sup>1</sup> Making Children's Rights Work, Country profile on Maldives by the International Bureau for Children's Rights.

14. Though there is no quantitative data to support a claim that prostitution is a problem facing the Maldives, evidence suggests that child prostitution may be a very real problem facing our society. Unofficial reports by police officials and other sources confirm that prostitution especially by drug users in return for drugs or money is on the rise.

15. Drug abuse among the youth is an area of grave concern for the Government of the Maldives. Since this is an issue facing the whole country, there is the very real possibility that drug users could be selling sex for money or for drugs. A Rapid Situation Analysis pertaining to drug abuse in the Maldives, conducted by an NGO, Fashan in collaboration with the Narcotics Control Board in 2003 indicated that one third of the respondents questioned had had a sexual experience before they reached the age of 15 years. The study has also showed incidents where drug users have sold sex for money or drugs. It can thus be inferred that there is a possibility that this group of people is vulnerable to child prostitution. In her address to the media on 12 September 2006, the Minister of Gender and Family indicated her concerns regarding the very real possibility of drug-related prostitution in the Maldives.

16. Furthermore, reported cases of sexual misconduct by minors (male and female) indicate that in some island communities as well as in the capital island, children are sometimes lured into selling sexual favours in exchange for money or in some instances sundry items (for e.g. chocolates, sweets). These few reported cases indicate that this is an area of real concern that needs to be addressed.

17. The Law on the Protection of the Rights of the Child contains provisions to protect children from abuse and ill treatment. In this regard, Section 16 specifically deals with exploitation of children. Its provisions seek to prevent abuse and oblige parents to protect their children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". This section further mandates parents who have knowledge of any such activity or suspicion thereof to report that to the concerned authority.

18. Likewise, Section 25 of this Law obliges the general public to take measures to protect children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". This section further mandates any member of the public to report to the concerned authority any such activity or suspicion thereof of which he/she may have knowledge.

19. Child prostitution is not specifically addressed in current domestic legislation and there are no explicit provisions in existing domestic legislation that expressly criminalize child prostitution. However, the Maldives is a 100 per cent Muslim country, (art. 7 of the Constitution of the Maldives) and therefore Islamic Sharia is part of the domestic laws of the country (art. 156 of the Constitution). Sexual acts outside the sanctity of marriage are criminalized. In addition, numerous provisions in domestic legislation and criminal rules of procedure criminalize sexual activity outside marriage. These rules are founded on Islamic law principles.

20. Provision 173 of the Rules relating to conduct of judicial proceedings governs the general offence of "committing sexual misconduct". As such, Section 173 would cover most instances where a child is exploited for sexual purposes.

21. Provision 173, subsection 9, governs sexual assault against minors. The offence defined in this subsection prohibits persons from engaging in sexual misconduct with a child who has not reached puberty. The penalty for sexual misconduct with a minor of the same gender who has not reached puberty shall also be determined under this subsection. Where a man commits an offence that is governed under this provision, that person shall be subjected to punishment of exile or imprisonment from three to five years and by 19 to 39 lashes as decided by a judge. Where a woman commits such an offence she shall be subjected to house detention for the same duration and to 19 to 39 lashes as decided by a judge.

22. Provision 173, subsection 13, governs the offence of fornication. The offence defined in this subsection prohibits persons from engaging in sexual intercourse with a person to whom marriage is forbidden or with a child who has not reached puberty. Where a person commits an offence that is governed under this provision, that person shall be subjected to punishment or exile for a term of five years and 100 lashes.

23. In addition, article 88 (b) of the Maldivian Penal Code, makes it an offence to disobey an order issued lawfully within the Sharia or Law and where such disobedience resulted in property damage, bodily injury or a loss of a sense, the offender shall be subjected to exile or imprisonment not exceeding one year or a fine not exceeding 250.00 Maldivian Rufiyaa, which is equivalent to US\$ 19.5.

24. Recognizing the shortcomings in Provision 173 of the Rules relating to conduct of judicial proceedings, the Government of the Maldives has initiated reform of this rule. Currently, work is underway in collaboration with the Attorney General's Office, the Ministry of Justice and Supreme Council of Islamic Affairs to revise this provision. As the rule in its current form presents some inconsistencies with the provisions of the Convention, the MGF has initiated work to bring this provision into conformity with the State's obligations under the Convention.

25. Furthermore, the Government is in the process of amending the existing Maldivian Penal Code, which entered into force in 1966, and which is outdated and does not fit the needs of the country. The Government has commissioned foreign expertise to review and propose amendments to the existing Code. The report of the review and its findings were completed in January 2006 and the proposed penal code, has been tabled in Parliament and is currently under discussion. The proposed code contains numerous provisions that specifically deal with the exploitation of children for sexual purposes.

26. Section 621 of the proposed penal code tabled by the Government in Parliament creates criminal liability for those persons who, in exchange for anything of value, promote or support an act or acts of prostitution. Under subsection 621 (b) (1) of the proposed code, cases where the offender is supporting prostitution of a person less than 18 years old constitute a class C felony.

27. The proposed code has a grading system depending on the classification of the offence. Penalties can be increased exponentially when aggravating factors are taken into consideration. The use of minors to perpetrate offences is considered as an aggravating factor under the proposed code.

28. Section 621 of the proposed code also defines as an offence the aiding and abetting of the commission of such crimes.

## 2. Child pornography

29. Access to the Internet and advances in technology have facilitated the production of pornographic material. Cases have been reported whereby homemade video clips have been uploaded on the Internet or have been widely disseminated within the community. The Government recognizes that this is an emerging problem that needs to be addressed in the Maldives. One of the objectives of the telecommunications policy recently adopted by the Government is to provide security for children through the prevention of their exploitation via telecommunications and information technology.
30. Child pornography is not specifically dealt with by current domestic legislation and there are no explicit provisions in existing domestic legislation that expressly criminalize child prostitution.
31. However, where pornographic material is made or disseminated using a child, such action will fall within the ambit of Section 16 of the Law on the Protection of the Rights of the Child. This section specifically deals with the exploitation of children. The provision seeks to prevent and obliges parents to protect their children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". The section further mandates parents to report to the concerned authority any such activity or suspicion thereof of which they may have knowledge.
32. Likewise, Section 25 obliges the general public to take measures to protect children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". The section further mandates a member of the public who has knowledge of any such activity or suspicion thereof to report such information to the concerned authority.
33. Acts falling within the ambit of the above two sections can be criminalized under Article 88 (a) of the Maldivian Penal Code, which makes it an offence to disobey lawful orders issued under Sharia and law.
34. General provisions in domestic legislation deal specifically with the production or importation of pornographic material. This activity is prohibited and is an offence under Section 4 of the Law on contraband items. Subsection (c) criminalizes the importation into, or production in the Maldives, of items showing nudity, as well as their use, sale or dissemination. In addition, subsection (a) further prohibits the importation of or, production in the Maldives, as well as the use, sale or dissemination, of items such as books, newsletters, magazines, diskettes, tapes or any other such items that contain writings or other forms of material offensive to Islamic principles.
35. As such, this general provision in domestic law which prohibits the production of materials showing nudity would criminalize pornography. However, it has to be noted that in this legislation there is no explicit provision aggravating the crime where a minor is exploited in the production of such material.

36. Subsection (c) of Section 13 of the Law on contraband items specifies that a person who contravenes subsections (a) and (b) of Section 4 of this Law shall be imprisoned, exiled or sentenced to house detention for a period of three to eight years. Furthermore, subsection (d) of Section 13 specifies that a person who contravenes subsections (c) and (d) of Section 4 of this Law shall be imprisoned, exiled or sentenced to house detention for a period of 3 months to 3 years, or subject to a fine of Mrf 1,000 to 50,000.

37. Furthermore, Section 622 of the proposed penal code adds to the existing provision pertaining to production, dissemination, and importation of pornography, making it more comprehensive by prohibiting the distribution and production of obscene material.

38. In addition, Section 622 of the proposed penal code specifies different types of materials that are considered obscene, so that coverage of the law is not limited to magazines or other paper-based products and also creates a more severe penalty in case where a person is involved in the distribution or production of obscene material rather than simply viewing such material.

39. Section 622 (e) of the proposed penal code states that child pornography is an aggravating factor and that the offence is one grade higher than it otherwise would be if the obscene material or performance involves a person who is a minor.

40. However, it should be noted that exportation of such material is not covered under the general laws of the country.

### **3. Sale of children/exploitation of children**

#### **(a) Improper practices in adoption of children**

41. Sale of children has not emerged as a problem in the Maldives. Under Islamic law, the Western model of adoption is not recognized.

42. However, families have been known to come to arrangements whereby a couple who cannot conceive takes on parental responsibilities of a child from a family of lesser means. As these kinds of arrangements are practiced informally, the State finds it difficult to intervene or monitor the situation. The Government recognizes that this is an area that needs to be further studied and monitored. The Family and Child Protection Services of the Ministry of Gender and Family also assists in finding host parents for children who do not have primary caregivers available for various reasons including abandonment. These cases are referred to the court where an agreement between the biological mother and the host family is reached on visitations and other rights of each party with regards to the child. These cases are monitored by the Family and Child Protection Services for a specified period of time, the duration of which is based on the situation between the biological mother and the host family and on how well this situation progresses.

#### **(b) Sale of children**

43. National legislation does not have any specific provisions concerning the trafficking and sale of children and does not prohibit the activity.



44. However, the Law on the Protection of the Rights of the Child has provisions to safeguard children from abuse and ill treatment. In this regard, Section 16 specifically deals with exploitation of children. The provision seeks to prevent, and obliges parents to protect their children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". The section further mandates parents who have knowledge of any such activity or suspicion thereof to report such information to the concerned authority.

45. Likewise, Section 25 obliges the general public to take measures to protect children from "... acts detrimental to the integrity of children and acts of sexual abuse, exploitation and oppression against children". The section further mandates a member of the public who has knowledge of any such activity or suspicion thereof to report that to the concerned authority.

46. Even though the Law does not specifically prohibit sale of children, actions can be brought under the Penal Code referring to the above provisions of the Law on the Protection of the Rights of the Child. In instances where any action, which could fall within the ambit of Section 16 or 25 of the Law on the Protection of the Rights of the Child occurs, such cases are prosecuted under Section 88 (a) of the Maldives Penal Code. The penalty provided under the section is punishment by exile or imprisonment or house detention for a term not exceeding six months or a fine not exceeding 150.00 Maldivian Rufiyaa, equivalent to US\$ 11.5. Furthermore, under subsection (b) where such disobedience resulted in property damage, bodily injury or loss of a person's sense, the offender shall be subject to exile or imprisonment not exceeding one year or a fine not exceeding Maldivian Rufiyaa 250.00 which is equivalent to US\$ 19.5.

**(c) Transfer of organs of a child for profit**

47. Existing national laws contain no specific provisions that deal with the transfer or sale of organs for profit or for any other purpose. As organ transplant is not carried out in the hospitals of the Maldives, this practice has so far not been existent in the country.

48. Even though current national legislation does not prohibit the transfer of organs for profit, the proposed penal code proscribes such activity. Section 624 of the proposed penal code makes it an offence to knowingly buy and sell body parts. The reason for the proposed amendment is to prevent exploitation of human beings for such purposes.

49. The proposed penal code does not however specifically mention such offences against children. Despite this fact, the code leaves room to consider such a factor as an aggravating circumstance at the sentencing stage.

**(d) Engagement of a child in forced labour**

50. Section 26 of the Law on the Protection of the Rights of the Child imposes a duty on the general public to ensure that no child shall be required to perform any work which is incompatible with his/her age, health and physical strength. Furthermore, this provision seeks to ensure that a child shall not be required to perform any work that may interfere with his/her education or may adversely influence his/her morals or behaviour.

51. Section 1 of the Employment Regulation states that minimum age of employment shall be 14 years, while subsection (2) states that even if the minimum age of employment is 14 years, a child shall not be required to perform any work which is incompatible with his/her age, health and physical strength. Nor shall the child be required to perform any work that may interfere with his/her education or may adversely influence his/her morals or behaviour.

52. There are no specific legal provisions in the domestic law that criminalize the engagement of a child in forced labour. However, where Section 26 of the Law on the Protection of the Rights of the Child is breached, a person can be held criminally liable under Section 88 (a) of the Penal Code.

53. Section 11 of the Employment Regulation also provides for pecuniary penalties for breach of the regulation that could result in an administrative penalty amounting to a sum of 500 to 5,000 Rufiyaa.

54. The Employment Bill, which is currently being reviewed by a Parliamentary Committee after completion of its second reading, provides additional safeguards for children. Section 3 of the proposed Bill prohibits engaging any person in forced labour. Section 6 prohibits the employment of children less than 18 years except for a training related to their education or upbringing. Section 7 further prohibits the engagement of children in any type of work or employment that may, due to the type of work or circumstances of the workplace, have an adverse effect on their education, safety or behaviour. This section also prohibits engaging a child to work at a tourist hotel or on a tourist resort vessel. Section 8 states that the written consent of the child's guardian in Sharia of Law is required before a child may be engaged in work or employment in accordance with Sections 6 and 7.

#### **B. Measures to establish jurisdiction over offences specified in the Optional Protocol (art. 4)**

55. The Maldivian Penal Code encapsulates the extent of jurisdiction of the Code. Sections 1 and 2 of the Penal Code state that its applicability is limited to the State of the Maldives and its territorial jurisdiction. The applicability of the Code, where a crime proscribed by the Code is committed in the Maldives is extensive and covers instances where such a crime is committed by a foreign national.

56. Section 3 of the Maldivian Penal Code covers instances where a Maldivian commits such an offence outside the Maldives. It states, "Every person on whom Maldivian Law is applicable, whether he was outside the territory of the Maldives or within the jurisdiction specified in Section 1 at the time of contravening the law, shall be punished as if such offence was committed within the Maldives. Further, his trial shall be conducted in the Maldives."

57. However, as the current Code does not extend its jurisdiction to crimes committed against Maldivian nationals in other countries, the proposed penal code has extended its geographical applicability so as to conform to the State's obligations under numerous treaties.

58. Section 13 of the proposed penal code, outlines the jurisdiction of the new Code. This section addresses both conduct within the Maldives and that of Maldivian citizens outside of the country. Furthermore, it also provides for passive personal jurisdiction, namely that the Code shall apply to all offences resulting in harm to the citizens, agents, or property of the Maldives, irrespective of where the crime occurs and extends jurisdiction to all offences committed in cooperation with a Maldivian citizen or resident irrespective of location or other concerns.<sup>2</sup>

59. In addition, under subsection (a) (4) of Section 13 of the proposed penal code, the State has jurisdiction to prosecute any offence committed in gross violation of international law, and any offence over which the State is required to assume jurisdiction pursuant to the State's adoption of an international treaty, regardless of the site of such offences or the domiciles of the parties concerned.

### **C. Make offences specified in the Optional Protocol extraditable offences (art. 5)**

60. The Government of the Maldives has concluded three bilateral treaties that govern extradition, with Sri Lanka, Pakistan and the Federal Republic of Germany.

61. The treaty between the Sri Lanka and the Maldives covers the areas governed under the Optional Protocol. Under the extraditable offences listed in the treaty agreement, carnal knowledge of a girl below the age of 14 is listed as an extraditable offence. However, the requirement under the Optional Protocol (which stipulates children below the age of 18) is not reflected in the agreement.

62. The treaty also lists procuring a girl or a woman to become a common prostitute as an extraditable offence. This is broad enough to cover sale of children for purposes of prostitution although it will not cover sale of children for other purposes such as adoption or sale of body parts etc. However, the treaty also lists "unnatural offences" as an extraditable offence, which could be interpreted broadly to read, sale of children, even though it is not specifically stated. It should be noted that pornography is included in the list.

63. Similarly, the treaty agreement between the Maldives and Pakistan is general in nature; its article 1 stipulates that the offence for which extradition is requested should be regarded by both contracting parties as an extraditable offence.

64. In the absence of bilateral treaties, where the Maldives and the requesting party are parties to the same Convention, it could provide the legal basis for an extradition request should the Convention stipulate the same. The requisite is that in such circumstances both the requesting State and the requested State should be parties to the same Convention.

65. The Government is currently working on drafting a law on extradition and mutual legal assistance.

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<sup>2</sup> See Paul H. Robinson, Final Report of the Maldivian Penal Law and Sentencing Codification Project, vol. 2, Official commentary, January 2006.

**D. Assistance to other States in connection with investigations  
or criminal extradition proceedings (art. 6)**

66. The Maldives Police Service is a member of the INTERPOL. As such, where criminal investigations pertaining to the offences listed in the Optional Protocol take place, the Maldives Police Service is committed to provide the necessary support to member States.

**E. Measures to confiscate or seize goods used in the commission of  
crimes proscribed by the Optional Protocol (art. 7)**

67. The Law on Contraband on items gives discretion to the head of the customs department to seize any contraband items and deal with that matter on the advice of the concerned authorities.

68. Section 8 of the Law on contraband items states that the Ministry of Defence and National Security can confiscate property or materials that have been imported into the country in contravention of this Act, or when materials or items prohibited under this Act are used in the country. As such, where pornographic materials are imported or used in the country, they can be seized by the Government.

69. However, there are no specific rules pertaining to seizure or confiscation of materials used to commit an offence. Due to the lack of provisions to regulate police powers of seizure and confiscation, in practice, the police exercise wide powers to seize and confiscate items used to commit a crime or any material that the police believe is evidence of a crime.

70. In order to adequately regulate the police's powers of search and seizure, the Attorney General's Office is in the process of formulating rules that will govern such powers. In this regard, a criminal procedure bill has been submitted to the Parliament.

71. The proposed criminal procedure bill sets out comprehensive rules pertaining to seizure and confiscation. Under Section 24 of the proposed bill, evidence of an offence, proceeds of an offence, contraband, instruments of crime, and other items illegally possessed, may be searched for and seized by law enforcement officers.

72. Section 212 of the proposed bill further states that the court shall order that a defendant forfeit the proceeds of, or contraband involved in an offence for which he has been convicted if it finds by a preponderance of evidence that there is a connection between the property sought to be forfeited and the offence.

73. Likewise, where premises are used for the commission of a crime, the police have wide powers to enter such premises pursuant to provision 5 of General Laws (Law No. 4/68). The existing practice is to close premises used for the conduct of a crime for such time as the police deem it necessary to complete their investigation and or to suppress the crime.

**F. National measures to protect the rights  
and interests of child victims (art. 8)**

74. The Maldives has adopted a multi-sectoral approach to the protection of the rights of the child. In this regard, the MGF has undertaken different initiatives to establish alliances with other government departments that regularly come into contact with children.

75. The MGF is working closely with the Ministry of Justice, the Maldives Police Service, the Ministry of Health, the Ministry of Education and the Attorney General's Office. Details of these initiatives are provided in the second and third combined periodic report of the Maldives on the Convention on the Rights of the Child.

### **The Ministry of Justice**

76. The Ministry of Justice has a wide mandate to provide administrative support to the judiciary, as well as the capacity to promulgate procedural rules for the orderly administration of justice in the Maldives. The Ministry of Justice, with the assistance of the United Nations Development Programme, has taken different initiatives to reform the criminal justice system, especially that pertaining to child offenders.

77. As most of the initiatives have been targeted at reforming the juvenile justice system in order to provide adequate safeguards to children in conflict with the law, little has been done to deal with other areas that could have a potential impact on children who come into contact with the justice system.

78. The Government recognizes that one area that needs strengthening relates to the procedure for taking child testimonies. Where an offence is committed by a child, the criminal justice system mandates that, in Male', the case should be tried in a juvenile court or the children's court. However, in cases where the victim is a child, and his testimony is required by the court, there are no special safeguards to protect the child.

79. A child testimony will in some cases be taken in front of the offender, in the presence of a parent or guardian (especially in the atolls). This has the potential to do harm to the child - a point recognized by the judiciary. To mitigate this, in practice every endeavour is made not to bring the child to court. Statements given by children to the Maldives Police Service are mostly relied upon, in cases where an offence has been committed against a child. Furthermore, in cases of sexual offences against children, evidence given by medical personnel is given particular weight, minimizing the need for a child to be brought into court to provide testimony.

80. The proposed criminal procedure bill also does not have provisions governing this area. However, Section 14 of the proposed bill contains safeguards to protect the interests of child offenders. The section specifies that in cases where the offender is a child, law enforcement agencies will take into consideration the provisions of the Law on the protection of the child. It further mandates law enforcement agencies as well as the court to safeguard the interests of the child at all stages of the investigative process and the court proceedings.

81. The Ministry of Justice, noting the lack of specific provisions for testimonial evidence of child witnesses in the proposed criminal procedure bill, has proposed the incorporation of rules pertaining to this area in the draft code.

82. Courts generally do not inform victims about a case's progress, except when a request is made by the victim's family. There are no specific rules which require that they be informed, although the MGF is informed about the outcome of the case.

83. Although in the Maldives proceedings are held in open court, there is no law reporting. Only parties to the litigation are entitled to receive a written report of proceedings. As such, the general public will not generally be aware of the identity of the victim. However, the rules of the court do not prohibit the use of the name of the child during judicial proceedings, which would keep this information confidential. (Court proceedings are codified at all levels, written judgment reports are prepared by each of the courts in respect of every case. The Attorney General's Office has commenced publication of case reports for all criminal cases, and has now begun setting up similar publications for other types of cases).

84. A child (either a victim or a child offender) who has to appear in court must be accompanied by a parent or a legal guardian. Where the child has no parent or legal guardian the State steps in and a social worker from the MGF accompanies the child.

85. The Ministry of Justice makes every endeavour to ensure that cases involving children are fast-tracked so as to facilitate and safeguard the interests of the child. However, the laws of the country do not provide for compensation by the perpetrator to the victim. Generally the offender faces only criminal penalties and there are no mechanisms in place to compensate the victims of crimes.

86. In cases where a child's age needs to be ascertained, such information can be obtained very quickly. The national registration system is very well established and it is mandatory under Section 2 of the Law on registration of births and deaths to register live births within seven days of birth of a child. Furthermore, the National Registration Department has facilitated limited access to its database for law enforcement agencies as and when required.

87. The Government acknowledges that one of the biggest challenges facing the judiciary relates to the fact that it is difficult to put in place adequate safeguards for children in smaller island courts. The limited resources and lack of adequately trained judges sensitive to the needs of children are among the issues to be confronted. The Ministry has taken various initiatives to train judges in this area. Training programmes have been conducted to sensitize the judiciary about the needs of children and child victims.

### **The Maldives Police Service**

88. The Maldives Police Service maintains a special unit to deal with child and family related issues, namely the Family and Child Protection Unit (FCPU) which has specially trained staff to deal with such issues. The staff of the FCPU is given special training for interviewing children and recording their testimonials. The Police Service is a recently established institution and thus there is an insufficient number of trained people. Statistics taken by the FCPU for 2006 show that the Unit received 1,100 child and family related cases for investigation. With a staff of six female investigation officers, six male investigation officers and one counsellor, the Unit is understaffed and overburdened.

89. The FCPU is currently working to strengthen its capacity in child protection and has special programmes in place to train staff. As a joint effort of the FCPU and the Police Academy of Queensland, in 2006-2007, two persons were specially trained as trainers to run courses on interviewing children and recording their evidence.

90. The FCPU has also recently trained 30 staff to increase its capacity to handle child victims, child offenders and other family-related areas. Additionally, numerous workshops have been conducted by FCPU to sensitize its staff on child rights and safeguarding the rights of children in custody.

91. As part of capacity building efforts, the FCPU is planning additional training programmes. In early 2007, a consultant from the Police Academy of Queensland is scheduled to conduct programmes to train 30 more staff for the Unit.

92. The consultant shall furthermore train three individuals to become trainers themselves so that local training courses can be run in the future.

93. The current shortage in trained staff for child and family-related issues has been particularly felt in the atolls. This means that the investigation of child-related cases on the islands has not been satisfactory. Prior to the establishment of the Maldives Police Service, general investigations in the islands were carried out by the Island Chief or a person delegated to undertake the task. This practice, though still present in some cases, is in the process of being phased out. The Maldives Police Service has expanded its activities and in almost all the atolls Police Units are being established. To fill the gap, and to reach islands where adequately trained people are still not stationed, the Unit formed a mobile team to investigate cases needing special attention.

94. The Maldives Police Service is also in the early phase of developing a comprehensive database with the assistance of the United Nations Children's Fund (UNICEF). The database is being established to ensure that adequate disaggregated data can be collected and maintained. Such a database will assist the police in keeping track of repeat offenders, particularly in relation to sexual offences against children.

95. The FCPU also developed a helpline in 2004, to assist reporting of child-related or other "domestic" related issues. However, this is not widely used by the public. The main reason for the underuse of this facility could be the fact that the public are generally wary of law enforcement agencies.

96. The FCPU has plans to expand its services to the atolls and is currently in the process of establishing FCPU's in three atolls, with the assistance of UNICEF. The atolls nominated for this purpose are Addu Atoll, Laam Atoll and an atoll from the North.

97. One area of concern for the FCPU is the lack of adequate State care facilities to house children in instances where a minor is arrested on suspicion of an offence or where a child victim needs placement. The only places available are Villingili kudakudinge hiya (literally meaning "shelter for the children") or the State home for boys in Maafushi.

#### **Family Protection Unit in the Indhira Gandhi Memorial Hospital**

98. For victims of rape or any other form of sexual abuse, the first point of contact may be the hospital. Keeping this in mind, the MGF, as part of the multi-sectoral approach described above, has facilitated the formation of a special unit, the Family Protection Unit (FPU) at the Indhira Gandhi Memorial Hospital (IGMH), to deal with abuse cases with assistance of the United Nations Population Fund.

99. The staff at the Unit, especially the resident doctors, are provided with special training to sensitize them to the particular needs of children and women seeking assistance. The Unit further liaises with the Ministry to collect data on cases of violence and abuse against women and children.

### **The Ministry of Gender and Family (MGF)**

100. The MGF in close collaboration with the Attorney General's Office (AGO) is in the process of reviewing legislation to bring it into conformity with the principles of the provisions of the Convention. In this regard, the AGO has undertaken work to facilitate the full incorporation of provisions of international human rights law and especially child rights law into domestic legislation.

101. The proposed Seventh National Development Plan (NDP) deals extensively with child rights and lists the mainstreaming of gender and child rights issues as a main area to be addressed by the MGF. Furthermore, the NDP stipulates that the Ministry needs to enhance its work by developing institutional frameworks and establishing a multi-disciplinary protection system for children and vulnerable women.

102. Furthermore, the Government with the support of UNICEF has made plans to formulate a comprehensive law that deals with the areas covered under the Convention, which would include the provisions covered by the Optional Protocol.

103. To fully realize its objectives of promoting and facilitating the welfare of children and family rights in the Maldives, the Ministry was reorganized in 2006. To enhance and expand the multi-sectoral approach to child protection adopted in the Maldives, different units have been formed under the Ministry to deal with different specific facets of promoting child and family rights. The different units formed within the Ministry have wide mandates so as to enable fuller realization of their objective. The units are, the Family and Child Protection Authority, Family and Child Protection Services and Family and Community Development.

### **The Family and Child Protection Authority**

104. The Family and Child Protection Authority (FCPA) replaced the Unit for the Rights of the Child (URC) operating under the MGF. This newly formed Authority has the mandate to formulate new policies and to enforce existing regulations. In general, the Authority has extensive powers to regulate the different aspects pertaining to the protection of the rights of the child.

105. In this regard, the FCPA works closely with the Attorney General's Office to fill gaps in the law regarding child protection measures. The FCPA is currently holding talks with the Attorney General's Office to assess the situation of Maldivian children in relation to areas covered under the Optional Protocol, specifically child prostitution. The aim of this is to formulate an action plan to effectively deal with the problem.



106. The MGF has formed informal alliances with different Government agencies for the protection of children. However, the participants in this network for the protection of children are not mandated by law to join or to maintain this alliance. The FCPA is currently in the process of incorporating this alliance-building process into the laws on child protection, in order to strengthen the network.

### **Family and Child Protection Services**

107. The Family and Child Protection Service within the MGF provides counselling and rehabilitation services.

108. The Service has further carried on work to improve multi-sectoral networking for referral services. In this regard, the Ministry has projects planned to expand services to the atolls.

109. The greatest challenge faced by the Service in its efforts to provide psycho-social support services in the Maldives relates to the dispersed nature of the population. In 2006, the Ministry undertook work to decentralize protection services.

110. The MGF has initiated a project to establish Social Protection Centres in different atolls. The first such Centre was established in July 2006 in Addu, which is the southernmost atoll of the Maldives. This facility has the capacity to provide psycho-social support where needed. A lack of resources, both technical and financial, is one challenge that has hindered progress in establishing units in different atolls in the country.

111. The MGF has taken steps to address human resource shortages in these Centres once they are established in the different atolls. With a target of posting trained individuals in all of the Centres, the MGF has sent 25 individuals to Sri Lanka to be specially trained as social service managers. Additionally, the Ministry is in the process of laying the groundwork to start a training programme in collaboration with the Faculty of Education in the Maldives to train individuals in the field of social work. These individuals, once they are qualified as social workers, will be stationed in the Atoll Social Protection Centres.

112. In special cases, mobile teams are mobilized to reach out and provide support to child victims. This has been done to increase outreach and facilitate child protection in the atolls.

113. A second area of concern relates to the fact that there are no facilities to house and provide support to victims. Currently the Maldives does not have any temporary shelters or places of refuge for victims of abuse. However, in special circumstances where a girl child has been abused by a family member or a relative they can be housed temporarily in a children's home, Villingili kudakudinge hiya, which is a facility falling under the jurisdiction of the MGF. The facility however does not cater to the special needs of children covered under the Optional protocol since this facility was established for the purpose of housing abandoned children below the age of 9 years. The MGF has taken initiatives to convert the facility in Villingili into a safe home for women and girls.

114. On May 10, 2007, the MGF, with technical assistance from Child Help International, marked Children's Day in the Maldives by launching a helpline. The purpose of the helpline is to reach out to people needing assistance especially victims of abuse and other related concerns.

**Other measures**

115. The tourism industry has diversified and expanded to the extent that tourist can now be found in almost all the atolls of the Maldives. To ensure that the country maintains its values and culture, the Government's policy is to put in place measures to ensure that local populations have only minimal contact with tourists. In this regard, a special permit has to be sought from the Ministry of Atolls and Administration, before a foreign individual can stay as a guest of a local. Furthermore, while tourists are allowed to visit inhabited islands, there are restrictions imposed on the duration of their stay.

116. One of the biggest problems facing the country and one that could have a major impact on child prostitution is the rise in substance abuse, especially amongst the young. Domestic legislation pertaining to drug-related crimes is strict. However, this is an area of great concern and numerous measures have been implemented to tackle the problem. In this regard, in 2004 a detailed assessment of the substance abuse problem in the Maldives was conducted with the assistance of the United Nations Office on Drugs and Crime.

117. The Government budget allocated to the MGF was increased by 10.5 per cent from 2006 to 2007. Details are contained in the responses to the list of issues forwarded by the Committee on the Rights of the Child regarding the second and third combined periodic report.

118. Measures to eradicate poverty and unemployment are also given high priority by the Government. In this regard, as a regional measure, the Government of the Maldives has ratified the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare. Reflecting the priority given to eradicate poverty and other welfare services to Maldivians, including children, the national budget allocation for social security increased by 38.3 per cent from 2006 to 2007.

**G. Measures to promote awareness (art. 9)**

119. No specific measures to promote awareness regarding the Optional Protocol have been taken by the MGF. However, general awareness creation under the Convention incorporates the concerns covered under the Optional Protocol.

120. The MGF has widely disseminated the principles of the Convention to the Maldivian community through the use of the media. Seminars and workshops are also conducted to sensitize stakeholders and the general public.

121. Modules on the Convention are included in workshops conducted by the MGF both in Male' and in the atolls targeting law enforcement officials and the judiciary. However, the fact that child prostitution, child pornography and other areas covered under the Optional Protocol, to date have not been ascertained as ongoing practices in the Maldives has meant that these are not addressed widely in any manner, in any awareness programmes.

122. The family and community development unit within the MGF has the mandate to create and increase public awareness of child rights in Male' and the islands. In this regard, numerous programmes have been conducted by the unit to increase awareness of child rights under the Convention the Maldives. Various campaigns targeting children have been conducted to create awareness among children as to the rights enshrined in the Convention.

123. Based on the findings of a survey conducted by the MGF in 2003 to ascertain the perspective of children as to their perception of child rights, the MGF is in the process of incorporating child rights into the national education curriculum of the Maldives.

#### **H. Measures to strengthen international cooperation (art. 10)**

124. The areas of concern covered under the Optional Protocol, due to their very nature, have the tendency to be cross-sectoral. The Maldives being a member of SAARC is a party to regional arrangements that have been adopted to combat the offences proscribed by the Optional Protocol. To this effect, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted by SAARC countries on 5 January 2002 at the Eleventh SAARC Summit held in Kathmandu. The Government of the Maldives ratified this regional treaty on 28 December 2003.

125. The main objectives of the SAARC Convention are: the promotion of cooperation amongst member States so that they may effectively deal with the various aspects of prevention, interdiction and suppression of trafficking in women and children; the repatriation and rehabilitation of victims of trafficking; and the prevention of the use of women and children in international prostitution networks, particularly where the countries of the SAARC region are the countries of origin, transit and destination (art. II).

126. Notwithstanding, it should be noted that to enter into effect, the Convention must be ratified by seven member States and to date only three SAARC member countries (Bangladesh, Bhutan and the Maldives) have ratified the treaty. Its effectiveness in dealing with the issues covered under the Optional Protocol is therefore debatable.

127. The Government of the Maldives has also ratified the SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia on the 28 December 2003. The objective of this Convention is to facilitate and help in the development and protection of the full potential of the South Asian child, promote understanding and awareness of the rights, duties and responsibilities of children and others; and to set up appropriate regional arrangements to assist the Member States in fulfilling the rights of the child, taking into account the changing needs of the child (art. II).

#### **Other international treaties and arrangements**

128. The Maldives Police Service is a member of the International Criminal Police Organization (INTERPOL). As a member of this organization, the Government of the Maldives is committed to providing mutual assistance to suppress crime and facilitate the investigation of crimes that are of a transborder nature.

129. The Government of the Maldives has also demonstrated its commitment to protect human rights, by acceding to the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

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