



Convention on the Rights of the Child

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Held at the Palais Wilson, Geneva, on Monday, 26 January 2009, at 10 a.m.

Chairperson: Ms. Ortiz (Vice-Chairperson)

Contents

Consideration of reports of States parties (*continued*)

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

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The meeting was called to order at 10.05 a.m.

Consideration of reports of States parties *(continued)*

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography ((CRC/C/OPSC/MDV/1, CRC/C/OPSC/MDV/Q/1 and Add.1))

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict ((CRC/C/OPAC/MDV/1, CRC/C/OPAC/MDV/Q/1 and Add.1))

1. *At the invitation of the Chairperson, the members of the delegation of the Maldives took places at the Committee table.*

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

2. **Ms. Jameel** (Maldives) said that the Maldives had ratified the Optional Protocol on the sale of children, child prostitution and child pornography on 10 May 2002 and the Optional Protocol on the involvement of children in armed conflict on 29 December 2004. It had not been possible to draft and to submit the initial reports on implementation of the two instruments within the time limits set by the Committee owing to inadequate human and technical resources in the agencies responsible for fulfilling the requirements of the protocols and reporting thereon.

3. While the Maldives was not directly affected by issues regarding children in armed conflict, the same could not be said of issues regarding child prostitution, the sale of children and child pornography, the existence of which was denied by large sections of society. The culture of denial and silence, together with the absence of comprehensive data illustrating the existence of the phenomenon and an “innocent complacency” of the State had meant that issues in the Optional Protocol had not always been regarded as priorities and acted on as such.

4. The Maldives had been going through enormous social and political change since 2004. The reform process had produced a number of laws that were significant in relation to the two Optional Protocols, including the Police Act, the Armed Forces Act, the Employment Act and the Immigration Act. The proclamation of the new Constitution in August 2008 had brought with it a separation of powers and considerably strengthened the rights of Maldivian citizens. Article 35 of the Constitution specifically prohibited all forms of discrimination against children and child exploitation. However, many experts believed that the provisions of the 1991 Law on the Protection of the Rights of the Child lacked the strength to fulfil the Government’s international obligations. Measures were therefore being taken to amend the legislation in order to facilitate better implementation of the Convention and its Protocols.

5. The first multiparty elections in 2008 had brought to power a new Government, which had introduced many structural changes and readjustments. The Ministry of Gender and Family, which had been the key Government ministry for ensuring implementation of the Convention and of the Law on the Protection of the Rights of the Child, had been abolished. Its mandate had been placed under that of the Ministry of Health and Family, within which a Department of Child and Family Protection had been set up. Similarly, the Ministry of Justice no longer existed and its functions had been allocated to the Judicial Services Commission and to the Attorney General’s Office. The restructuring had made dialogue with some partners in the multisector child protection network more difficult. That was the case in particular in respect of the judiciary, which exercised its independence to an unreasonable degree and which considered that any attempt to establish dialogue was an

infringement of the principles enshrined in article 141 (c) of the Constitution, which prohibited any interference with or attempt to influence the functions and duties of judges.

6. Legislation in force set the minimum age of consent at 16 years. Nevertheless, the majority of judges subscribed to the belief that cognitive maturity was achieved with puberty, which resulted in the consideration of puberty as the benchmark in ascertaining whether a child had reached the age of consent. Furthermore, as a result of weaknesses in the justice system, sex offenders were rarely prosecuted. It was to be hoped that progress would be made once the proposed penal code and the evidence bill had been passed. The May 2008 amendments to section 173 of the Regulations relating to conduct of judicial proceedings, dealing with penalties for sexual offences, which replaced non-custodial with custodial sentences for sexual offences, had given the public a great deal of hope. However, up to the present time, only a few suspects had been tried under the new provisions. It was imperative that those working within the criminal justice system be made aware of the injustices suffered by children, whether as victims, offenders, witnesses or in other capacities; the Department of Child and Family Protection was engaging in dialogue with key State institutions to achieve that end.

7. Commercial sexual exploitation of children had emerged as an issue of serious concern since the development of tourism in the Maldives. Although, traditionally, tourists spent their holidays on separate, uninhabited resort islands, tourism was also being developed on inhabited islands. The proximity to local populations inevitably increased the risk of exploitation. Although there were no official records of commercial sexual exploitation of children or juveniles forced into drug-related prostitution, those were real problems in the Maldives. However, such activities did not appear to be linked to organized crime. A study on violence against children carried out in 2004 had revealed a number of cases of child prostitution, in particular in exchange for goods and services, and of production of child pornography. Despite the Government's commitment to protect children from sexual exploitation and trafficking at the regional and international level, the lack of research on those issues in the Maldives was a major obstacle to concrete action. The lack of data on the subject had also led to widespread denial of the problems, making attempts to discuss the issue with stakeholders highly sensitive.

8. International cooperation had facilitated capacity-building and the establishment of child protection mechanisms and infrastructure. The assistance and support provided to the Maldivian authorities by United Nations agencies had been particularly valuable. UNICEF, in particular, had helped considerably in building capacity in child protection and in decentralizing child protection services in the atolls. The Child and Family Protection Authority had collaborated with ECPAT International on developing a policy on sexual exploitation and trafficking of children. The Maldives Police Service, the Child and Family Protection Authority and the United Kingdom's Child Exploitation and Online Protection Centre had jointly conducted training on combating online sexual exploitation of children. The Maldives was a member of Child Helpline International and had worked with the organization to establish a free child helpline in the country. It was also a member of the South Asia Forum on Violence Against Children and was working to ensure that the forum was incorporated within regional mechanisms. Finally, the Government of the Maldives was currently working with SAARC, a South Asian regional cooperation association, on finalizing regional operation procedures. In addition to those activities, partnerships had been formed with the few non-governmental organizations specializing in child protection: first and foremost the Human Rights Commission of the Maldives. The Government was particularly appreciative of those collective efforts and hoped that they would soon bear fruit.

9. Plans for which resources had been allocated for the next two years included conducting a comprehensive study on commercial sexual exploitation of children on which

policy would be based; establishing a juvenile justice unit under the Attorney General's Office; bringing a bill on juvenile justice and another to amend the law on the rights of the child before Parliament; holding awareness seminars for the judiciary on best practices and on international norms on prosecution of sexual exploitation of women and children; and organizing training for the police and the judiciary on dealing with young offenders and on conducting family and child-centred investigations. In addition, the Government would continue to support the capacity-building of non-governmental organizations in promoting and protecting children's rights.

10. **Ms. Lee** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the Committee welcomed the ratification by the Maldives of the two Optional Protocols to the Convention on the Rights of the Child and of the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, as well as the inclusion in the new Constitution of article 35 (a), which specifically protected the rights of the child. She invited the delegation to give details on how the report under consideration had been drafted and to state in particular whether members of the new Government had been involved in it. She asked the delegation to explain why reference had been made in the statement to only "the few" non-governmental organizations: did that mean that there were few non-governmental organizations concerned with children's issues in the Maldives or that only a small number were involved in implementing the Convention?

11. It appeared that the collection of disaggregated data, in particular concerning violations of the Optional Protocol, continued to cause difficulties. In that regard, she asked how the "Maldives Info" system was now working and what progress had been made in setting up the national child protection database, which was due to be completed in 2009. She asked the delegation to specify whether the database would cover all of the provisions of the Optional Protocol.

12. It would also be useful to receive information on the role of the new Ministry of Health and Family, and on that of the National Council for the Protection of the Rights of the Child, in coordinating and evaluating implementation of the Protocol, and also on the steps taken to guarantee the independence of the country's Human Rights Commission and to allocate sufficient human and financial resources to it in accordance with the recommendations previously drafted by the Committee. She asked the delegation to indicate whether the Commission was easily accessible to children and whether it was authorized to receive complaints under the Protocol and investigate them.

13. She wished to know whether there was an action plan to implement the Protocol and what concrete measures had been taken to implement the National Plan of Action for the Well-being of the Maldivian Child (2001–2010). In addition, she requested further information on preventive action taken, notably in relation to sexual exploitation in tourism. The report stated that legislation in the Maldives banned prostitution and that selling sexual favours constituted an offence. It would be helpful to know whether, in parallel with the measures taken to stem supply, there were similar measures concerning demand. Finally, could the delegation summarize the progress made in drafting the new penal code?

14. **Mr. Parfitt** asked the delegation to provide details concerning the training of the judiciary. Noting that the public was reluctant to call on the services of the Child and Family Protection Unit (which was part of the police) as they were somewhat afraid of the forces of law and order, he asked what could be done to improve that situation.

15. Could the delegation inform the Committee of the number of complaints received from children by the Maldivian Human Rights Commission, specifying whether children were easily able to have access to that body and whether the procedures followed were adapted to their ages. It would also be useful to learn the role of the Commission in drafting

reports on implementation of the Protocol. Finally, she asked the delegation to describe the measures taken to protect children who suffered abuse and ensure that, at the least, they had somewhere to live. Was the solution of removing the person committing the abuse from the family home ever considered?

16. Given the links between child prostitution and drugs, it would be useful to know what measures had been taken to curb drug trafficking and consumption in the country.

17. **Mr. Kotrane** asked whether the Government planned to adopt legislation specifically to combat all forms of child exploitation, including sex tourism and child pornography, and whether it was considering ratifying Convention No. 138 and Convention No. 152 of the International Labour Office (ILO).

18. **Ms. Aidoo** drew attention to the fact that the children's issues dealt with by the Ministry of Health and Family since the abolition of the Ministry of Gender and Family were not solely health-related. Consequently, she hoped that the State party would draft a child policy that aimed to protect all of the rights of the child enshrined in the Convention.

19. Given that many countries maintained, without having carried out an inquiry on the subject, that there was no sale of children, child prostitution or child pornography in their territory, she asked whether the Maldives planned to carry out an in-depth analysis of the situation concerning children that was not limited to collecting information on the sale of children. It would be useful to ascertain the extent of sex tourism and the factors that encouraged it, and to know which atolls were the most affected by the scourge.

20. In addition, in the context of the special children's helpline that had been set up, it would be interesting to learn whether the State party was working in collaboration with Child Helpline International, the global network of free helplines working to protect the rights of the child, or with non-governmental organizations, and what stage the project had reached, taking into account that the service was supposed to have become operational at the end of 2008. Would the helpline be exclusively reserved for children and could it be reached from all the atolls?

21. She asked the delegation to indicate what type of assistance the Child and Family Protection Unit of the Maldives Police Service offered to victims of crimes under the Optional Protocol and what psychological and social support and family reintegration services were provided by the Social Protection Centres established in the atolls by the Ministry of Gender and Family. Finally, she would welcome additional details on the awareness programmes that informed children of the steps they could take to protect themselves from crime.

22. **Ms. Smith** said that the independence of the judiciary was to be welcomed and she believed that the ongoing training provided to magistrates should be given by non-governmental organizations in order to preserve that independence. She wished to know whether the State party had made acts and activities cited under article 3 of the Optional Protocol criminal offences and what measures would be taken to ensure that appropriate assistance would be given to victims of offences set out under the Protocol and to ensure that the latter would not be subject to prosecution.

23. **Mr. Zermatten** said that he was concerned by the practice whereby families in straitened circumstances entrusted their child to another couple, and emphasized that the absence of State monitoring in that area could open the way to the sale of children. He wished to know whether domestic legislation prohibited the economic exploitation of children and whether, under national legislation, juridical persons involved in child pornography activities could be subject to criminal prosecution.

24. It would be useful to learn whether, in the context of the adoption of the new legislation relating to justice for minors, the State party intended to replace confrontation

between the presumed authors of criminal offences and their victims, through the use of audiovisual recordings, so that minors would be spared from appearing in court.

25. **Mr. Citarella** asked whether international treaties in general, and the Optional Protocol in particular, prevailed over domestic law, and whether the Protocol was well-known to all, including to Members of Parliament and members of the executive.

26. He asked the delegation to indicate whether, in the context of the revision of its penal code, the State party intended to adopt provisions that specifically prohibited the sale of children and organ transplantation.

27. **Mr. Filali** wished to know whether a provision of positive law applied in the State party could contradict a legitimate sharia injunction and whether it was intended that the new penal code would distinguish between the offence of selling a child, that of child prostitution and that of child pornography rather than grouping them together, as was currently the case, under the term “sexual misconduct”. It would also be helpful to learn whether sex tourism would be made illegal under the code.

28. He asked the delegation to state whether, under positive law, a child could be prosecuted for having prohibited sexual relations (*zina*), or whether under such circumstances the child was automatically considered to be a victim.

29. He asked the delegation to specify further how the State party dealt with persons who had committed crimes under the Optional Protocol abroad, and whether the way they were dealt with varied according to the nationality of the presumed perpetrator and that of the victim.

30. **The Chairperson** asked whether the National Council for the Protection of the Rights of the Child still existed and, if so, what role it played, who its members were and whether it had ever taken measures to implement the provisions of the Protocol. She wished to know whether the police and the public prosecution service had set up teams to investigate offences linked to web-based pornography and, if so, whether the perpetrators of such offences could be prosecuted.

31. Finally, remarking on the particular geographic characteristics of the State party, which was dispersed among many islands, she wondered how the State party managed to disseminate knowledge of the Optional Protocol to the entire population, including to children, adolescents, families, teachers, traditional leaders and others.

32. **Ms. Lee** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) wished to know whether the State party intended to adhere to the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (Hague Adoption Convention), 1993, as an increasing number of Maldivians sought to adopt from abroad. She wondered whether the increase in the number of guest houses and tourist resorts in the country, as well as safari boat tours around the atolls, would hinder the fight against child prostitution and the sale of children. Finally, she wished to know the name of the body responsible for monitoring the children placed in foster families on the island of Malé.

The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.

33. **Ms. Jameel** (Maldives) said that a number of partners had been consulted in drafting the report, both at the information gathering stage at the beginning of the process and during approval of the final text.

34. Civil society organizations had begun to carry out child protection work approximately five years previously. Several of them, including Care Society and the Society for Health Education, had contributed significantly to the country’s political and social transformation since 2004, in particular by conducting awareness campaigns.

35. Since that time, numerous partners had been informed of the existence of the “Maldives Info” system, which was updated on an annual basis.

36. A national survey had been carried out in 2006–2007 on the incidence of violence against women and children, but taking into account the taboo that surrounded those questions, it was entitled “Women’s Health and Life Experiences”. Unfortunately, it was incomplete in that it had not dealt with the situation of children who were less than 15 years old and it did not cover commercial exploitation of children, child pornography or the sale of children.

37. She deeply regretted that the Ministry of Gender and Family, in which she had worked, had been abolished after 14 years of existence and stated that both she and her former colleagues took every opportunity to put the case for its re-instatement. Consequently, she suggested that the members of the Committee might make a recommendation to that effect following consideration of her country’s initial report under the Optional Protocol on the sale of children, child prostitution and child pornography.

38. **Mr. Yoosuf** (Maldives) said that the design of the national database on the protection of children had begun in 2007 with the help of UNICEF and it was expected that the operating software for the database would be operational by the end of the first quarter of 2009, after which training programmes could be delivered to interested persons.

39. **Ms. Jameel** (Maldives) said that it was a source of satisfaction that the judiciary was now completely independent as, in the past, it had been the case that influential people had interfered in court proceedings concerning violations of children’s rights and that the courts had given decisions in favour of those who had committed the offences. She was nevertheless concerned by the “arrogance” exhibited by some in the judiciary who continued to be unsympathetic to children’s issues. At the end of 2007, for example, a 12-year-old girl had been raped while she slept by four men in front of her young 10-year-old brother. The court had concluded that the child had consented because she had not screamed, a fact that demonstrated the judges’ ignorance of child psychology and child behaviour. The Ministry of Gender and Family had been instrumental in ensuring that the decision was appealed.

40. **Mr. Kotrane** asked whether, under the law of the State party, a 12-year-old child could be considered as having reached the age of consent.

41. **Ms. Jameel** (Maldives) said that the concept of consent had always been a controversial issue. Most judges considered that consent could be exercised when a child reached puberty. The Ministry of Gender and Family hoped to discuss the matter with the judiciary in order to make them aware of the provisions of international treaties concerning children’s rights. Indeed, the courts rarely took into account the best interests of the child in judicial proceedings as that principle was not part of the laws and regulations of the Maldives.

42. **Mr. Parfitt** asked what action the State party was taking to ensure that rape was appropriately defined in the Penal Code. He also wanted to know whether the members of the judiciary appeared willing to undergo training in the provisions of the legislation.

43. **Ms. Jameel** (Maldives) said that the Ministry of Health and Family was collaborating with the Judicial Service Commission, an independent body created under the Constitution in order to carry out educational activities for the judiciary. Following the above-mentioned matter, the Ministry of Health and Family had engaged in discussions, in particular with the Ministry of Justice, to ensure that section 173 of the Regulations relating to the conduct of judicial proceedings, was amended to include different types of sexual offences committed against children — in particular facilitating and encouraging child prostitution — and the non-custodial sentences previously applied to those who had

committed such offences had been replaced by custodial sentences. The amendment had been adopted on 11 May 2008.

44. **Ms. Smith** asked whether the age of consent was defined in law.

45. **Mr. Filali** asked whether the judiciary were not conservatives who were inclined to apply sharia law strictly and whether the Maldives suffered from a lack of positive laws, a lack which prevented the country from viewing certain issues from the point of view of international treaties and from taking into account progress in the modern world.

46. **Mr. Citarella** said that it would be desirable for the State party to introduce legislation that stipulated that anyone who had sexual relations with a minor who had not reached the age of consent would be subject to criminal proceedings.

47. **Ms. Jameel** said that the amendment to section 173 of the Regulations relating to the conduct of judicial proceedings had raised the age of consent to 16, but there had been no prosecutions under the law since it had been introduced. The absence of positive law was indeed one of the reasons for the current situation; at the present time the Maldives did not have any laws specifically dealing with the issues set out in the international human rights treaties. The authorities had undertaken to amend legislation relating to the protection of the rights of the child but, due to the deep reforms carried out in the country and the drafting of a new Constitution, many draft laws had yet to be examined by Parliament.

48. The Parliament that would be elected in March 2009 would comprise 75 new members, and the Ministry of Health and Family, and in particular its Department of Child and Family Protection, would make them aware of the issues affecting children's rights. The Ministry had ensured that the draft laws, the policies and the action plans relating to the rights of the child would be a priority for the new Government. It had received a new budget, which would allow it to pursue its work and to ensure that the draft law it was drawing up on the protection of the rights of the child was in conformity with international treaties to which the Maldives was party.

49. **The Chairperson** asked how the provisions of the Optional Protocol would be taken into account in the draft of the new penal code.

50. **Ms. Jameel** (Maldives) said that the provisions of the Optional Protocol had not been incorporated in the draft of the new penal code but that the delegation would ensure that that was done once it returned to the Maldives. The draft of the new penal code did however set out in detail the different types of action that constituted criminal offences against children and defined the principle of consent.

51. The Human Rights Commission would be maintained by the new Government as it was a body whose creation had been ordained by the Constitution. It would be completely independent. The National Plan of Action for the Well-being of the Maldivian Child (2001–2010) would be implemented through sector action plans, for example in the areas of education and health. In 2008, there had been a survey on the subject that had revealed that children with disabilities had not been sufficiently taken into account. An action plan had therefore been set up for them. The national action plan was being implemented through the Seventh National Development Plan, which had an evaluation and follow-up mechanism whose operation was regularly monitored by the former Ministry of Planning and National Development, now named the Department of Planning and National Development. There was, however, no body specifically responsible for implementing the Convention. As part of its mandate, the Human Rights Commission was responsible for ensuring the independent monitoring and evaluation of the situation regarding the rights of the child. It would however be preferable for the Government to have its own mechanism for follow-up on implementation of the Convention.

52. **The Chairperson** said that it would be advisable for the State party to adopt a plan of action specifically related to the principles set out in the Optional Protocol.

53. **Mr. Parfitt** asked whether the Human Rights Commission was empowered to monitor implementation of the Convention.

54. **Ms. Lee** (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that it would be important, as Ms. Jameel had stated, for the Government to have a mechanism for coordinating and evaluating implementation of the Convention. Independent monitoring was also necessary and the Human Rights Commission should not be overshadowed in that area by the coordination and follow-up mechanism which would be created within the administration. The Commission should be able to receive complaints, investigate reported violations and monitor Government activity relating to the protection of the rights of the child. She also wished to know which body was currently responsible for monitoring implementation of the Optional Protocol and what was the role of the National Council for the Protection of the Rights of the Child within the new administration. She also wanted to know who was monitoring the situation and what was the practice in respect of early marriage.

55. **Ms. Jameel** said that the planning, monitoring and evaluation unit of the newly-formed Department of Child and Family Protection was the agency mandated to coordinate implementation of the Convention at the present time.

56. In the past, any child wishing to marry before the age of 18 would have had to apply to the Ministry of Gender and Family, which gave an opinion to the courts so that the judge could take a decision in full knowledge of the child's situation. The judges had subsequently decided that the practice infringed the Constitution and the principle of independence of the judiciary. The Ministry of Health and Family now hoped to collaborate with the family courts and in particular to obtain data on the number and types of cases relating to early marriage which had come before the courts.

57. **The Chairperson** asked how the Human Rights Commission functioned, who its members were, whether it also monitored implementation of the Optional Protocol, whether it had undergone any changes since the formation of the new Government, whether it received complaints from children and whether there was an independent mediator.

58. **Ms. Jameel** (Maldives) said that the Human Rights Commission had its own independent mandate. Its role had not changed with the arrival of the new Government. The Maldives did not yet have a mediator. Currently, the Department of Child and Family Protection provided that function and it did receive complaints from children.

59. **The Chairperson** asked whether children were able to receive support from the Human Rights Commission in cases of violations of the rights covered in the Optional Protocol.

60. **Ms. Jameel** (Maldives) replied that, to her knowledge, the Human Rights Commission could not receive complaints from children. She agreed that the Commission should have a mechanism that allowed children to report cases of violations of their rights.

61. **Mr. Yoosuf** (Maldives) said that the reason Maldivians did not use the telephone helpline set up by the Family and Child Protection Unit was that they were insufficiently aware of its existence, not because they did not trust the police.

62. **Ms. Jameel** (Maldives) said that the Social Protection Centres set up in the atolls were intended to provide temporary protection to children who needed it. In 2008, the focus had been on training personnel at the centres, who had only restarted their work in January 2009. Until that date, children in need had been looked after in a centre in the capital. The Social Protection Centres worked in close cooperation with the police authorities and local

health services. Given that it was very difficult to banish and convict persons who had committed sexual offences against children, it was frequently the case that child victims continued to live in close proximity to their aggressors. Although it was generally preferable to keep a child in its family, in order to avoid such situations social services currently gave priority to removing the child from the environment in which they had been assaulted.

63. The Family and Community Development section, which was part of the Child and Family Department, was the main service responsible for prevention within the Government. It provided resources and support to family and child centres which carried out prevention activities in local and island communities. Information and documents were widely disseminated and were incorporated in the training materials used to train the police and other professionals. Those measures were nevertheless insufficient and the Ministry intended to increase its efforts in the areas of prevention, in particular by making further use of the media.

64. During the course of 2009, the Government would carry out an exhaustive study on the issues covered by the Protocol and had formed a partnership for that purpose with ECPAT.

65. **Ms. Aidoo** said she hoped that the study would not be limited to commercial sexual exploitation of children but that it would also cover child protection issues as a whole. Given the cost of such a study, the State party might consider requesting the help of an organization such as UNICEF.

66. **The Chairperson** said that organizations dealing with sexual exploitation tended to base their activities on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol), 2000. She encouraged the State party to base its study on the Optional Protocol instead as the latter was much wider in scope than the Palermo Protocol on the subject of children's rights.

67. **Ms. Jameel** (Maldives) said that a nationwide study on violence against children had been carried out and the results would be published in the coming months.

68. Concerning the helpline for children, all the necessary preparations had been made and it had been ready to operate when the Government had changed its mind. The service would nevertheless be launched before April 2009.

69. Although organ transplantation did not exist in the Maldives, it would be covered under the provisions of a future draft law on the protection of children. Forced labour, however, while not covered under specific legislative provisions, was considered to be a form of exploitation; labour laws fixed the minimum age of employment at 16, and any child who was employed before they reached that age was considered to be a victim of forced labour.

70. **The Chairperson** said that, although the State party had stated that adoption per se was not practised in the Maldives, it could be that there were cases of children who were sold to families or taken from poor families in order to be given to other families; she was concerned that such practices were not monitored by the State. She asked what legislative provisions governed intercountry adoptions and whether the State party intended to ratify the Hague Adoption Convention.

71. **Ms. Jameel** (Maldives) said that no intercountry adoption had been recorded in the Maldives and that adoption was not authorized there as it was considered to be against sharia law. The State party was nevertheless examining the possibility of lifting its reservation concerning the provisions of the Convention relating to adoption as they stipulated that alternative care provided to a child could include kafalah. The authorities

were nevertheless concerned that in some parts of the country, children were placed in illicit foster care on the pretext of giving them a better life. Occasionally, they followed up the information concerning such situations, but there was no systematic monitoring of the issue. During the course of the year, the Department of Child and Family Protection would visit the islands where those informal adoptions took place in order to meet the parties concerned and to gather information.

72. **The Chairperson** said that kafalah was more a form of fostering than a form of adoption. In that connection, she asked whether the Government was considering recognizing the concept of adoption.

73. **Ms. Jameel** (Maldives) said that the current Government had not yet discussed the question.

74. **Mr. Siddiqui** wanted to know whether the new Government intended to amend some sharia laws in order to adapt them to current circumstances, as Islamic tradition permitted and as had already been done in some countries.

75. **Ms. Jameel** (Maldives) said that there had been some discussion on the matter. Furthermore, the draft of the new penal code, which had to be passed by Parliament, was a very progressive text, which incorporated the principles of sharia and the principles enshrined in international law. In addition, the Government had created a Ministry of Islamic Affairs, which was responsible for maintaining dialogue with the ulemas and ensuring, in particular, that sharia was viewed from the standpoint of the best interests of the child.

76. A child could be prosecuted for *zina* as judges tended to give a narrow interpretation to the concept.

77. National laws gave precedence to international treaties. When the Government ratified such a treaty, Parliament was obliged to adopt implementing legislation, which often caused the Government to apply international treaties through administrative measures. Progress was nevertheless being made in that area as Parliament was more aware of the importance of international treaties and increasingly ensured that the country's international commitments were taken into account in national legislation. In addition, the new Constitution stipulated that all international treaties that the Government intended to sign or ratify had to be examined and approved in advance by Parliament, which had prompted it to adopt a related law on implementation.

78. **The Chairperson** requested the delegation to specify whether Parliament was obliged to approve international treaties that had been ratified by the Maldives.

79. **Ms. Jameel** (Maldives) said that it was not the case for treaties that had already been ratified but it would be so for all those that were ratified in future. That was a favourable development as it would make parliamentarians aware of their responsibilities and give them greater familiarity with the instruments.

Initial report of the Maldives under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

80. **Mr. Pollar** (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) expressed satisfaction that the minimum age for enrolment in the State party's armed forces had been increased to 18. Nevertheless, he wondered whether gaps in the application of that provision had been detected, notably whether minors who were less than 18 years old were able to enrol fraudulently in the army. Were procedures for registration of births sufficiently rigorous? It was also very positive that persons wishing to enrol in the armed forces had to undergo several examinations in order to evaluate their emotional maturity.

81. He wished to receive details on the contribution non-governmental organizations had made to drafting the report as well as on the relations the Government maintained with them in their respective efforts to promote the Convention and its Optional Protocols. He also wished to know the State party's views concerning the absence of provisions in national legislation prohibiting the enrolment of minors in the armed forces.

82. The awareness programme set up by the State party to discourage children from committing acts of violence should be further geared towards the involvement of children in conflicts. It would be helpful to learn whether a survey had been conducted to identify the children who had been enrolled in the armed forces before the minimum age for doing so had been increased to 18 years and to evaluate the psychological consequences of that enrolment. He asked the delegation to specify whether there were children in the Maldives who had been involved in armed conflicts abroad and to state what action had been taken in relation to them.

83. It would be useful to receive information on the mechanisms put in place to monitor implementation of the Optional Protocol as well as on the measures which had been taken to ensure that arms in transit through the State party or originating from it were not used in regions where children were involved in armed conflicts. He also wished to know what measures had been taken to ensure that any person who enrolled a child in the armed forces would be prosecuted, whether the child was Maldivian or not and whether the person lived in the Maldives or abroad. He asked the State party to confirm whether it dealt with issues linked to prohibiting the involvement of children in armed conflict in the framework of its cooperation with other States parties.

84. **Mr. Kotrane** wished to know whether the State party intended to adopt legislative provisions prohibiting the use of children by armed groups that were not part of its armed forces, such as extremist religious groups and gangs.

85. **Mr. Parfitt** asked whether the national Human Rights Commission was authorized to monitor the Ministry of Defence's compliance with the provisions of the Optional Protocol and whether legislation provided criminal sanctions applicable to persons or entities who infringed the provisions of the Optional Protocol, in particular those involved in recruitment. In addition, he wished to know what concrete measures had been taken to ensure that child refugees or asylum-seekers who could have been involved in hostilities were identified and cared for.

86. **Mr. Citarella** wished to know whether knowledge of the Optional Protocol was sufficiently widespread in the country and in particular in military institutions, and whether military academies made their students aware of the provisions of the Protocol and of the issues of foreign children coming from countries suffering armed conflict.

87. **Mr. Filali** asked which ministry was responsible for the military academies, which was responsible for setting up their budgets and what was the content of their training programmes. Did the training include handling firearms? Did they tackle the issue of promoting peace? He asked the delegation to confirm whether, in addition to checking birth certificates, other measures were taken to check the age of recruits.

The meeting rose at 12.45 p.m.