

Maldives

Alternative Report

A submission to the Committee on the Rights of the Child
on the implementation of the
United Nations Convention on the Rights of the Child

February 2015

The Alternative Report was prepared by;

Advocating the Rights of Children (ARC)

Advocating the Rights of Children (ARC) is a non-governmental, non-profit organization registered in December 2009 with a mission to protect and promote the rights and well-being of children of the Maldives.

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February 2015, Male', Republic of Maldives



The United Nations Children's Fund (UNICEF) and Advocating the Rights of Children (ARC) supported and contributed to the preparation of this report.

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Acknowledgements

Advocating the Rights of the Child (ARC) would like to express its deep gratitude to all those who contributed to the preparation of this report, from the initial stages of research to the final compilation.

ARC would like to thank the Atoll Education Center in Dh. Kudahuvadho, Atoll Education Center in Th. Thimarafushi, Beautiful Eyes Down Syndrome Association, CARE Society, Dh. Atoll Hospital in Kudahuvadho, Family and Children's Service Center in Dh. Kudahuvadho and Laamu Atoll, Gan Regional Hospital in Laamu Atoll, Hamad School, Hope for Women, Human Rights Commission of the Maldives, Ihadho School, Journey, Maldives Autism Association, Maldives Blind Association, Maldives Deaf Association, Maldivian Association for Physical Disabilities, Ministry of Education, Parents Association, Regional Police Station in Laamu Gan, Society for Health Education, Thalassemia Society of Maldives and to all the teachers, students, parents, children and volunteers who made time to talk to us, and provide us with accurate and reliable information on the situation of child rights in their respective islands and communities. Contributions from individuals and institutions alike have been reflected in this report in the best manner possible.

ARC also expresses sincere appreciation to UNICEF for their assistance, without which this report would not have been possible.

Abbreviations and Acronyms

Art.	Article
CAN DO	Child Advocacy Network of Disability Organizations
CEDAW	Convention on the Elimination of Discrimination Against Women
CRC/Convention	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil Society Organizations
FCPD	Family and Child Protection Department (Maldives Police Service)
FCSC	Family and Children’s Service Centre
HRCM	Human Rights Commission of the Maldives
ICCPR	International Covenant on Civil and Political Rights
IMF	International Monetary Fund
MGF	Ministry of Gender and Family
MLG	Ministry of Law and Gender
MPS	Maldives Police Service
NDA	National Drug Agency
NGO	Non-Governmental Organizations
NHRI	National Human Rights Institution
OHCHR	Officer of the High Commissioner for Human Rights
OP	Optional Protocol
OPAC	Optional Protocol on the Involvement of Children and Armed Conflict
OPSC	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
OP3 CRC	Optional Protocol on a Communications Procedure
SAIEVAC	South Asian Initiative to End Violence Against Children
SRSO	Special Representative of the Secretary-General
UN	United Nations
UNDAF	United Nations Development Assistance Framework
UNGA	United Nations General Assembly
UNHRC	United Nations Human Rights Council
UPR	Universal Periodic Review

Introduction

The Republic of Maldives acceded to the Convention on the Rights of the Child in 1991, with a sense of purpose and determination, to ensure that Maldivian children are accorded the best possible environment to grow up, thrive and to achieve their full potential. Following the ratification of the Convention, the Maldives for the first time passed the Protection of the Rights of the Child Act, inscribing in law, a set of measures that would be put in place to promote and protect the rights of the child in the country.

Almost twenty-five years later, the Maldives has undergone unprecedented transformations in all areas of life. The Constitution that came into effect in 2008 ushered in democratic changes with a specific emphasis on human rights and the human development indicators in both access to healthcare and access to education have improved significantly. Children in the Maldives by large, now enjoy a higher standard of living in comparison to the period of time when the Convention was ratified.

Advancements in economic and social indicators also came with new challenges and obstacles to the detriment of the health and welfare of children. Migration patterns and congestion have created a tense and dangerous social environment in the Capital City of Male', while political instability, stemming from a rapid succession of governments during the reporting period saw focus and resources shift away from core human rights issues. Interconnectivity, improved access to information and a subtle increase in awareness has not translated into marked improvements in traditional societal attitudes towards children, who continue to be an extremely vulnerable group. Moreover, an overarching theme in this report describes a critical lack of trained professionals in all areas related to the protection of the rights of the child. In addition, there is a substantial lack of resources to implement key principles and concepts of the Convention, which regrettably, is far removed from the reality, in the homes, schools and streets of the Maldives, almost twenty-five years later.

This report was prepared with the assistance of UNICEF, to provide an alternative account of how the Convention and its optional protocols are being implemented in the Maldives. While closely following the contents of the State party report, ARC aims to present a research-driven, practical assessment of how specific provisions are being implemented on the ground, the effectiveness of policies and initiatives, and how targeted areas could be further improved.

Given the wide scope of this report, it is not conceivable to include all available information on all topics have been included. While we are of the belief that each individual topic in this document deserves a comprehensive report in itself, this alternative report presents a more concise and brief depiction of how the Committee's concluding observations are being transmuted. Recommendations are also included in the report, which the Committee might consider when they bring up deliberations in reviewing the State party.

Lastly, in preparation of this report, ARC conducted field visits to three different atolls in the Maldives with the purpose of measuring the knowledge, services and perceptions on the rights of the child. Children were also consulted in all these locations, about their own views and opinions on the provisions and principles in the Convention, and how their rights are being promoted and protected by those who are tasked with it. The findings of these field visits are also presented in this report.

Scope, Structure and Methodology of the Report

This Alternative Report was prepared on the basis of Article 45 (a) of the Convention on the Rights of the Child, with the sole intention of providing the Committee on the Rights of the Child with reliable and relevant information gathered in the Maldives on the effective implementation of the Convention, its articles and provisions. In preparing this report, Advocating the Rights of Children (ARC) observed all relevant guidelines and recommendations stipulated by the Committee (CRC/C/90) as well as the practical guide by Child Rights Connect, *The Reporting of the Committee on the Rights of the Child* in incorporating all appropriate information on the status of the Convention, the situation of the rights of the child and progress on the implementation of the Committee's Concluding Observations. Additionally, this Alternative Report also includes a joint report on the status of implementation of the two optional protocols to the Convention, which the Maldives is a party to, namely, the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).

This report is structured in a manner that is consistent with both the Committee's Concluding Observations and the Maldives' State party report. It is composed of a section-by-section analysis, indicating the relevant articles of the Convention, and is based on the clusters in the official reporting guidelines for States. The report also includes information from the reporting period until 2015 that may not appear in the State party report, which was submitted to the Committee in 2012 reflecting the changes that had occurred in the country since then.

Recommendations that the Committee may wish to consider in its deliberations are contained at the end of this report.

Throughout this report, the principal government agency for the promotion and protection of the rights of the child during the reporting period is referred to as the Ministry of Law and Gender, or MLG (See paragraph 11).

The relevant sections of this report will identify both published and unpublished research, information gathered from consultation meetings with stakeholders, through first hand experience, and also data gathered during the field visits conducted for the preparation of this report. Finally, this document also includes a Field Work Report which incorporates and reflects results of the field visits conducted to three separate islands in 2015, including selected data gathered from the targeted questionnaires and also information from focus groups with relevant stakeholders.

General comments on the State party's report

The State party's consolidated fourth and fifth report on the implementation of the Convention on the Rights of the Child was submitted to the Committee on the Rights of the Child in September 2012. The State party's report also reflects a period in which the Maldives had undergone massive structural, social and economic changes. Interwoven policies and initiatives of three separate governments, denoting a multitude of strategic approaches and mindsets towards promoting and protecting the rights of the child has resulted in a lack of a cohesive, focused and long-term approach towards existing problems and emerging challenges.

An overarching theme of the State party's report is the formulation of various policy directives and adoption of a number of pieces of legislation aimed at strengthening the framework on child rights. As this Alternative Report will explore, without the necessary foundations in place to uphold and implement the various tools available, legislation alone is inadequate. In practice, key pieces of national legislation that have been adopted remains without a national mechanism in place to oversee its implementation on the ground.

Chapter 1 – General Measures of Implementation

(Articles 4, 42 and 44 of the Convention)

Reservations

(Paragraphs 13 to 16 of the State party's report)

1. The Committee in its Concluding Observations of 1998 and 2007, recommended the State party to review its reservations made to art. 14, and art. 21 of the Convention with a view to withdrawing them.¹ The Constitution of the Maldives prescribes that '*Islam shall be the basis of all laws in the Maldives*'.² The same article also states that '*no law contrary to any tenet of Islam shall be enacted in the Maldives*'.³ The State party in its report reaffirmed its position *vis-à-vis* any consideration towards reviewing all existing reservations to the aforementioned articles.⁴ Nevertheless, it has remained open to suggestions that article 21 could be reformulated or withdrawn albeit upon conditions that a system of adoption compatible with *Islamic Shari'ah* could be established.
2. The issue of adoption remains an ongoing theological debate in the Muslim world. The applicable verses in the *Quran* guides jurisprudence on the matter in countries where *Islamic Shari'ah* is observed such as in the Maldives.⁵ There are both systematic and practical differences in how a system of adoption or guardianship is implemented in Islamic countries, as compared to conventional systems in secular societies. While *Islamic Shari'ah* emphasizes the importance of lineage in the family, it is not illegal to pursue adoption on the condition that a person may not attribute one's adopted child to oneself. That is, *Islamic Shari'ah* will not confer on the person the status and rights of a biological father or mother. An adopted child shall retain his or her biological father's surname, and shall retain any rights to inheritance through their biological side.⁶
3. In recognizing the difference between the two systems and the challenge faced by the Muslim world in ensuring a proper and legally acceptable system of adoption, art. 20 of the Convention clearly stipulates that cases of alternative care '*could include, inter alia, foster placement, Kafalah of Islamic law, adoption or if necessary, placement in suitable institutions for the care of children*'. The argument in favour of a *Kafalah* system works in favour of Muslim countries to provide legal guardianship to children, in place of a system of legal adoption, where the alternative would be to not have either. In international treaty law, the legitimacy of the *Kafalah* system is also strengthened by the case of *Harroudj v. France* in the European Court of Human Rights in 2012.⁷
4. There have been some encouraging developments by the State party in moving towards a complete withdrawal of its reservations to art. 21 of the Convention. In its Mid-term Implementation Assessment for the UPR, the State party gave clear indications that internal procedures were underway to complete the withdrawal of the reservation made to art. 21 of the Convention.⁸ While the State party has not

¹ Paragraph 25 of the Concluding Observations CRC/15/Add.91 (1998) and paragraph 10 of the Concluding Observations

² Article 10 (a) of the Constitution of the Republic of Maldives

³ *Ibid.*, Article 10 (b)

⁴ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraphs 13-16.

⁵ Surah 33:4-5

⁶ Surah 8:75

⁷ *Harroudj v. France* (2012), 43631/09, ECHR 366

⁸ Mid-term Implementation Assessment of the Maldives, Universal Periodic Review, no. 100.19, p. 6 (2013)

described in detail what those procedures are, it is a positive indication that such a withdrawal might take place if the State party were given alternative options to explore which would be *intra vires* within the respective provisions of the Constitution concerning the nature of *Islamic Shari'ah* in municipal law.

5. The reservation formulated by the State party to paragraph 1 of article 14 relates to '*freedom of thought conscience and religion*'. As the State party had verified in its report, any reformulation or withdrawal of the said reservations would require a constitutional amendment.⁹ The Constitution also states that a '*non-Muslim may not become a citizen of the Maldives*'.¹⁰ Unlike the Constitution of 1998, the Constitution of 2008 qualifies all citizens of the country to be Muslims. It remains unlikely that a constitutional amendment would be adopted given the tremendous sensitivities surrounding the role of faith in the country.

Legislation

(Paragraphs 18 to 19 of the State party report)

6. The State party has shown subtle progress in introducing new legislation and amending existing ones in response to the Committee's recommendations.¹¹ Apart from the legislation mentioned in the State party report, new laws have been enacted during the reporting period, which are described below. Of note during this period are the landmark pieces of legislations that are highlighted below;

- (a) Special Provisions Act to Deal with Child Sexual Abuse 2009¹²

The Special Provisions Act was a crucial piece of legislation, setting out measures to deal with child sex offenders during the investigative and judicial stages. It also puts procedures in place to monitor convicted offenders following their release from imprisonment. The Act criminalizes the use of child prostitution and pornography in the country and was a genuine attempt to incorporate into municipal law, provisions of the CRC-OPSC.¹³

There are certain articles in the Act that are not compatible with the provisions and principles of the Convention. Article 14 of the Act states that '*Acts that can be considered sex offenses within this law shall not be deemed as an offense when carried out with a child whom a person has entered into marital relations with as per Islamic principles*'.¹⁴ The provision itself undermines efforts to combat child, early and forced marriage in the country, and is also in direct contravention to international positions taken by the State party within the United Nations system in combating child, early and forced marriage.^{15 16}

The Act also places an onus on the government agency responsible for the protection of children, the MLG, to publish a sex-offenders registry and make it available to the general public. However, at the time of writing no such registry has been published.

⁹ Article 10 (a) and (b) of the Constitution of the Republic of Maldives

¹⁰ Ibid. Article 9 (d)

¹¹ Paragraph 12 of the Concluding Observations, op. cit.

¹² Act. No. 12/2009

¹³ Ibid., Art. 17-19

¹⁴ Ibid., Art. 14

¹⁵ United Nations Human Rights Council '*Strengthening efforts to prevent and eliminate child, early and forced marriage*', A/HRC/24/23 (2013)

¹⁶ United Nations General Assembly '*Child, early and forced marriage*', A/RES/68/148, (2013)

(b) Penal Code 2014¹⁷

The Penal Code was signed into law on 13th April 2014 following a long process of deliberation in Parliament to replace the Penal Code of 1961. The new Penal Code provides a one-year grace period and will therefore enter into force in April 2015. While the Penal Code is a vast improvement to its predecessor, some articles and provisions fell short of the State party's international commitments. For example, minors could still be sentenced to death in contravention of Art. 37 of the CRC and Art.6 of the ICCPR. The State party has publicly stated that the new Code is in line with recent public calls to suspend its longstanding moratorium on death penalty following a spate of high-profile crimes in the country. The State party was of the view that the new Penal Code imposes a higher burden on the State including the Judiciary in passing sentences.¹⁸

Minors could also be sentenced for *Hadd* offences under *Islamic Sharia*. That is, the set of serious crimes that are considered *crimes against God*, such as adultery, theft, and apostasy, which are affixed a specified punishment. The Penal Code states specifically that if a minor is sentenced for such offences, and if he or she is below the age of eighteen, the application of the sentence will be deferred until the minor turns eighteen.¹⁹

(c) Protection and Financial Assistance to Persons with Disabilities 2010²⁰

The *Disabilities Act* was enacted in Parliament following the State party's accession to the Convention on the Rights of Persons with Disabilities (CRPD), in 2010. The Act was drafted with specific provisions of the CRPD in mind, including those relating to children with disabilities. The Act also for the first time, established a Disability Council with the mandate to coordinate with stakeholders and to oversee the implementation of the CRPD.

However, the Act is not fully enforced in the Maldives. Various regulations and guidelines that are needed to give full effect to the measures included in the Act have yet to be formulated. Furthermore, basic provisions of the Act – such as making public buildings accessible to persons with disabilities, and providing inclusive education to children with disabilities in the schoolsystem have not been fully implemented.

(d) Domestic Violence Prevention Act 2012²¹

The *Domestic Violence Prevention Act* is another landmark piece of legislation that was enacted during the reporting period. Based on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the *Domestic Violence Prevention Act* aims to prohibit and prevent such violence by introducing measures against persons who commit acts of violence, as well as by providing support to victims of abuse. Under the provisions of the *Domestic Violence Act*, a Family Protection Authority (FPA) was established to support the prevention, protection and access to justice for victims of domestic violence.²²

In the Maldives, 1 in 8 women (12.2%) aged 15-49 reported they had been sexually abused before the age of 15, while 1 in 3 women (34.6%) reported experiencing at least one form of physical or

¹⁷ Act No. 9/2014

¹⁸ Mid-term Implementation Assessment of the Maldives to the UPR, pp. 39-41

¹⁹ Act No. 9/2014, 53 (c)

²⁰ Act No. 8/2010

²¹ Act No. 3/2012

²² Ibid, Section 52 (a)

sexual violence.²³ In 2014, in coordination with the United Nations Population Fund (UNFPA), the FPA released a national strategy to provide practical information on how state institutions can implement the Act.²⁴

There are however, multi-faced challenges, which inhibits the full implementation of the *Domestic Violence Prevention Act*. The lack of investigative and law enforcement capacity, weaknesses in the judicial sector, lack of training and support services and finally, resistance to the principles enshrined in the Act from conservative religious circles are but a few of those challenges.²⁵

(e) Prevention of Human Trafficking Act 2013²⁶

The State party acceded to the United Nations Convention on Transnational Organized Crime in February 2013, paving the way for the enactment of the *Prevention of Human Trafficking Act* in December of the same year.²⁷ The Act achieved a significant milestone in addressing key concerns regarding trafficking in persons raised with the State party by international partners and agencies during the course of the reporting period. Prior to its removal from the 'Tier Two Watch List' on the *United States Department of State Trafficking in Persons Report 2014*, the State party was listed for three consecutive years.²⁸ The new Act clearly defines trafficking of children as an offense and expands the penalties for perpetrators.²⁹ It also provides additional protection for child trafficking victims.³⁰

(f) Drugs Act 2011³¹

The passage of the Drugs Act was a major milestone for the country, and was aimed at changing perceptions to treat drug users instead of incarcerating them. The National Drug Authority (NDA) was established under the Act to oversee drug prevention, hard-drug reduction and treatment. The focus of the new Act was clearly geared towards effective treatment and rehabilitation on the basic premise that drug dependence should be seen as a medical condition. A special Drug Court was also established under the Act to grant legal and judicial recognition treatment mechanisms.³²

However, as with other pieces of importation legislation, essential provisions of the Act have not been effectively implemented such as the establishment of special rehabilitation and detoxification centers for children.

7. There are a number of pieces of legislation that need to be adopted by the Parliament to give full effect to the Convention, and to make a material impact on the child protection system in the country. The primary legislation on the rights of the child, *Protection of the Rights of Children Act*, which was first enacted in following the ratification of the Convention, is still in effect³³. As the Committee had noted in its two previous observations in 1998 and 2007, the aforementioned Act itself does not fully incorporate

²³ Ministry of Health and Gender (2007), *The Maldives Study on Women's Health and Life Experiences*, Male', Maldives

²⁴ Family Protection Authority (2014) *Maldives Domestic Violence Prevention National Strategy 2014-2016*, Aishath Azza, Male', Maldives

²⁵ Hope for Women (2012) *Maldives NGO Shadow Report to the Committee on the Elimination of Discrimination against Women*, Male', Maldives

²⁶ Act No. 12/2013

²⁷ United Nations Treaty Collection, Chapter XVIII (Penal Matters), 12 'United Nations Convention against Transnational Organized Crime'

²⁸ United States Department of State, *Trafficking in Persons Report 2014*, pp.263-264

²⁹ Prevention of Human Trafficking Act 2013, art. 14 and 27 (c)

³⁰ Ibid. Art. 52-54

³¹ Act No. 17/2011

³² Ibid, Art. 30

³³ Act No. 9/1991

key principles and provisions of the Convention, and therefore must be amended accordingly or new legislation would be needed to replace it.³⁴

(a) Child Protection Act

The State party is currently drafting a Child Protection Law to replace the existing Act of 1991³⁵. Members of civil society were invited to submit initial inputs to the draft in 2014, and NGOs did have an opportunity to present comments to the existing draft being circulated by the MLG. However, some tenets of the draft act remain unchanged from its predecessor, especially those principles that are in conflict with the principles of the Convention itself such as corporal punishment. From a practical and legal perspective, as long as the Penal Code and the Family Law does not prohibit corporal punishment and child marriage respectively, it is highly unlikely that a new Child Protection Law would do so.

The lack of comprehensive legislation to protect the rights of the child has been quite evident, and the State party has asserted that preparations were underway to present a draft bill to the *People's Majlis*.³⁶ It is of crucial importance that this new piece of legislation be expedited.

(b) Minimum Standards for Children's Home, Regulations on State Custody, Regulations on Foster Care

The Minimum Standards, and both the regulations on State Custody and Foster Care have been drafted by the MLG, but still have not been implemented nor enforced. The aims and purposes of these regulations would no doubt benefit the alternative care settings in the country and are much needed to close the existing gaps in protecting the rights of children who are placed in state custody. The State party has not outlined a definitive time frame as to the implementation of these regulations and guidelines.

(c) Juvenile Justice Bill

Government is in the process of drafting a Juvenile Justice Bill. One of the key objectives is to incorporate State's international obligations commitments relating to child rights into domestic law and to introduce procedures and standards that aim to safeguard the rights of children within judicial proceedings as well as to separate and distinguish the judicial system that deals with children to that of adults.

8. It is important to note that the provisions and principles of both the CEDAW and CRPD are manifested in the domestic laws that were adopted during the reporting period – the *Domestic Violence Prevention Act 2012* and the *Disabilities Act 2010*. The Family Protection Authority, and the Disability Council were established as dedicated mechanisms to monitor, provide support and to formulate policy on prevention of domestic violence, and rights for persons with disabilities respectively. There is no equivalent mechanism for children's rights given that the primordial legislation is almost 25 years old, which was adopted when the Maldives first acceded to the CRC in 1991. Any new legal measures on protecting the rights of the child should include a similar mechanism or an ombudsman that would be transparent and accountable.

³⁴ Paragraph 7 of the Concluding Observations (1998), paragraph 12 of the Concluding Observations (2007) op. cit.

³⁵ SAIEVAC (2011) *Prohibition of Corporal Punishment of Children in South Asia: A Progress Review*

³⁶ Maldives Mid-Term Implementation Assessment on the UPR, recommendation 100.44, p.49

National Plan of Action

(Paragraphs 20 to 22 of the State party report)

9. The State party, at the time of writing does not have a Strategic Action Plan or a National Plan of Action in place. The Strategic Plan of Action (2008-2013) ran its course at the end of 2013, and the State party is yet to endorse a new action plan encompassing its strategic objectives derived from the policy platform of the ruling coalition government that came to power at the end of 2013.
10. The Planning Division at the Ministry of Finance and Treasury, and the President's Office are currently in the early drafting stages of the new Strategic Action Plan. While the possible contents and targets for the new plan has not been made public, it is possible to derive certain outcomes and priority areas from the President's Budget Speech delivered in November of 2014 which include, in generic terms, increased spending for social welfare programmes, advancing the role of women and youth and also, increased access to health, amongst other issues.³⁷ The specific initiatives and details were not disclosed.

Coordination

(Paragraphs 23 to 27 of the State party report)

11. During the reporting period, the State party witnessed broad structural changes to the child rights infrastructure spanning four consecutive governments. The principal government agency tasked with the evaluation and implementation of the Convention itself, went through unprecedented alterations more so than any other government ministry, agency or department.
 - (a) Prior to 2008, during President Maumoon Abdul Gayoom's administration (1978-2008), the principal agency for child rights was the *Ministry of Gender and Family*.
 - (b) In 2008 during President Mohamed Nasheed's administration (2008-2012), the Ministry of Gender and Family was downgraded into a Department and placed within the new *Ministry of Health and Family*.
 - (c) In 2012 during President Mohamed Waheed's administration (2012-2013), a new *Ministry of Gender, Family and Human Rights* was established.
 - (d) In 2013 during President Yameen Abdul Gayoom's administration (2013-present), the *Ministry of Health and Gender* was established and became the principal agency for child rights.
 - (e) In 2014, following a Presidential directive, a new *Ministry of Law and Gender* was created with the mandate for gender issues and child rights, by merging the former Attorney General's Office and the Gender Department in the formerly Ministry of Health and Gender.³⁸
12. The sheer volume and scale of the structural changes imposed upon the child rights system in the Maldives has had an unprecedented impact on the capabilities of the State party to deliver core services, and had greatly diminished the competency of its principal agency on child rights in carrying out its mandate. The nature of the modifications to the child protection system also demonstrates a lack of long-term planning on the part of the government on improving upon previous accomplishments.

³⁷ Statement delivered by President Yameen Abdul Gayoom on the Republic Day, President's Office, 11 November 2014

³⁸ President's Office Press Release, *President establishes the Ministry of Law and Gender*, 1 July 2014

13. It is highly regrettable that mandates and boundaries for the principal agency for child rights had been redrawn on every occasion a new government had come to power, often resulting in shifting of priorities, and loss of human resources and technical expertise in the process. These mandates had been modified on five occasions during the reporting period as listed in *paragraph 11*, the most recent modification being made in July 2014.
14. In 2009, the global economic crisis dictated the terms of domestic growth and long-term investment in social welfare. In order to tackle large fiscal and external imbalances, the State party sought and received assistance from the IMF in putting together an economic reform package that would reduce public expenditure and alleviate pressure on its foreign reserves.³⁹ The subsequent redundancy packages offered to civil servants, along with an active public employment downsizing policy resulted in staff levels in government agencies, including that of the MLG being dramatically reduced.⁴⁰
15. The State party has heavily relied on *ad hoc* mechanisms and measures for coordination, in the absence of multi-sectoral platform to evaluate the implementation of the Convention. In 2011, a Child Rights Coordinating Committee was established to enhance coordination, but became redundant overtime. Likewise in 2013 following a well-known case of a child being sentenced to flogging, the President's Office established a committee to review existing child protection mechanisms, including the legal framework.⁴¹ However, the deliberations and recommendations of the Committee have not been made public and it remains unclear if any remedial policy changes were brought into effect.

Independent Monitoring

(Paragraphs 28 to 31 of the State party report)

16. Art. 189 of the Constitution of 2008 designates the Human Rights Commission of the Maldives as an independent and impartial institution tasked with promoting respect for human rights, despite it being established earlier in 2006.⁴² The HRCM is not fully in compliance with the Paris Principles and holds 'Category B Status' in the International Coordinating Committee of National Human Rights Institutions.⁴³
17. The HRCM had been under increasing political and judicial pressure during the reporting period. On numerous occasions, the HRCM had been summoned to the courts to provide explanations on independent assessments provided by the HRCM, that are interpreted to be critical of the Judiciary.
18. In April 2014, the HRCM was summoned to the Juvenile Court after publishing an investigative report on the how the Juvenile Court had failed, when it convicted a 15-year old girl on charges of fornication and sentenced her to 100 lashes and 8 months house arrest. The Juvenile Court sought to dispel any negative impression the investigative report might have had on the work of the Juvenile Court. The convictions against the 15-year old girl were later overturned in March 2014 by the High Court.
19. The HRCM in September 2014, as part of its mandate, submitted a report to the Human Rights Council's UPR process for the review of the Maldives due to be held in April 2015.⁴⁴ The report is holistic in nature,

³⁹ IMF Survey Magazine, *Global Economic Crisis: IMF Supports Maldives Economic Reforms*, 7 December 2009.

⁴⁰ IMF Country Report No. 11/293 'Maldives 2010: Article IV Consultations', September 2011

⁴¹ President's Office (2014), Press Releases, <http://www.presidencymaldives.gov.mv/Index.aspx?lid=11&dcid=8660> (Accessed: December 2014)

⁴² Act. No. 6/2006

⁴³ International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, OHCHR.

⁴⁴ Human Rights Commission of Maldives (2014), *HRCM submission to the Universal Period Review of Maldives, April-May 2015*, http://www.hrcm.org.mv/Publications/otherdocuments/UPR_submission_Sept_2014.pdf (Accessed: December 2014)

encompassing a host of human rights challenges, and include a component on the situation of the rights of the child was included in the report.⁴⁵

20. Following the submission of its written contribution to the UPR process in September 2014, the Supreme Court of the Maldives initiated *suo motu* proceedings against members of the HRCM for its criticism of the Supreme Court's powers and its undue influence on judicial independence and separation of powers in the country. Subsequently, serious concerns were raised by the UN High Commissioner for Human Rights and other international partners, on the manner in which criminal proceedings were initiated against the HRCM.⁴⁶ The State party was reminded of the commitments it had agreed to undertake during the first cycle of the UPR, in that, the State party has a responsibility to provide a safe environment for NHRIs to cooperate with UN human rights mechanism without fear or reprisals.⁴⁷
21. The HRCM operates an individual complaints mechanism that is also accessible to children, and has investigated reports of abuse submitted through the complaints mechanism.⁴⁸ As the NHRI, the HRCM has an extremely valuable role in conducting investigations into allegations of abuse, and to be transparent and objective in its assessment of such instances. Despite the challenging political environment, the HRCM remains the only viable and independent monitoring mechanism in the country.

Allocation of Resources

(Paragraphs 32 to 37 of the State party report)

22. There has been a significant increase in allocation of resources to the social sector during the reporting period, reflecting the commitment of the Government in promoting and protecting the rights of the child. The final expenditure for MLG in 2014 stands at MVR 115,065,258.00 (USD 7,462,079). The allocated budget for 2015 stands at MVR 136,657,390.00 (USD 8,862,347), which is a 19% increase in from the MLG budget of 2014.
23. The projected budget for 2016 stands at MVR 143,072,390.00 (USD 9,278,365), which is an increase of 24% to that of the 2014 budget. Likewise, the projected budget for 2017 is a 31% increase to the 2014 budget and currently stands at MVR 150,221,374.00 (USD 9,741,983).

Table 1: Ministry of Law and Gender – Annual Budget Analysis (2014 – 2017)

NAME OF THE OFFICE	2014	2015	2016	2017
Ministry of Law & Gender	115,065,258	136,657,390	143,072,351	150,221,374

Source: Ministry of Finance and Treasury, State Budget for 2015

24. The following agencies and units receive budgetary resources directly from the MLG budget, and operationally function under the policy and budgetary direction of the Minister in charge.
- a) The Ministry of Law and Gender (MLG)
 - b) Attorney General's Office
 - c) Home for People with Special Needs (*K. Guraidhoo*)
 - d) Family and Children Service Centers (FCSCs)
 - e) Children's Shelter (*Kudakudhinge Hiya*)
 - f) Education and Training Center for Children (ETCC), *K. Maafushi*
 - g) Family Protection Agency (FPA)

⁴⁵Ibid., p.6

⁴⁶ UN News Centre, October 2014, http://www.un.org/apps/news/story.asp?NewsID=49100#.VJ_QhAFADI (Accessed: December 2014)

⁴⁷ Report of the Working Group on the Universal Periodic Review – Maldives, UNHRC (A/HRC/16/7)

⁴⁸ HRCM (2013) *Annual Report*, 2013, Maldives

Table 2: Ministry of Law and Gender – Budget Breakdown Analysis (2014 – 2017)

OFFICE	2013	2014	2015	2016	2017
Ministry of Law & Gender		4,411,387	32,607,577	31,554,673	38,330,106
Attorney-General's Office	59,678,040	13,723,722	24,911,216	28,101,063	28,101,063
Home for People with Special Needs	20,879,230	23,419,078	26,844,484	29,666,281	29,818,831
Family and Children's Service Centers	17,157,866	15,694,548	20,281,410	20,860,613	20,860,613
Children's Shelter (Kudakudhinge Hiya)	11,139,845	12,152,518	17,619,474	17,901,374	17,996,374
Education and Training Center for Children (ETCC)	4,797,603	4,175,668	9,709,266	9,949,566	9,949,566
Family Protection Agency (FPA)	1,394,674	2,135,164	4,683,963	5,038,781	5,164,821

Source: Ministry of Finance and Treasury, State Budget for 2015

Data Collection

(Paragraphs 38 to 42 of the State party report)

25. The collection of data on child rights have generally improved during the reporting period, with a number of important studies and analyses being conducted by the State party, the HRCM, UNICEF, a number of NGOs and other actors. These reveal that there are substantial information gaps on critical issues such as children with disabilities, and child early and forced marriage.
26. On rights of persons with disabilities, there is no conclusive data on different types of disabilities. The only comprehensive assessment at the national level was done by the HRCM in 2010 following the ratification of the CRPD by the State party.⁴⁹ For example, there is no data on the number of children who are visually impaired or children who have a speech disability. The lack of data and statistics on these groups has contributed to them being completely marginalized by the State party, with no effective policies or plans to protect their rights. Likewise, anecdotal reports suggests that there are cases of child, early and forced marriages, children who prevented from being vaccinated, or prevented from attending school; yet, no studies or assessments have been conducted to gauge the seriousness of these issues.
27. In 2010, UNICEF in collaboration with the MPS, the MLG, Ministry of Education and the Juvenile Justice Unit of the Ministry of Home Affairs launched the *Maldives Child Protection Database*.⁵⁰ The database was designed to hold accurate information on child abuse cases that would be readily available to law enforcement and child protection agencies, in a manner that would enable relevant authorities to expeditiously respond to cases of abuse, facilitate investigations and improve coordination amongst all relevant actors. However, the database is not fully operational and has not been easily accessible to all agencies that are most involved on child protection issues. The State party report correctly identifies the MLG as one of the core institutions that have not been able to use the database due technical incompatibility and lack of training on the use of the database, among other reasons.⁵¹
28. In the absence of a comprehensive and multi-agency database, State institutions have resorted to using their own internal mechanisms to record and store data. The Maldives Police Service, Juvenile Justice Unit and the MLG receive and record cases of relating to children, and publish statistics on recorded cases separately as well. Presently, the UNICEF Office in Maldives maintains the most comprehensive database on child rights statistics.⁵²

⁴⁹ HRCM (2010) *Activities Addressing Rights of Persons with Disabilities: Baseline Assessment, Male'*, Maldives

⁵⁰ Maldives Police Service Press Release, <http://www.policelife.mv/page/22277>

⁵¹ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 42

⁵² UNICEF Maldives. http://www.unicef.org/infobycountry/maldives_maldives_statistics.html

29. In 2014, the National Bureau of Statistics (NBS) conducted its nation-wide census.⁵³ The last census in the country was taken in 2006, and it was presumed that a number of data gaps would be filled on crucial issues relating to children when the 2014 census was undertaken, such as on disabilities and school attendance. It is highly regrettable that a nation-wide information gathering survey failed to include basic questions concerning children and their welfare.

Dissemination of the Convention

(Paragraphs 43 to 50 of the State party report)

30. The general public is largely unaware of the United Nations Convention on the Rights of the Child, or other core international human rights instruments, which the Maldives is a State party to. As mentioned in paragraph 49 of the State party report, there is a misguided perception that international human rights instruments and international law are in contravention to the principles of Islam and *Islamic Sharia*. More often than not, issues relating to corporal punishment, the right to education, lifestyle choices and other conservative values surface during conversations. Furthermore, the political turmoil in the country during the reporting period had fuelled nationalistic and religious sentiments, has resulted in a more unfavourable outlook on human rights principles and fundamental freedoms afforded by the core instruments.
31. Nevertheless, there have been efforts undertaken by the State party to inform the general public on the principles and provisions of the Convention. Both the MLG and the Human Rights Commission of the Maldives, on various occasions during the reporting period had disseminated information, either through television programmes, print media or leaflets and posters, either in collaboration with civil society organizations or through other stakeholders.
32. As mentioned in paragraph 44, the HRCM in partnership with UNDP Maldives distributed a small booklet in Dhivehi, during the reporting period on the rights and freedoms included in the Convention.⁵⁴ The booklet is freely available from the HRCM upon inquiry, and contains a description of the key articles of the Convention. MLG has published a similar booklet as well. While the HRCM booklet was designed specifically for children, but a large amount of technical and legal terms, which could be difficult to comprehend for children who might not be familiar with the terminology.
33. Furthermore, there is no official or formally translated version of the Convention itself, with each agency opting to use their own versions for internal use. There have not been any efforts to distribute any of the State party reports, although the Concluding Observations had been translated into the local language.⁵⁵
34. Children's Day is observed in the Maldives on the 10th of May every year, where the Government, HRCM, schools, NGOs and local business undertake various activities. The celebration of Children's Day should be continued in schools, through educational activities and other events to ensure that children are made aware of both international standards and domestic norms on how their rights are protected.
35. It is unfortunate that efforts to provide more information to the general public, as mentioned in paragraph 48 have been largely been curtailed due to lack of resources and trained personnel to provide accurate and substantive information. There has not been a continuous training programme for social workers at FCSCs and other Ministry staff, although the Maldives Police Service provides specialist

⁵³ Population and Housing Census 2014: Preliminary Results <http://planning.gov.mv/en/content/view/513/1/>

⁵⁴ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 44

⁵⁵ Paragraph 25 of the Concluding Observations (2007) op. cit.

courses for officers completing their basic training, and those who choose to pursue their careers in technical areas such in family and child related investigations.

Cooperation with non-governmental organizations

(Paragraphs 51 to 52 of the State party report)

36. There has been a steady increase in the number of NGOs operating in the country party since the State party's previous interaction with the Committee in 2007. The sweeping reforms brought in by the Constitution of 2008 allowed for renewed drive towards civil liberties, including freedom of association.
37. The State party does recognize, to some extent, the roles played by civil society organizations in promoting and protecting the rights of the child in the country. However, the State party has been selective in choosing areas of cooperation, under its own terms while avoiding discussion and dialogue on controversial subject matter. Participation of NGOs in decision-making processes, and in providing advice and technical expertise has also been minimal.
38. There is also no formal mechanism in place for NGOs to participate and provide technical advice during the drafting stages of a legislative process in the People's Majlis (Parliament). The chair or the coordinator of a committee in the Majlis, in this case the *Committee on Social Issues* debates on all matters relating to child rights and thus has the discretion to invite NGOs and other stakeholders to the Majlis to provide technical advice and information during committee hearings. Although, it is extremely rare for NGOs to be present during such a hearing.
39. In order to increase public participation in the decision making process, Transparency Maldives in December 2014 launched a Dialogue Group between members of civil society and Members of Parliament to foster a culture of cooperation between the legislative branch and NGOs, and to promote greater cohesion on the social needs of the country, and the legislation used to address them.⁵⁶

International Cooperation

(Paragraphs 53 to 55 of the State party report)

40. Cooperation with international partners has been an important aspect of the State party's efforts to enhance capacity building, especially that of a technical nature. As the Committee had pointed out, efforts undertaken thus far to enhance the country's child protection system has been exclusively at the behest of funding and resources from the UN system.⁵⁷ However, such funding sources have been inadequate to provide a marked improvement of the situation of the ground without the necessary legislation and the domestic political will to substantiate ongoing efforts provided through UNICEF and the UNDAF Action Plan.
41. At the invitation of the State party, the *Special Representative of the Secretary-General on Violence Against Children*, Ms. Marta Pias Santos visited the Maldives in May 2013 on a five-day visit. During her visit, the SRSG met with a number of stakeholders on child rights and made substantial recommendations to the State party.⁵⁸ While the State party has welcomed these recommendations, there had not been any substantial movement to implement the recommendations made by the SRSG. The State party also actively participates in the South Asia Initiative to End Violence Against Children (SAIVAC) as a platform for regional cooperation.

⁵⁶ <http://minivannews.com/news-in-brief/transparency-maldives-launches-majlis-civil-society-dialogue-group-91701>

⁵⁷ Paragraph 29 of the Concluding Observations (2007) op. cit.

⁵⁸ Statement on the Visit by the SRSG to the Maldives, 3-8 May 2008 <http://srsrg.violenceagainstchildren.org> (Accessed: January 2015)

Chapter 2 - Definition of the Child

Article 1 of the Convention

(Paragraphs 56 to 59 of the State party report)

42. The current legal definition of the child is based on the Protection of the Rights of the Child Act (1991), which states that a child or a minor can be defined as, '*offsprings of biological parents, under the age of eighteen according to the Gregorian calendar and shall include human embryos and fetuses*'.⁵⁹
43. The Employment Act (2008) imposes strict conditions for the employment of minors, of which a minimum age of sixteen years was enforced.⁶⁰ However, the Act provides an exception where a minor may be employed '*in connection with training associated with their education or deportment*'. It also stipulates that minors may only be employed under the conditions mentioned above only upon written consent from his or her legal guardian and shall not be employed in any work that may have a detrimental effect on his or her health, education, safety and conduct.⁶¹
44. The Penal Code (2014) states that the age of criminal responsibility shall be set at fifteen years of age.⁶² Minors can still be sentenced for *Hadd* offences, but the sentence will be deferred until he or she turns eighteen.⁶³
45. The Family Act (2000) defines the legal age of marriage as eighteen years of age.⁶⁴ However, a child may be eligible for marriage should the Registrar of Marriages at the Family Court decide that the child has attained puberty, is of sound physical and mental health and has the competency to maintain a livelihood.⁶⁵ Also, the new Child Protection Act, which is still in its drafting stages, retains the provision from the existing legislation denoted in paragraph 46 of this report.⁶⁶
46. While the primary legislation on child rights should set clearly defined minimum ages by law, it is clear that not all domains related to children have a common definition of the child.⁶⁷ The age of criminal responsibility differs from the legal definition provided by both the Protection of the Rights of the Child Act (1991) and the new draft Child Protection Act that is meant to supersede the existing legislation.

⁵⁹ Art. 30 (a) Act No. 9/1991 op. cit.

⁶⁰ Chapter 3, Act No. 2/2008

⁶¹ Ibid, art. 6 and art. 7.

⁶² Act No. 9/2014, 53 (a) 1.

⁶³ See paragraph 6 (b), *Penal Code*

⁶⁴ Art. 4 (a), Act. No. 2/2000

⁶⁵ Ibid, Art. 4 (b)

⁶⁶ Art. 2 (a) of the draft Child Protection Bill

⁶⁷ Paragraph 32 of the Concluding Observations (2007) op. cit.

Chapter 3 - General Principles

Articles 2, 3, 6 and 12 of the Convention

Non-discrimination

(Paragraphs 60 to 72 of the State party report)

47. Children born out of wedlock continue to face discrimination in society, both in law and in practice. Social stigmatization, stereotyping and existing legislation makes it extremely hard and sometimes impossible for a child born out of wedlock to assume the rights and privileges afforded to other children. While the State party has reaffirmed its commitment to the principles enshrined in Article 2 of the Convention, the actualities surrounding naming conventions and inheritance for children born out of wedlock adds further encumbrance to an already discriminated minority.
48. A child born out of wedlock will not be entitled to carry his or her biological father's surname and may be denied inheritance under existing succession laws. There have been voluntary informal measures that have been utilized to circumvent the complications in succession laws and inheritance in existing legislation, but they are solely dependent on the acceptance of the biological father to grant legitimacy to the child.
49. Children with disabilities are also discriminated against in the education system, mainly due to the fact that schools in the Maldives does not have the capacity to teach children with special needs, and also due to the disproportionate teacher-to-student ratios in large classes where admitting children with special needs or disabilities becomes a burden on teachers.

Best interests of the child

(Paragraphs 73 to 76 of the State party report)

50. At present, the concept of '*best interests of the child*' is neither understood fully nor applied in practice in the Maldives. In line with the Committee's recommendation, it would be prudent to incorporate the principle into any new legislation that would succeed the existing Protection of the Rights of the Child Act (1991).⁶⁸ Government officials, care workers and specialists working in the area of children's rights have not been given adequate training information and tools necessary to incorporate the principle in carrying out their respective activities.
51. As mentioned in this report, the Minimum Standards for Children's Home, Regulations on State Custody, Regulations on Foster Care have been drafted for a number of years. These documents would no doubt, if implemented properly by trained staff would greatly enhance the practical application of the principle of the *best interests of the child*. However, none of these documents have been endorsed or implemented.⁶⁹

⁶⁸ Paragraph 41 of the Concluding Observations (2007) op. cit.

⁶⁹ See paragraph 7 (b)

Right to life, survival and development

(Paragraphs 77 to 84 of the State party report)

52. Existing studies increasingly point towards the linkages between pregnancies out of wedlock and abortions in unhygienic and unsafe conditions that often lead to infanticide.⁷⁰ Furthermore, social stigmatization and associated religious and cultural consequences of conducting an abortion, unless medically recommended, can have a profound and often harmful impact on the health of young women. The Maldives permits abortion under two conditions, to save a woman's life and to preserve a woman's physical health. Abortion can also be permitted up to 120 days during the gestational stage if Thalassaemia is diagnosed and also for cases involving congenital complications.
53. There are no statistical data on actual abortion rates in the Maldives.⁷¹ However, there are studies indicating that unmarried youth are sexually active in the country, and that sexual intercourse before marriage is commonplace.⁷² Furthermore, there have been numerous reports of unsafe abortions during teenage pregnancies and infanticides in the country.⁷³ Sexual intercourse outside of marriage is illegal in the Maldives and carries legal action and social stigma. In such an environment, women either seek to access abortions outside of the country or from illegal and unsafe providers within the country. The problem is further compounded by the low contraceptive prevalence rates and the fact that children born out of wedlock face discrimination in society, in practice and in law.⁷⁴
54. The subject remains taboo in the society, and incites negative reactions and perceptions. There is also a lack of information on contraceptives, education and awareness programmes, and the notion that the issue itself should be seen from a religious point of view, rather than a medical one. Negative consequences arising from pregnancies out of wedlock persists, and regrettably, societal attitudes have not changed during the reporting period.⁷⁵

Respect for the views of the child

(Paragraphs 85 to 90 of the State party report)

55. Children's right to participation is not recognized in the Constitution, nor is there any such provision in the Act on the Protection on the Rights of Children. There is also no stand-alone mechanism or independent ombudsman mandated to implement the Convention, or to oversee, monitor and coordinate with various agencies on policies and initiatives that affect the lives of children. The right to participate is misunderstood in Maldivian society, with prevailing view that children should be seen and not heard.⁷⁶
56. The UNICEF and the HRCM conducted an assessment in 2011 to assess the level of participation in all levels of decision-making processes that affect children's daily lives. While the study concluded that there are indeed measures on paper that provide legal provisions for consulting with children on various issues, there is a stark difference in the actual practice of applying those provisions. Apart from custodial cases, where children are required to be consulted (Section 44(b) of the Family Act), there are very few formal procedures in place that encourage children to form and express their own opinions and views.

⁷⁰ UNFPA (2011) *Reproductive Health Knowledge and Behavior of Young Unmarried Women in Maldives*, Maldives, pp. 31-33

⁷¹ WHO (2013) *Mapping Abortion Policies, Programmes and Services in the South East Asian Region*, SEARO, India, p.26

⁷² UNFPA (2011) *Reproductive Health Knowledge and Behavior of Young Unmarried Women in Maldives*, Maldives, p. 8

⁷³ Omid M, Minivan News, January 2010 <http://minivannews.com/society/abortion-in-the-maldives-the-untold-story-2191> (Accessed January 2015)

⁷⁴ See paragraph 49

⁷⁵ Paragraph 43 of the Concluding Observations (2007) op. cit.

⁷⁶ HRCM/UNICEF (2011) *Child Participation in the Maldives, An Assessment of Knowledge*, p.68

57. For instance, it has long been identified that the Juvenile Justice Bill and the Minimum Standards at Institutions of Alternative Care are on par with international standards, and when being implemented, would further enhance and strengthen mechanisms in which children's views and opinions are considered when making decisions that affect their lives. However, as this report has explored, the Juvenile Justice Bill is still in the drafting stages, and the Minimum Standards is awaiting endorsement and have not been implemented.⁷⁷ In practice, there is a lack of resources, a lack of trained personnel and a lack of political will that stands as obstacles to the full realization of Art. 12 of the Convention.
58. In January 2015, ARC with the support of UNICEF is carrying out an initial project to further explore the implementation of Art. 12, and to encourage child participation. The project is due to be completed in June 2015, and is expected of informing children of their right to participate and to set a sound foundation to further involving children on issues that shapes their future and to instill greater understanding in teachers, parents and policy makers in respecting the views of opinions of children.

⁷⁷ See paragraph 7, *Legislation*

Chapter 4 - Civil rights and freedoms

Articles 7, 8, 13 – 17, 19 and 37 (a) of the Convention

Birth registration

(Paragraphs 91 to 95 of the State party report)

59. The Maldives has seen dramatic improvements in the registration of births during the reporting period. The most recent statistics in 2009 shows that 93% of all births in the Maldives are registered.⁷⁸ Registration is also enforced by law, which requires the parents of a newborn child to apply for registration within 7 days of the birth.⁷⁹ The decentralized distribution of birth registration services in various atolls and established documentation procedures are some of the factors, which have contributed to this improvement. During a study conducted in 2001, the comparative statistics for birth registration stood at 73%.⁸⁰ Significantly, WHO data also shows that between 2005 and 2012, 95% of births were attended by a skilled health professional.⁸¹
60. Although there are no formal studies done on child early and forced marriages in the Maldives, anecdotal evidence suggests that there is an increasing trend towards out of court or unofficial marriages involving children, especially in rural islands. Such trends if unchecked, could lead to an increase in the number of children who are not registered after birth.
61. The Birth Certificate, along with the National Identification Card forms the core basis in providing an identity to the child, which facilitates access to other rights and entitlements. Both these documents are necessary to enroll in the school system and to apply for social benefits under the national health insurance schemes.⁸² While emphasis by the Government in outlining the benefits of birth registration is significant to the child, it is equally important to ensure that children without documentation are not discriminated against, and are afforded the rights, privileges, access to healthcare and education.

Freedom of religion

(Paragraphs 96 to 97 of the State party report)

62. Upon ratification of the Convention, the Maldives submitted reservations to Art. 14 of the Convention.⁸³ Furthermore, the Constitution of the Maldives specifically prohibits any freedom of religion or belief.⁸⁴ The Maldives in its report has highlighted its position concerning any constitutional amendments that may be required to change the status quo regarding *the right of the child to freedom of thought, conscience or religion*, which today remains constrained.
63. Schools are required to promote obedience and love to Islam and parents must educate their children as Muslims. However, foreigners may raise their children in accordance with their own faith and belief as

⁷⁸ UNICEF (2012) *State of the World's Children 2012: Children in the Urban World*, New York

⁷⁹ Law on Registration of Births and Deaths, Act. No. 7/1992, Art. 2

⁸⁰ Ministry of Health (2001) *Multiple Indicator Cluster Survey*, Maldives, p.56

⁸¹ WHO (2013) *World Health Statistics; Global Health Indicators Part 3*, Health Service Coverage, p.56

⁸² HRCM (2012) Shadow Report under the ICCPR, Maldives, paragraph 174

⁸³ See paragraph 5

⁸⁴ Art. 10 of the Constitution of the Maldives

long as it is practiced in the privacy of their homes.⁸⁵ Religious tolerance is not taught in schools and is not part of the educational curriculum. A survey conducted in 2005 by the Government of Maldives and UNDP further demonstrates a high degree of intolerance towards other cultures and religions by youth and adolescents, with 61% stating that it is not important to learn about other cultures and 81% considering that it is not important to respect other religions.⁸⁶

64. While study of Islam had always been a compulsory subject in state schools, there have been recent efforts by the Ministry of Education to introduce creative arts subjects such as music and dance in the new curriculum that was introduced for the academic year 2015. However, upon objections from the Ministry of Islamic Affairs and other religious NGOs those subjects were later made optional.⁸⁷ There are some religious elements in society and in Government that considers music and other creative arts are *haram*, or forbidden under Islamic Sharia. Developmental delays are common for children deprived of opportunities to express emotions and channel energy creatively and so it is a serious concern that some preschools had removed music and art from their curriculum entirely.

Freedom of association and peaceful assembly

(Paragraphs 98 to 99 of the State party report)

65. Children are not allowed to form associations *on their own initiative*, but have historically and generally are members of associations both within and outside the schools system organized by the State or established by other adults. The *Associations Act* of the Maldives, which governs the establishment and registration of associations, including NGOs, specifically prohibits children from forming any associations.⁸⁸ The Act further prohibits children from being members of any executive or governing committee of an association formed pursuant to the Act.⁸⁹

66. The Constitution of 2008 protects individuals to their right to freedom of assembly without prior permission from the State.⁹⁰ However, there are limited avenues for Maldivian children to exercise their right to freedom of assembly either in school or in any other setting. Since 2003, assemblies, protests and other types of gatherings are common in the Maldives, at times ending in violence. While not frequent, there have been reports on a number of occasions where children were detained, albeit temporarily.

Access to information

(Paragraphs 100 to 101 of the State party report)

67. There have not been major improvements in improving access to information for children, especially in the Atolls. The National Library in Male' has a wide collection of reading material and is frequented by children and students. The State party report rightly points out that the situation in the atolls and islands outside of the Capital City is different to that of Male' and has not seen substantial growth in investments for books, magazines and other forms of information.⁹¹ This deficiency would no doubt negatively impact the education of children where teaching in all core subjects is performed in the

⁸⁵ United States Department of State, International Religious Freedom Report for 2012, pp. 3-4

⁸⁶ Government of Maldives/UNDP, Youth Voices: Facts, Opinions and Solutions, 2005, p.62

⁸⁷ Minivan News, October 2013, <http://minivannews.com/politics/adhaalath-party-objects-to-compulsory-creative-arts-subject-in-new-curriculum-90616> (Accessed: January 2015)

⁸⁸ Art. 6 (a), Act No. 1/2003, Associations Act

⁸⁹ Ibid, Art. 24

⁹⁰ Article 32, Constitution of the Maldives

⁹¹ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 101

English medium. Access to online information have improved during the reporting period, however, due to the geographical composition of the country and the dispersal of populations, there are considerable differences between access to the Internet in Male' and in other islands.

Torture, cruel, inhuman or degrading treatment or punishment

(Paragraphs 102 to 113 of the State party report)

68. Maldives is one of the few countries in the world that allows corporal punishment, life sentences, and the death penalty for minors.⁹² There has not been any concerted effort by the State party to prohibit the use of corporal punishment in administering justice to children, and there are currently no laws, which prohibit the use of corporal punishment in all settings.
69. The Penal Code (2014) sets out the legal parameters in which corporal punishment can be administered under *Islamic Sharia*.⁹³ In terms of the Committee's recommendations, the new Penal Code does not prohibit the use of corporal punishment, as a sentencing offence and as a disciplinary measure either at home, alternative care settings, justice institutions, schools and in workplace settings.⁹⁴
70. In April 2014, the Maldives for the very first time, introduced specific regulations and procedures in administering the death penalty, despite observing a long-standing *de facto* moratorium on the death penalty.⁹⁵ The Penal Code also includes sentencing guidelines on the death penalty.⁹⁶ At the end of 2013, there were 18 people on death row.⁹⁷ In 2013, two minors were sentenced to death by the Juvenile Court for the crime of murder in a gang-related stabbing of a victim.⁹⁸ The Penal Code states that a minor sentenced for a capital punishment crime would have his sentencing delayed until that child has reached the age of 18. At the time of writing, no executions have been carried out in the Maldives. It is important for the Committee to consider that the Maldives does not have reservations to Art. 6 of the ICCPR, and Art. 37 of the Convention, which prohibits capital punishment or life imprisonments for persons below the age of 18 without the possibility of release.
71. Flogging continues to be administered to minors by the juvenile justice system in the country. In August 2013, the Maldives High Court convicted a 15-year old victim on charges of fornication and sentenced her to 100 lashes and eight months of house arrest. She was initially arrested after the body of a baby she had given birth to was found buried outside her home. The stepfather of the girl was charged with sexual abuse and the girl herself had been a victim of rape. The High Court at the time stated that the ruling was unrelated to the sexual abuse she suffered under her stepfather. Amid widespread international and domestic condemnation, the State appealed the sentence at the High Court and was later annulled.⁹⁹

⁹²Inhuman Sentencing of Children in the Maldives' Child Rights Information Network, http://www.crin.org/docs/Maldives_final1.doc (Accessed: December 2014)

⁹³ See paragraph 6 (b)

⁹⁴ Paragraph 56 of the Concluding Observations (2007) *op. cit.*

⁹⁵ Procedural Regulations on Investigating and Penalising the Crime of Murder

⁹⁶ Act No. 9/2014, Section 1204, Penal Code

⁹⁷ Amnesty International (2013) *Death Sentences and Executions 2013*, p.24

⁹⁸ Cornell University Law School, Death Penalty Worldwide, June 2014, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Maldives> (Accessed: January 2015)

⁹⁹ Colville R, Spokesperson for the UN High Commission for Human Rights, August 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13657&LangID=E> (Accessed: December 2014)

Chapter 5 - Family environment and alternative care

Articles 5, 18, (paragraphs 1-2); 9-11; 19-21; 25; 27, (paragraph 4); and 39 of the Convention

Parental responsibilities

(Paragraphs 114 to 122 of the State party report)

72. There are legal measures in place outlining the responsibilities of parents towards their children. The existing legislation on child rights highlights those duties, which include *inter alia* the responsibility of the child's parents to provide food, shelter, education and access to healthcare.¹⁰⁰ The Act also specifically states "*no parent shall in the event of separation of parents, act in a manner detrimental to the health, education and conduct of the child*".¹⁰¹ Furthermore, the legal measures extend to other areas as well, such as birth registration.¹⁰²
73. During the reporting period, multiple studies demonstrate that the Maldives continues to hold one of the highest rates of divorce in the world.^{103 104} The Family Act (2000) when it was enacted was designed specifically to reduce the rates of divorce in the country, by narrowing the scope in which a divorce can take place.¹⁰⁵ The Family Court also conducts a course on marital responsibilities, which focuses on the negative impact of disputes and separation.
74. Nevertheless, children continue to face the detrimental effects of separation and divorce of their parents, which can impact their right to health, right to education and the right to a happy life. There is also parental and societal pressure on couples to get married at a young age, when they are not ready, since unmarried couples are not allowed to cohabit, and having long-term relationships without getting married is frowned upon. Furthermore, societal and cultural norms and the scarcity of land consigns couples to live with their parents and members of the extended family, which often adds another dimension of family pressure, that could contribute towards conflict and separation.
75. The Government has undertaken efforts to reduce divorce rates in the country and have also initiated various programmes out of necessity due to the extremely high rates of divorce.¹⁰⁶ However, a new approach may be needed to address the underlying factors within the society itself.

Alternative and institutional care

(Paragraphs 123 to 132 of the State party report)

76. The Maldives previously had three alternative care institutions for children. The Education and Training Center for Children (ETCC) located in the island of *Maafushi* was established as a residential institution for boys between the ages of 9 to 18 with behavioral problems, social disorder and minor misdemeanors. Operations in ETCC were shut down for renovations in August 2013 and children were

¹⁰⁰ Act No. 9/91, Chapter 2, *Act on the Protection of the Rights of Children*

¹⁰¹ *Ibid*, Art. 19

¹⁰² Act No. 7/92, Art. 2, *Law on the Registration of Births and Deaths*

¹⁰³ UNDP, *Women in Public Life in the Maldives: Situational Analysis* (2010) p. 9

¹⁰⁴ Department of National Planning, *Millennium Development Goals - Maldives Country Report* (2010), ISBN 99915-96-11-9, p.47

¹⁰⁵ *Hope for Women* (2012) *Shadow Report to the Committee on the Elimination of Women*, Maldives, paragraph 62

¹⁰⁶ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 147

sent back to their families. The shelter was re-opened in late 2014, to accommodate a boy who could not be kept in the Children's Shelter, Kudakudhinge Hiya. The Ministry of Home Affairs established a Correctional Training Center for Children (CTCC) located in the island of *Feydhoo Finolhu* as a detention facility for juvenile offenders in 2009, however, the center was closed in 2013.

77. The Children's Shelter (*Kudakudhinge Hiya*) located in the island of *Villi-Male'* was established in 2004 with an initial accommodating capacity for 45 children, from infancy to the age of 9. It was designed as a home for orphans, neglected, abused, at risk or abandoned children in the country, numbers of which have grown in tandem with an increasing multitude of socio-economic challenges. It now houses over 83 children ranging from premature babies up to the age of 18. Children whose parents are in rehabilitation or serving custodial sentences and have no other means for care, are also brought to the Children's Shelter. The Government also operates a Safe Shelter (*Amaan Hiya*) located also in *Villi-Male'* under the same management, primarily to house older girls who cannot be accommodated at the Children's Shelter due to overcrowding and behavioral issues as well as, female victims of trafficking and also victims of domestic violence.
78. Since the establishment of the Children's Shelter in 2004, the country has undergone huge transformations in all facets of life. Despite progress in some areas such as civil rights and political freedoms, social and cultural challenges persists that contribute to an environment where children are often put at risk of abuse or neglect. Severe congestion in *Male'* and associated factors in cohabiting a small area of 2 square kilometers give rise to social tensions that exacerbate cases of divorce, abuse and neglect of children, increased narcotics and substance abuse by parents. Under such severe circumstances, the number of children taken into state custody has multiplied.
79. A recent unpublished mapping assessment on alternative care institution in the Maldives found that none of the two institutions currently in operation meet the *UN Guidelines for Alternative Care of Children* or the *Minimum Standards for Institutions and Group Homes for Children in the Maldives*. The assessment also found that state alternative care institutions had no clear mandates, guidelines or reintegration plans, as well as a lack of trained personnel and victim support services. Anecdotal evidence also points to discrimination, abuse and violence within alternative care institutions with a disturbing high percentage of staff supportive of using verbal abuse to control and discipline children, and 1 out of 5 members of staff surveyed being supportive of using corporal punishment.¹⁰⁷ The lack of training and expertise at these institutions and the perception held by staff at these institutions that corporal punishment and verbal abuse are an acceptable application of discipline on children, explains to some extent, the high number of runaways at all institutions supervised by the State. The absence of adequate counseling, and other programmes including recreational activities also contribute to increasing levels of runaways.
80. The State has periodically sent children to the Home for People with Special Needs, located in the island of *Guraidhoo*, as an alternative to the Children's Shelter, due to their non-responsive, aggressive and self-harming behavior and the inability of staff to address such issues in girls. Such transfers take place without any placement or removal criteria, solely at the discretion of the MLG. The girls, who have a history of physical and sexual abuse are provided no means to victim support services due to its non-existence. Personnel at the *Children's Shelter* are not trained to provide psychological and psychosocial support to victims, and often contribute to the levels of violence and abuse suffered by female victims by employing questionable methods of restraint such as physical force or isolation to discipline girls who are non-responsive and aggressive. The *Home for People with Special Needs* is an environment where children are not segregated from adults, thereby exposing children to adults with serious mental disorders and exponentially increasing the chances of abuse inside the institution itself.

¹⁰⁷ Unpublished Mapping Assessment, 74 members of staff in four institutions surveyed in 2013.

81. In August 2014, a 16-year old girl from Male' ran away from her home and was not found until 30 days later by the Police.¹⁰⁸ It was alleged that upon finding her, the MPS and the MLG transferred the girl to the island of *Dhoonidhoo*, a pre-trial detention facility under the supervision of the MPS. The transfer took place without any medical or psychological assessment, and was detrimental to the health and welfare of the child, since the facility in *Dhoonidhoo* is not segregated between children and adults, and therefore would have been exposed to other adults awaiting trials.
82. The Committee's recommendation to develop a comprehensive policy for the placement of children in alternative care is yet to be fully realized.¹⁰⁹ While the National Minimum Standard Guidelines have been drafted, it has not been enforced and personnel at institutions remain largely unaware of such standards. The Regulations on State Custody and the Regulations on Foster Care, which would *inter alia* "regulate when and how a child can and must be admitted into state custody" and "ensure that the placement of children in alternative care is based on meticulous assessments" respectively, have yet to be gazetted and implemented.
83. The State Party in its report indicates that *most of the recommendations are being carried out in practice*, although steps that would be required to ensure that they are being complied with have not been put into formal effect through law. There is currently no comprehensive legal framework, procedures or guidelines relevant to placing children in alternative care, and no well-defined policies being implemented to oversee placement or conduct of staff at alternative care institutions. While it is positively noted that the State Party is taking into consideration the development of care systems such as *Islamic Kafalah* as a practical alternative to formal adoption, delays in taking practical steps to create such a system come at the expense of children who are in immediate need of a stable home-like environment.¹¹⁰

Violence, abuse and neglect, maltreatment

(Paragraphs 133 to 154 of the State party report)

84. Children in the Maldives face widespread violence, abuse and neglect due to a combination of economic, socio-cultural and political factors. The systematic failures and fractures in the child protection system in the country have also contributed to an acute lack of administration of justice and redress towards victims of violence and abuse. Public confidence in state institutions, the judiciary and other protection measures remain extremely low. The most serious forms of violence faced by children include *inter alia* sexual abuse, physical violence and corporal punishment – which are prevalent in all settings such as in schools, in homes and in alternative care settings.
85. The State party in 2005 participated in the regional consultations as part of implementing the *United Nations Secretary General's Study on Violence Against Children*.¹¹¹ However the outcome report of the regional consultations is not comprehensive, and does not provide nation-wide statistical and empirical data on the true extent of violence and abuse against children in the country. A large-scale study on violence against children in the Maldives was conducted in 2009, which remains unpublished. No new efforts have been undertaken to gauge the prevalent levels of child abuse in the country since then.
86. The most important piece of legislation adopted during the reporting period to protect children from abuse, violence and maltreatment is the Special Provisions Act to Deal with Child Sexual Abuse.¹¹² The

¹⁰⁸ Ahmed F, Haveeru Daily (Dhivehi) <http://www.haveeru.com.mv/dhivehi/news/161749>(Accessed: January 2015)

¹⁰⁹ Paragraph 60 of the Concluding Observations (2007) op. cit.

¹¹⁰ See paragraph 4.

¹¹¹ Regional Consultations on Violence Against Children in South Asia, Islamabad (Pakistan), 19-20 May 2005, p.216

¹¹² See paragraph 8

Special Provisions Act is undoubtedly a major legislative achievement for the State party, which previously had inadequate laws to deal with sex offenders and perpetrators. However, there are both practical and capacity-related challenges in fully enforcing this Act. As the State party had outlined in its report, conviction rates for child sex offenders remain extremely low.¹¹³ The reason for this is that accompanying legislation such as the *Evidence Bill* necessary to give full effect to the Special Provisions Act is still pending. There are also no provisions for witness protection, which unfortunately raises the prospect of reprisals against victims or their families.¹¹⁴

87. The justice system in the country has also been slow to embrace and enforce the new legislation, further contributing to low conviction rates for child sex offenders. There is an alarming lack of professional training available to judges on international principles, human rights law and new legislation.¹¹⁵ Without adequate understanding of human rights principles, provisions and instruments which the Maldives is a party to, judges especially in the lower courts, often fall back on their default knowledge in applying *Islamic Sharia* to cases of child abuse which often result in a direct contravention to the basic fundamentals of international human rights law.
88. The Ministry of Law and Gender (MLG) is the primary body set up to receive, monitor and investigate complaints of child abuse. The Maldives does not have a statutory body or ombudsman to handle child-specific cases and issues. The formerly *Child and Family Protection Services* has been fully incorporated into the MGL as of 2012.
89. As the principal authority for promoting and protecting the rights of the child, the MLG operates *Family and Children's Service Centers (FCSCs)* in each of the 19 atolls in the country, providing social services to women, families and children. However, the FCSCs are under-staffed and under-funded with one or two members of staff in each center assigned to oversee a population of several thousand. The staff are often restricted to the only island where the FCSC is physically located due to severe budgetary constraints. This has meant that the FCSCs are unable to investigate all reported cases, or to ensure effective monitoring in cases where children are removed from the home environment.
90. As a result, many FCSC's often depend on the Maldives Police Service (MPS) branches in the Atolls, for support with their work. However, there is currently no single unified mechanism for cooperation between MPS and social workers, in Male' and in other Atolls. The statistics on the cases of child abuse also vary between the two agencies. In 2014, the MPS reported that 270 cases of sexual abuse, 106 cases of physical abuse, and 47 cases of child neglect were lodged.¹¹⁶ The MLG by comparison reported 26 cases of sexual abuse, 11 cases of physical abuse and 11 cases of child neglect as of 2013.¹¹⁷
91. Furthermore, while cooperation between the two agencies have many benefits, the use of police transportation by FCSC personnel to attend to cases of child abuse has culminated in the rise of negative implications and blurred lines between law enforcement and social work, within the general public. The transportation of victims of child abuse in police vehicles and vessels adds to the trauma faced by children. In addition, particularly due to the close-knit nature of societies in the islands, members of the community are wary of having a police presence alongside community workers, which adds to their reluctance to report cases of abuse.

¹¹³ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 135

¹¹⁴ HRCM (2011) Issues for Consideration when compiling List of Issues, Initial Report of Maldives under the ICCPR, p.7

¹¹⁵ Human Rights Council (2013) *Report of the Special Rapporteur on the Independence of Judges and Lawyers*, Gabrielle Knaut, A/HRC/23/43/add.3, paragraph 91.

¹¹⁶ Statistics from the Family and Child Protection Department of the Maldives Police Service, 2014.

¹¹⁷ Statistics from the Ministry of Gender, Family and Human Rights, 2013

92. The MLG operates a 24-hour telephone helpline where victims or their families can report cases of abuse. The *Family and Child Protection Department (FCPD)* of the MPS also operates a helpline to report cases of abuse and other crimes. There have been numerous complaints submitted to ARC concerning the use of the MLG's child helpline, including not being aware of the existence of the helpline, connection issues, lack of trained staff to respond to calls, as well as lack of follow up action, which has resulted in a lack of public confidence in the helpline mechanism.
93. ARC has been active in raising awareness on combating child abuse, maltreatment and neglect since the launch of its child abuse prevention campaign in 2010, and has produced Information Education and Communication materials on this issue. In addition, ARC continues to conduct awareness sessions and workshops for teachers, parents and children, highlighting the importance of raising awareness, recognizing signs of abuse and reporting suspected abuse, as well as empowering children against abuse, in Male' and other atolls in the country.¹¹⁸ Furthermore, ARC has launched a campaign specific website to provide easy access to information nationwide, and has also developed a handbook for teachers, in partnership with UNICEF, on child abuse prevention.
94. There have been a number of high profile cases of abuse, maltreatment and neglect in the country. In January 2015, a three-year old boy was found dead in *Vaavu Rakeedhoo* with signs of physical severe abuse. Subsequently the mother of the child was arrested and is currently awaiting trial upon completion of a police investigation. The case of negligence exposed gaps and fissures in the child protection system as both the MPS and the MLG were aware of the child's dire situation prior to his death, and had visited the island previously when initial complaints of abuse were lodged. The MLG had placed the boy in the care of a relative, and was unaware when his mother took the boy back.¹¹⁹ The seriousness of the case prompted investigations from both the HRCM and the Prosecutor General's Office. The MLG also initiated its own investigation into the case.¹²⁰ Furthermore, the Government Oversight Committee of the People's Majlis held a number of hearings to establish government accountability in the case.
95. Following the high-profile case of the three-year old boy, which drew national and international condemnation, the MPS stated that there has been a marked increase in the number of cases being reported to the Police in the week that followed, presumably due to the media cycle and various community events held to raise awareness on child abuse prevention.¹²¹ However, the fact remains that child abuse continues unabated throughout the country, and is largely unreported. The close knit nature of communities, lack of awareness, lack of redress and justice for victims, low conviction rates for child sex offenders and an acute shortage of trained professionals in the sector are among key factors that contribute to the failings of the child protection system in the country.
96. Furthermore, no efforts have been undertaken by the Government to disseminate information on the unique vulnerabilities faced by the *Girl Child* despite co-sponsoring the resolution establishing the International Day of the Girl Child in the UNGA.¹²² This year, ARC is conducting a campaign to empower girls by building their confidence to navigate social, cultural, economic and gender barriers. The campaign is designed to help girls make informed education decisions and invest in girls to equip them with the knowledge and skills necessary for career development.

¹¹⁸ ARC Maldives, H.O.P.E. Campaign Against Child Abuse, <http://arc.org.mv/hope/> (Accessed: January 2015)

¹¹⁹ Fathih M S, Minivan News, February 2015, <http://minivannews.com/society/state-negligence-investigated-in-death-of-rakeedhoo-child-92438> (Accessed: February 2015)

¹²⁰ Haveeru Online, February 2015, http://www.haveeru.com.mv/ibthihals_death/58824 (Accessed: February 2015)

¹²¹ Hamid I H, Minivan News, February 2015, <http://minivannews.com/society/rise-in-child-abuse-reports-tip-of-the-iceberg-says-arc-92554> (Accessed: February 2015)

¹²² United Nations General Assembly '*International Day of the Girl Child*', A/RES/66/170, (2011)

97. There are promising signs that the State party has started to implement a number of the recommendations made by the Committee in its concluding observations.¹²³ In 2013, the SRSG on Violence against Children during her visit to the Maldives concluded that the elements necessary to have a sound foundation to prevent and address incidents of violence are present. However, a lack of awareness among the public, a shortage of trained personnel and a gaps in the legislative framework has collectively contributed to the present levels of violence and abuse.¹²⁴

¹²³ Concluding Observations para 63 (a), 63 (b), 64

¹²⁴ Statement by the Special Representative of the Secretary-General on Violence against Children, Marta Santos Pias, May 2013, Country Visit to the Maldives

Chapter 6 - Basic Health and Welfare

Articles 6; 18, (paragraph 3); 23; 24; 26; 27, (paragraphs 1-3) of the Convention

Children with disabilities

(Paragraphs 155 to 168 of the State party report)

98. The Constitution of the Maldives protects persons with disabilities without discrimination of any kind, and states that special social assistance and protection shall be granted to disadvantaged individuals or groups.¹²⁵ In line with its policy to accede to core human rights instruments, the Maldives acceded to the *Convention on the Rights of Persons with Disabilities (CRPD)* in April 2010.¹²⁶ Subsequently, domestic legislation in the form of the *Protection and Financial Assistance to Persons with Disabilities (Disability Act)* was adopted by the Parliament in the same year, giving legal effect to the provisions and principles of the CRPD.¹²⁷ Since the ratification of the CRPD in 2010, the State Party has not submitted its initial report to the Committee on the Rights of Persons with Disabilities on the implementation of the CRPD as required by Art. 35 of that Convention, which was due in April 2012.¹²⁸
99. Children with disabilities are considered one of the most vulnerable, yet unheeded minority groups in the Maldives. According to the HRCM, nine out of ten children with disabilities are not enrolled in schools while Minister of Law and Gender said that 50% of children with disabilities are not enrolled in school during a statement delivered to HRCM's Public Inquiry on Access for Education for Children with Disabilities in May 2014. There are about 15 – 20 schools in the entire country, which provide some form of limited education to children with disabilities.¹²⁹
100. Despite the passage of the Disability Act and the formulation of the National Disability Policy, the State party has faced substantial challenges and difficulties in practically implementing the law. The Act itself includes provisions to improve physical access in public spaces such as roads, public buildings, schools and hospitals.¹³⁰ It also stipulates that access to education must be provided for children with disabilities without any discrimination, by mandating all schools, both state-run and private, to provide all necessary facilities and mechanisms required to establish an atmosphere to educate children. The Act further prohibits denying a person or a child, based on his/her disability, any educational or training opportunity.¹³¹
101. The Disability Council established pursuant to the Disability Act provides a legal framework to support all services being provided to children and persons with disabilities, to formulate policy, and to compile a *Disability Registry* to provide social welfare benefits to those who register with the Council.¹³² Although representatives and experts from civil society, the health sector and parents of children with disabilities are members of the Council, there are concerns about the Council's effective functioning,

¹²⁵ Article 17 of the Constitution of the Republic of Maldives

¹²⁶ United Nations Treaty Collection, Chapter IV (Human Rights), 15 'United Nations Convention on the Rights of Persons with Disabilities'

¹²⁷ See paragraph 6 (c)

¹²⁸ OHCHR, Reporting Status for Maldives,

http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Countries.aspx?CountryCode=MDV&Lang=EN (Accessed: January 2015)

¹²⁹ Human Rights Commission of Maldives, Baseline Assessment Activities Addressing Rights of Persons of Disabilities, (2009), p.46-47

¹³⁰ Art. 18 (a), Act. No. 8/2010

¹³¹ Ibid, Art. 20.

¹³² Ibid, Art. 4 (a)

independence and transparency as well as concerns on the conflict of interest by some members of the Council.

102. The Council is placed within the organizational structure of the MLG, both physically and in terms of being provided secretariat support. This arrangement has resulted in a conundrum in holding the Disability Council to account, as the Minister in charge of the MLG has been given wide-ranging powers under the Act to direct and dictate policy on disabilities. The Secretariat of the Disability Council at present has only one member of staff and is not provided adequate financial resources to carry out its mandate.
103. Significant problems also exist in the selection criteria as well as in the updating of the Disability Registry, which is maintained by the National Social Protection Agency (NSPA). Procedures and criteria to list and de-list persons with disabilities are not yet fully developed, and are not up to international standards. Furthermore, highly technical documents that are crucial in assessing a disability of a child are being rejected due to the lack of expertise on that specific area, thus further denying the rights of that child.
104. In terms of social welfare, the Act mandates the State party to provide a minimum financial remuneration of Maldivian Rufiyaa 2000.00 (*USD 130*) per month to persons who have registered. There are ongoing discussions on a bill submitted by a private member of the Parliament, proposing to increase the allowance for persons with disabilities. At the moment, the social welfare benefits provided to persons with disabilities is inadequate compared to the cost of living in the country, often exposing them to severe financial hardships and poverty.
105. There is currently no implementation plan to give effect to the Disability Act from a practical sense, and no ongoing programmes to raise societal awareness. There have not been any efforts to mainstream disability rights into government policies and action plans. Children with severe disabilities are not provided equal opportunities for education in the school system, and they are also not provided with additional financial resources and required facilities. Furthermore, children with disabilities who are able to attend schools, also continue to face serious discrimination inside the classrooms, in health care centers and in the community as a whole.
106. The baseline study conducted by the HRCM identifies two fundamental issues faced by children with disabilities that need to be addressed urgently. Firstly, children with disabilities do not have adequate access to education. Although Special Education Classes are available in Male', they are severely limited in the Atolls, with few schools having any form of educational classes for children with disabilities. In Haa Alifu Atoll and Haa Dhaal Atoll alone, 48% of children with disabilities surveyed were not in school.¹³³ Furthermore, schools that conducted Special Education Classes had inadequate capacity both in terms of trained teachers and access to physical spaces such as libraries, laboratories and washrooms. Secondly, the State party needs to undertake extensive efforts to raise awareness and promote social inclusion by providing information to the public on various types of disabilities and to increase the understanding of both legal and human rights norms that needs to be respected in society.
107. There are currently a number of civil society organizations involved in promoting and protecting disability rights in the Maldives. In 2014, ARC established a network of disability organizations with seven other NGOs with the aim of bringing together organizations that share a common concern and a common objective of improving the lives of children with disabilities in the Maldives. The Child Advocacy Network of Disability Organizations (CAN DO) continues to play a crucial role in the domestic discourse in advocating for and protecting the rights of children with disabilities. Members of CAN DO

¹³³ Campion, J. (2008) *The Situation of People with Disabilities in Haa Alifu and Haa Dhaal, Male'*, Child and Family Protection Authority, Ministry of Gender and Family, Maldives

include ARC; CARE Society; Maldives Autism Association; Maldives Deaf Association; Association for Disability and Development; Maldives Blind Association; Maldives Association for Persons with Disabilities; and Beautiful Eyes Downs Syndrome Association. In compiling this report, ARC had discussions with Maldives Parents Association, in addition to members of CAN DO.

108. The education system in the Maldives had undergone rapid development when compared to the previous reporting cycle, with encouraging signs in support of inclusive education for children with disabilities, especially in Male' City, with a rapidly expanding population and high demand for education.¹³⁴ The Government's approach to 'inclusive education' tends to focus on the creation of Special Education Needs (SEN) units, with the ultimate aim of having nineteen fully functional units in all the atolls.¹³⁵

109. However, despite the Government opening its first SEN class in 1985, there have not been parallel efforts to train teachers and specialists. SEN teachers working in the atolls need additional trainings to improve their skills to teach children with disabilities. Access to specialist services such as psychotherapy, speech therapy and occupational specialists are difficult.¹³⁶

110. As mentioned in the State party report, CARE Society operated a school for children with special needs.¹³⁷ The Care Development Center (CDC) conducted its own Special Education Needs classes which caters for all types of disabilities. However, at the time of writing, the CDC remains closed due to inadequate space and the high cost of rent in Male' City. CARE Society at the moment is conducting negotiations with state agencies, businesses and philanthropic organizations to re-open the school. There are no formal identification procedures for early detection and intervention, assessment and prioritization of children with a disability. A limited number of hospitals and health centers have the capacity to identify disabilities in children, but without specialist knowledge, expertise and a referral mechanism any action taken falls well below what is required and necessary to protect their rights.

111. In terms of raising awareness on disabilities, the State party does not have any systematic awareness programmes focusing on disability issues. Many of the regulations that need to be enacted under the Disability Act remain pending. Those that are in force are yet to be implemented and in many cases, society as a whole is not aware of standards that focus on crucial areas such as education, health services and physical accessibility for children. Lack of awareness has been one of the biggest hurdles in protecting the rights of children with disabilities.

112. In assessing the compliance of the State party with the Committee's recommendations, more effort needs to be undertaken to enforce the National Policy on Disability to promote equal opportunities.¹³⁸ There is a lack of trained professionals in the education sector as well as the social welfare sector. Furthermore, access to education, health services and information for children with disabilities remains inadequate, and the Disability Act faces acute challenges, both legal and financial, in being fully implemented.

¹³⁴ CARE Society (2007) Alternative Report of the Maldives to the Committee on the Rights of the Child, paragraphs 279-282.

¹³⁵ Human Rights Commission of Maldives, Baseline Assessment Activities Addressing Rights of Persons of Disabilities, (2009) , p.46

¹³⁶ Enabling Education Network/UNICEF (2013) *Meeting the educational needs of children with disabilities in South Asia: A gap analysis covering Bhutan and the Maldives*.

¹³⁷ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 161.

¹³⁸ Paragraph 66 of the Concluding Observations (2007) op. cit.

Health and health services

(Paragraphs 169 to 182 of the State party report)

113. There have been a number of improvements to core areas in health and health services during the reporting period. MDG4 on reducing child mortality has been achieved in the Maldives, with under-five mortality rates reduced by 45 (*deaths per 1000 live births*) in year 2000 to 11 in the year 2012, and infant mortality rates reduced from 68 (*deaths per 1000 live births*) in 1990 to 9 in 2012.¹³⁹
114. The Maldives Demographic and Health Survey (MDHS) conducted in 2009 revealed that 93% of children between the age of 12-23 months have received all basic vaccinations at any time before the survey, which include BCG, three doses of polio, DPT vaccine, measles and hepatitis B vaccine.¹⁴⁰ However, interactions with health care workers during various field visits conducted by ARC in 2014 and 2015 have revealed that there are increasing trends in many islands throughout the country, to not vaccinate children at all, due to growing extremist religious views.
115. Malnutrition amongst children also continues to be an area of serious concern. The prevalence rate for stunting in children below the age of 5 years stands at 18.9%, while 17.3% of children are underweight and 10.6% are wasted¹⁴¹. Changes in lifestyle choices, issues of micronutrient deficiency in children, and cultural preferences for convenience foods and an acute lack of awareness are some of the underlying problems that have contributed to an alarming level of malnutrition amongst children. Among other contributing factors include the low prevalence of exclusively breastfeeding (47.8% of children are exclusively breastfed for up to 6 months of age) and inappropriate weaning and feeding practices of infants and children, as detailed in the MDHS.¹⁴²
116. ARC has continued to raise awareness on health and nutrition through its HEAL Campaign promoting healthy eating and active lifestyles for children.¹⁴³ Through this campaign, ARC continues to conduct awareness sessions for parents and children, as well as workshops to train teachers in Male' region and other atolls. In 2014, ARC in collaboration with UNICEF published a resource guide for pre-school teachers to encourage children to choose healthier food options and become more physically active, and also developed a handbook for healthcare workers on the dissemination of messages in the Maternal and Child Nutrition Guide.
117. The National Health Insurance Act was enacted in 2011 to provide universal health coverage, to ensure that all children have access to basic healthcare.¹⁴⁴ However, coverage provided to children with chronic illnesses, disabilities and thalassemia patients are less than adequate, forcing them to bear those expenses by themselves. These groups are also among the most vulnerable and most marginalized groups.
118. The prevalence rate of Thalassemia in the Maldives is one of the highest in the world, with an estimated rate of 18%.¹⁴⁵ In 2012, the Maldives took an important step by ratifying the Thalassemia Control Act, which for the first time streamlines government procedures in which patients can receive financial assistance.¹⁴⁶ Despite the Act calling for the establishment of a *registry of patients*, in practice only

¹³⁹ UNICEF (2013) *Levels and Trends in Child Mortality, Report 2013*, p.21

¹⁴⁰ *Ibid*, p. 107

¹⁴¹ WHO (2009) <http://apps.who.int/nutrition/landscape/report.aspx?iso=MDV> (Accessed: January 2015)

¹⁴² Ministry of Health and Family (2009) *Maldives Demographic and Health Survey 2009, ICF Macro*, October 2010, pp.119-120

¹⁴³ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraph 175

¹⁴⁴ Act. No. 15/2011

¹⁴⁵ Maldivian Thalassaemia Society (2015) <http://thalassaemia.org.mv/> (Accessed February 2015)

¹⁴⁶ Act. No. 6/2010

Thalassemia-majors who need regular blood transfusions are registered. Non-transfusion dependent Thalassemia who may not require regular blood transfusions are not registered.

119. Treatment guidelines are rarely respected for various reasons, including an acute lack of specialized training as well as inadequate facilities, equipment and proper medication. Pre-natal diagnosis is not available in the Maldives and treatment also varies across the country due to lack of standardization and effective implementation of standards. The Thalassemia Centre and NGOs - Society for Health Education (SHE) and the Maldivian Thalassemia Society offer various services to thalassemia patients and their families including screening, transfusion, chelations and awareness sessions. However, consultations with both NGOs revealed that technical and financial resources hinder their activities outside of Male' region, where information and awareness sessions are more needed.

Adolescent health

(Paragraphs 183 to 189 of the State party report)

120. There have been numerous studies that had continuously and consistently indicated the prevalence of sexual behavior among unmarried youth in the Maldives. Despite being a socially conservative society underpinned by long-held religious beliefs, there is alarming evidence of youth sexual risk behavior, often with multiple partners without the use of contraceptives that have led to unwanted teenage pregnancies¹⁴⁷. Societal expectations of adolescents, and the taboo nature of the subject have often resulted in a lack of attention in formulating formal policies and directives aimed at increasing awareness among adolescents. This is further compounded by the reluctance of the school system to undertake education and information sessions on sexual and reproductive health. As acknowledged in the State party report, the Government's approach and perception of Adolescent Sexual and Reproductive Health (ASRH) must change.¹⁴⁸

121. SHE continues to be actively involved in conducting awareness sessions on ASRH both in Male' and in other islands, to provide pre-marital counseling, and both face-to-face and telephone counseling on family planning, STDs and other adolescent sexual concerns. In addition, Girl Guides and the government also conduct information sessions for students in Grades 8 and above.

HIV/AIDS

(Paragraphs 190 to 193 of the State party report)

122. The Biological and Behavioural Survey 2008 conducted in selected sites revealed a 0.2% HIV/AIDS prevalent rate. However, the study also found risky behaviours between 15–17 year-olds including buying and selling of sex, sex with non-regular partners, pre-marital sex, group sex and drug injecting, which poses a serious threat for an outbreak in the future. Equally worrying is the societal beliefs and perceptions on HIV/AIDS despite increased awareness. For instance according to the survey 3-6% believe that religion alone will protect them from HIV.¹⁴⁹

123. Few NGOs work on the area of HIV/AIDS and the amount of people getting tested is limited due to its low profile, stigma and low risk mentality. Voluntary counseling and testing is available from the Society for Health Education (SHE), which is provided free of charge.

¹⁴⁷ UNFPA (2011) *Reproductive Health Knowledge and Behavior of Young Unmarried Women in Maldives, Maldives*, p.21

¹⁴⁸ Fourth and Fifth Periodic Reports submitted to the Committee on the Rights of the Child by the Maldives, paragraphs 185

¹⁴⁹ UNDP/Maldives (2008) *Biological and Behavioral Survey on HIV/AIDS*, p.4

Standard of living

(Paragraphs 194 to 200 of the State party report)

Despite poverty reduction measures introduced by the Government towards the attainment of MDG1, the Human Development Report 2014 denotes a sizable disparity between the Capital City of Male' and other atolls, mainly in the form of income and education choices.^{150 151} The remoteness of the islands and smaller size of the populations in many islands outside of Male' also limit the availability of resources to advance human development, especially amongst vulnerable groups such as children. In addition, there are limited economic and employment opportunities available for youth, and difficulties in accessing adequate healthcare. In the absence of such services in the islands, migration to Male' takes place from the islands resulting in a different set of challenges for children which includes living in cramped conditions, discrimination and exposure to drugs and crime.

¹⁵⁰ UNDP (2014) *Maldives Human Development Report, Bridging the Divide: Addressing Vulnerability, Reducing Inequality*, Maldives

¹⁵¹ Department of National Planning (2010) *Millennium Development Goals: Maldives Country Report*, ISBN: 99915-96-11-9, p.7

Chapter 7 - Education, leisure and cultural activities

Articles 28, 29 and 31 of the Convention

Education, including vocational training and guidance

(Paragraphs 201 to 219 of the State party report)

124. The Maldives has maintained near-universal levels of enrollment rates for primary education while increasing the rates of enrollment for secondary education during the reporting period.¹⁵² Available data also shows that the level of enrollment for girls exceeded that of boys at the secondary level. The Maldives has also made progress in early childhood development and education for children between the ages of 3-4 years of age. Enrollment rates have increased from 51.2% in 2001 to 70.7% in 2009.¹⁵³ There have also been increases in the number of private kindergartens and pre-schools, especially in Male' to cater for the increasing demand.

125. However, it should be noted that at present, unlike primary and secondary schools, pre-schools and private kindergartens operate under the supervision of the City Council and not the Ministry of Education. There are concerns regarding the quality of early childhood education provided in the pre-schools and kindergartens, particularly since the schools are not under the purview of the Ministry of Education, to monitor, observe and enhance the level of education provided to this age group.

126. In addition, there are also concerns regarding the quality of education provided to children at primary and secondary schools as well, due to many teachers having only a basic teacher training or Diploma. In this regard, despite most schools offering instruction through an English medium, many teachers often lack an adequate proficiency in English, which affects the quality of education received. Furthermore, among concerns expressed by students, include the fact that only few secondary schools have physical education classes included in their formal curriculum.

127. Among other concerns raised by parents at ARC's awareness sessions, include the request by schools to children who do not perform well academically, to sit in the GCE O Level exams privately at their own expense. This is in relation to the fact that schools are under a lot of pressure to achieve a place in the awards given by the Ministry of Education, to students who perform well academically during the exams. Consequently, the results of such students are not counted as part of the school statistics each year.

128. At present, given the lack of a gender mainstreaming policy, schools are in a position to practice gender segregation contingent upon their own preference. The level of interaction allowed between girls and boys in schools depend on the views of the individual school's management. Long held cultural and religious beliefs and the lack of requisite training for teachers have exacerbated the problem, especially in co-ed schools. This situation exposes children, particularly girls to discriminatory practices.

129. The Maldives operates a number of Technical and Vocational Education and Training (TVET) institutions aimed at providing the necessary skills for employment and to encourage greater participation in

¹⁵²Ministry of Education (2013) *School Statistics 2013*, Maldives.

¹⁵³*Ibid*, p.25

economic activity.¹⁵⁴In recognition of such trainings, the Maldives established the Technical and Vocational Education and Training Authority as a formal mechanism to focus on technical qualifications and skills development to meet the demands of the labour market. At the same time, most Maldivians consider vocational training as inferior to that of pursuing academic qualifications and this in turn influences their career choices.

130. Corporal punishment, although prohibited by the Ministry of Education, does occur in schools. An unpublished study by UNICEF in 2009 showed that 30% of children at secondary schools had been hit by at least one of their caregivers, 21% with an object. Despite the ban, 8% of school students reported being physically punished by their teachers.¹⁵⁵ In 2010, the HRCM conducted an investigation into an international school in the Maldives, upon receiving complaints of abuse against students. The investigations led to the Criminal Court taking action against the former principal of the school. The Ministry of Education acknowledges that there are cases of physical and psychological abuse in schools, although, the mechanisms in place to enforce the ban are not sufficient.¹⁵⁶

131. There is no data to provide any details on numbers of children who are not allowed to attend school, although a UNICEF study which showed that net primary attendance was lower than enrollment rates by more than 10%, suggesting that not all children registered in schools were attending classes.¹⁵⁷ The discussions with health care workers during ARC's field visits in 2014 and 2015 also revealed that while not common, there is a slow increase in the numbers of parents who do not send their children to school, due to extremist religious views.

132. With regard to children with disabilities, while there have been encouraging developments in support of inclusive education, children with visual impairments and children with hearing disabilities are completely marginalized. According to the Maldives Blind Association, a local NGO working to protect the rights of visually impaired persons and children, there is no statistics or data available on the number of visually impaired children in the country. Given the fact that the Maldives does not teach Braille in any of their SEN classes or schools, it is highly likely that most if not all visually impaired children are outside the boundaries of the formal education system. The Maldives Blind Association continues its efforts to request the Government to introduce Braille in the Maldives, to children with visual impairments, and to improve their access to education. Likewise, the Maldives Deaf Association states that there is only one school in the country that provides education to children with hearing disabilities, albeit in a limited form. Furthermore, there have been limited efforts by the Government to provide sign-language teachers.

Aims of education

(Paragraphs 220 to 225 of the State party report)

133. Enhancing and improving the quality of education has become a substantial challenge for the Maldives, and will remain so for the foreseeable future.¹⁵⁸ Key among them is the chronic shortage of trained teachers to supplement all the schools operated in the country, some of which are located in islands with extremely small pockets of population. The Maldives has never achieved self-sufficiency in training and retaining teachers, and is heavily dependent on expatriate teachers. Further aggravating the problem is the fact that a number of local teachers with appropriate qualifications choose to leave the

¹⁵⁴Noordeen M (2009) *Innovative Practices in TVET towards Education for Sustainable Development: Maldives*, International Experts Meeting on Reorienting TVET Policy towards Education for Sustainable Development", Germany

¹⁵⁵SAIVAC (2011) *Prohibition of Corporal Punishment of Children in South Asia: A Progressive Review*, p.22

¹⁵⁶HRCM (2012) Shadow Report to the ICCPR, p.20

¹⁵⁷UNICEF (2013) *Situation of Children in the Republic of Maldives*, July 2013, p.26

¹⁵⁸World Bank (2012) *Enhancing the Quality of Education in the Maldives: Challenges and Prospects*, Discussion Paper Series

profession.¹⁵⁹ There have been instances where schools are unable to operate at all due to the shortage of teachers. Despite investments in teacher development infrastructure geared towards Maldivian teachers, the Maldives struggles with acquiring personnel with appropriate qualifications, especially to teach in the islands.¹⁶⁰

134. Disputes over allowances and wages for teachers has been ongoing for a number years, culminating in a long stand off between the Ministry of Education and the Teachers Association of Maldives, the largest union of teachers in the country. There have also been a number of occasions where teachers have threatened to go on strike.¹⁶¹

135. For the academic year 2015, the Ministry of Education introduced a new Curriculum to the school system. It does not however include any components on human rights education, the rights of the child or peace education as recommended by the Committee in its concluding observations.¹⁶² Instead, for lower secondary schools and primary schools, *Social Studies* is taught as a combination of arts, international and social sciences, which are narrow in scope, and provide children with only limited skills and knowledge necessary to understand their surrounding environment, both at home and abroad.

Leisure, recreation and cultural activities

(Paragraphs 226 to 229 of the State party report)

136. Rapid urbanization and lack of living space has created a dire situation for the Maldives to uphold and respect Art. 31 of the Convention. Male' remains one of the most densely populated cities in the world. Over one third of the population of the Maldives is concentrated in Male', living in an area less than five square kilometers, with families often living in cramped conditions.¹⁶³

137. Children often spend their time indoors, watching television and playing video games. The nature of the urban congestion in Male' has also resulted in delinquents and anti-social elements being present in open spaces such as play grounds which makes it unsafe for children. Although a few open spaces and play areas exist in Male', they are insufficient in proportion to the population. There is also a lack of awareness amongst parents, care takers, officials and schools on the benefits of fully respecting the right of every child to engage in play and recreational activities, which provides numerous benefits necessary for children's growth and development.

¹⁵⁹ Hasan and Hynds (2015) *Cultural Influences on Teacher Motivation: A Country Study of Maldives*, International Journal of Science and Humanity, Vol. 4, No. 1

¹⁶⁰ Minivan News, March 2013, <http://minivannews.com/politics/student-protest-shuts-down-school-over-teacher-shortage-54768> (Accessed: January 2015)

¹⁶¹ Azeez AA, Haveeru Online, http://www.haveeru.com.mv/teachers_association/55699 (Accessed: February 2015)

¹⁶² Paragraph 82 (c) of the Concluding Observations, op. cit.

¹⁶³ Maldives/UNPD (2014) Maldives Human Development Report: Bridging the Divide, p. 60

Chapter 8 - Special protection measures

Articles 22, 38, 39, 40, 37 (b)-(d), 32-36 and 30 of the Convention

Economic exploitation, including child labour

(Paragraphs 230 to 233 of the State party report)

138. There have been reports of children being engaged in the worst forms of child labour – in commercial sexual exploitation – who are also victims of trafficking¹⁶⁴. However, in the absence of any conclusive data, it is not possible to gauge the prevalence of child sexual exploitation in the Maldives. In 2013, the US Department of Labour, in its annual report noted that the Maldives made a “moderate advancement” in eliminating the worst forms of child labour¹⁶⁵.
139. In 2013, the Maldives ratified eight fundamental conventions of the ILO. While the minimum age for hazardous work is above 18 years and the minimum age for work is 16 years, for children between the age of 16 and 18, a parent’s written consent is required for employment. In 2013, the Maldives also enacted the Prevention of Human Trafficking Act, which further strengthens the legal framework for the prevention of the economic exploitation of children. It is, however, important to note that the minimum age for employment does not apply for children working for family businesses. Also, since the Government does not have a list of work activities prohibited for children, it is very much left to the interpretation of officials.
140. Some of the existing challenges faced by the State in its efforts to curb the economic exploitation of children include: lack of data on its prevalence, lack of children-specific training for staff at the Labour Relations Authority, as well as insufficiently trained staff in the MLG and its FCSCs branches located in the islands on the issue of child labour, which is further exacerbated by the dispersed nature of the island nation.

Illicit use of narcotic drugs and psychotropic substances

(Paragraphs 234 to 251 of the State party report)

141. The abuse of narcotic drugs and other psychotropic substances has been a persistent and aggravating challenge facing Maldivian adolescents and youth. In 2012, the Government, in collaboration with UNODC and the European Union, completed the National Drug Use Survey 2011/2012 – one of the most comprehensive and detailed studies done on substance abuse, trends and perceptions in the Maldives¹⁶⁶. The findings of the survey were extremely disconcerting - children and young adults between the ages of 15-19 accounted for the highest proportion of drug users (45%) in Male’ with the age of initiation being 13 years (tobacco), 15 years (alcohol) and 16 years (Cannabinoids, Resin, Hashish etc)¹⁶⁷. It was initially envisaged that assessments and monitoring of substance abuse in the country should be done periodically, at least once every two years, due to the rapidly changing nature of substance abuse practices and the introduction of new and more dangerous drugs to the Maldives.

¹⁶⁴ United States Department of State (2014), *Trafficking in Persons Report 2014*, United States of America

¹⁶⁵ United States Department of Labor (2013), *Findings on the Worst Forms of Child Labor 2013*, United States of America

¹⁶⁶ Maldives/UNODC et al (2013) *National Drug Use Survey Maldives 2011/2012*, National Drug Agency

¹⁶⁷ *Ibid*, p. 37

142. The passage of the Drugs Act in 2011 saw the Government change its approach to dealing with drug offenders by emphasizing a treatment and rehabilitation-centric attitude towards drug users, rather than simply sentencing them as criminals¹⁶⁸. The National Drug Agency (NDA) established pursuant to the Act is currently drafting a National Drugs Policy in close consultation with other state institutions and NGOs. The expected time frame for the completion of this policy is the year-end of 2015. However, due to the lack of fresh reports and data on prevalence, a new national-level assessment is important. Any policy that is implemented must be holistic in nature and must include all aspects of substance abuse, including prevention and treatment.
143. The age of initiation for substance abuse is also decreasing. For most children, lack of a source of income to purchase drugs has meant that they often resort to crimes such as stealing to fund their substance abuse. Also, the availability of highly addictive drugs reduces the prospects for their rehabilitation. Key factors that lead to substance abuse at a young age include (a) constant violations of the regulation that bans shops from selling cigarettes to children, and parents sending their children to buy cigarettes, (b) availability of powerful and often addictive energy drinks for children, and (c) lack of awareness raising on the effects of substance abuse, especially in schools and other academic settings.
144. A far more serious challenge facing children is the use of minors by gangs and drug dealers, since children face less severe consequences if caught, while adults would face extreme punishments. This has prompted the use of children in the drug trade by criminal gangs. The induction of children is extremely sophisticated, with gangs providing food, clothing, medical care and other necessities for them, in addition to paying lucrative cash allowances. Since most of these children come from islands, or from broken families or economically disadvantaged backgrounds, the possibility of earning an income lures them into drug the trade. Furthermore, it was noted that some parents are in fact aware of their children's involvement in the drug trade, but prefers to tolerate it as the children themselves contribute to the household income.
145. While it is boys who mostly engage in the drug trade, girls face a distinct set of challenges compared to boys. Access to economic opportunities for girls is far more limited to girls, especially in the islands. Girls are often seen as a liability for their families and encouraged to marry at a young age. Early marriages often result in divorce, contributing to the high rates of divorce throughout the country. For girls who engage in substance abuse, the only available option to fund their addiction is often prostitution, as generally girls are not seen to have been involved in drug trade or in crimes such as mugging and stealing, which typically funds addiction among boys.
146. Due to the seriousness of the issue, early detection and intervention needs to begin at schools. Schools also need to adopt policies to address drug issues at the school level, in line with the National Drug Policy, which is in draft stage. Journey, a local NGO has been one of the leading organizations working in the prevention and treatment of drug abusers by providing after-care services and peer support for recovery.[4] During ARC's consultations with Journey, they were of the view that the existing mechanisms might work more effectively if the government outsourced treatment to NGOs and other stakeholders. The State's responsibility would then be to set standards and ensure that those standards are being implemented as well as empowering NGOs. With a less amount of staff and bureaucratic hurdles, NGOs will be able to provide treatment at a lower cost than the current price of MVR 16,000.00 per person, per month.

¹⁶⁸ See paragraph 6 (f)

Sexual exploitation, trafficking in children for exploitative purposes

(Paragraphs 252 to 269 of the State party report)

147. Maldives is a destination country for men, women and children subjected to forced labour and sex trafficking and a source country for women and children subjected to labour and sex trafficking.¹⁶⁹ Between 2010-2012, there have been cases identified by the authorities, of both minors being trafficked into Maldives, as well as Maldivian girls who were subjected to sex trafficking. However, the alleged high prevalence rates of forced labour and sex trafficking in the Maldives is not reflected in these few cases that are prosecuted.
148. Despite identified cases of trafficking which involved child victims, there is no conclusive data on the extent of child trafficking in the Maldives, or human-trafficking in general. The State party's commitment and efforts to prevent human trafficking has improved, as evidenced by the elevation of its tier ranking from the *Tier-2 Watch List* to *Tier 2* in 2014 in the annual Trafficking in Persons report compiled by the United States Department of State. Nevertheless, serious gaps exist on prevention, protection and prosecution of human trafficking.
149. The HRCM is conducting a rapid assessment survey into human trafficking in the Maldives, while a civil society organization did conduct an assessment into the situation of migrant workers in the Maldives in 2012, which is yet to be published. The National Steering Committee (NSC) created under the Prevention of Human Trafficking Act 2013 has also included a situational analysis of human trafficking in the Maldives in its National Action Plan, which will then be updated on a regular basis. The NSC plans to do it in close collaboration with HRCM as well as with international organizations such as International Organization for Migration (IOM).
150. The State party is in the process of identifying a temporary shelter for male victims of human trafficking, while it has also set a long term goal of building a permanent shelter in Male' City. However, at the time of writing, the Government does not operate a shelter facility specifically for children. IOM has also published "Directory of Identified Services" for Assistance for Victims of Human Trafficking in the Maldives. But in the absence of a Victims Identification Guideline (VIG) and Standard Operations Procedure (SOP), use of the Directory and its envisaged referral system is unfortunately minimal.
151. In 2013, the Prevention of Human-Trafficking Act was signed into law, which also established a National Steering Committee (NSC) to prevent human trafficking.¹⁷⁰ The penalties in the Act, especially those relating to trafficking in children, are sufficiently stringent. Article 15 also indicates *"for purposes of this law a child, shall be presumed not to have consented to the commission of an act prescribed as an offense under this law against the child"*. Chapter 8 entitled *"Protection available to child victims of trafficking"* outlines special protection for child trafficking victims and protection for children in, while a child perspective is incorporated into the Act as a whole.
152. Nevertheless, significant challenges arise in the implementation of the Act, due to a lack of trained personnel and institutional capacity such as shelters, exacerbated by the geographic nature of the island nation. While the State, the NSC as well as institutions that are represented in it, have demonstrated commitment towards the implementation of the Act, crucial deadlines outlined in the Act have been missed. Indeed, while the NSC and other relevant actors are still in the process of drafting the Victims Identification Guideline, the National Action Plan and the Regulation under the Act, the Act envisaged all three documents to be adopted within the first 6 months of the Act (by June 2014) or of the NSC (by July 2014).

¹⁶⁹ United States Department of State (2014), *Trafficking in Persons Report 2014*, United States of America

¹⁷⁰ See paragraph 6 (e)

153. The Maldives acceded to the United Nations Convention against Transnational Organized Crime on 4 February 2013. Nevertheless, despite public commitments to do so, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons is yet to be ratified by the Maldives.

Administration of juvenile justice

(Paragraphs 270 to 291 of the State party report)

154. There has been ongoing work towards improving the country's legal sector in general and juvenile justice system in particular, such as enhanced training of court officials, and associated programmes for judges. However, more effort needs to be placed to ensure that the high turnover rate of officials and personnel do not impact the administration of juvenile justice.

155. The Juvenile Justice Unit (JJU) of the Ministry of Home Affairs noted that 61% of children in conflict with the law in 2014 were school drop-outs, while 40% of them either came from broken families or are orphans or are children born out of wedlock. JJU also notes that the minimum age being in conflict with the law has been decreasing since 2010¹⁷¹. In its annual assessment of 2014, JJU also noted that several factors contribute to juvenile delinquency in the Maldives including, but not limited to the following:

- (a) Increased gang activities and narcotic trade and its recruitment among children
- (b) Sexual abuse, lack of psychosocial support, stigma and re-victimization of the victim
- (c) Physical and psychological abuse by parents to instill discipline
- (d) Lack of parenting skills, lack of communication between parents and children, lack of quality time within the family, high divorce rates (61% in 2013) and parental negligence
- (e) Lack of alternative education and vocational training for school drop-outs
- (f) Lack of adequate avenues and opportunities for sports, leisure and entertainment
- (g) High prevalence of substance abuse
- (h) High prevalence of domestic violence

156. The State party report notes that *"The death penalty will most probably be formally abolished for minors, as recommended by the Committee, when the Juvenile Justice Bill is enacted"*. However, regrettably, recent legislations and regulations, such as the Penal Code and the Regulation on Investigating Murders and Execution of the Sentences, includes death penalty as a sentencing option including for crimes committed as minors, with the latter detailing the process and the procedure of administering a capital punishment.¹⁷²

157. The Juvenile Justice Bill is still in its drafting stages, though some provisions and principles are already implemented in practice. Nevertheless, the proposed community service programme is still pending. While some steps are being taken by the state party to improve the administration of juvenile justice, more training and capacity-building projects need to be implemented, given the country's geographic nature, exacerbated by the high turnover rate of officials.

158. The Drug Court was established in 2012, and its first sentence was issued on 15 August 2012. In 2013 the Drug Court moved to a new location with additional courtrooms, which expedited the work of the Court. Of 806 cases lodged at the Drug Court, 25 are cases involving minors. The establishment of a

¹⁷¹ Annual Report of Juvenile Justice Unit 2014

¹⁷² See paragraph 6 (b)

Drug Court did indeed improve the juvenile justice system, in terms of offenses relating to substance abuse.¹⁷³

159. However, in its annual report to the National Drug Council, the Drug Court also noted several challenges including but not limited to, lack of training programmes for judges and officials, lack of case management system, lack of a central database for criminal records, lack of legal staff and budget. Some of the challenges such as courtroom space and the appointment of a Chief Judge for the Drug Court are already addressed¹⁷⁴.
160. Closing of the Correctional Training Centre for Children (CTCC) in *Feydhoo Finolhu* towards the end of 2013 must be welcomed and there are no plans to reopen the facility. CTCC was well funded in comparison to other shelters and its programmes were structured and better administered than other shelters, as noted in the State report. Initially, the CTCC took minors without a legal warrant or consent from their parents. However, since then, procedures to place and remove minors from CTCC were significantly improved. An unpublished report conducted by UNICEF indicated that of children who graduated from CTCC, 55% of the children reoffended, raising serious questions on the effectiveness of the facility.¹⁷⁵

¹⁷³ Report of the Drug Court 2014

¹⁷⁴ Report of the Drug Court 2014

¹⁷⁵ See paragraph 76

Combined Report on the implementation of the Optional Protocols

161. This section aims to present a short overview of the implementation of the both the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC).
162. As per Art. 2 (2), of the Convention. Awareness on the optional protocols, as with the Convention, remains low while there are no known campaigns to increase awareness on the provisions of the optional protocols. There has not been any effort to disseminate the texts of the optional protocol in the local language, the country's initial reports or the Committee's Concluding Observations. Despite the Government of Maldives's efforts to do so, there is no national database relating to data on areas covered by OPSC.
163. In relation to the OPAC, media reports had indicated that some Maldivian nationals had joined armed conflicts in other parts of the world. On rare cases, the men had traveled to conflict zones with children. However, according to family sources in the Maldives and reported in the media, at least one such child had died of medical complications.¹⁷⁶
164. As of yet there are no credible reports of sex tourism and children's involvement in it, largely because of the secluded nature of the tourist resorts. While still sex tourism is not a major problem in the Maldives, Government institutions in the islands, especially Councils need to be more vigilant of potential cases, with adequate training and awareness on the OPSC.
165. Since the last review, Maldives had acceded to the Rome Statute of International Criminal Court, while it had also ratified all eight core conventions of ILO, including Worst Forms of Child Labor Convention. However, at present the Government has not indicated any intention of ratifying 1951 Convention relating to the Status of Refugees and its 1967 Protocol, citing resource constraints. The Maldives yet to ratify its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, despite repeated commitments. Maldives is not a state party to The Hague Convention on the Protection of Children and Co-operation in Respect of Inter-country Adoption.
166. Since the last review, Republic of Maldives had ratified "Special Provisions Act to Deal with Child Sex Offenders". Under article 18 of the Act, child prostitution and child pornography is punishable with imprisonment for a period between 20 – 25 years. Despite the existing gaps in the Act as well as in the new Penal Code, which was signed into Law and will come into effect in April 2015, both documents had achieved progress in criminalizing offenses covered by article 3 of the OPSC.¹⁷⁷
167. Despite the positive elements in the Special Provisions Act, article 25 of the Act (consent for children above the age of 13) says "*unless established otherwise, it shall be deemed that a child between the age of 13 and 18 years of age did not give consent to carryout sexual acts, and that the sexual act was carried out without the child's consent*", increasing the potential for victims identified under the Act to be sentenced on other charges.

¹⁷⁶ Fathih MS, Minivan News, February 2015, <http://minivannews.com/politics/three-month-old-maldivian-baby-dies-in-syria-92610> (Accessed: February 2015)

¹⁷⁷ See paragraph 6 (a)

Recommendations

Chapter 1

Reservations

168. In line with the Committee's previous recommendations contained in its concluding observations of 1998 and 2007, to instigate a consultative dialogue with all major stakeholders in the country, including members of civil society and the Human Rights Commission of the Maldives, with a view to establishing an alternative system of care that would be in compliance with the Art. 21 of the Convention and domestic laws.
169. To withdraw the State party's reservations to Art. 21 of the Convention by establishing an alternative system of care, and by ensuring that through such a system, the best interests of the child will be taken into consideration when deciding all matters related to that child, including foster placement.

Legislation

170. To facilitate the passage of the Juvenile Justice Bill and the Evidence Bill in Parliament, in line with the Committee's recommendation to harmonize domestic law to ensure that the legal framework conforms with the provisions of the Convention.
171. To facilitate the passage of the new and updated Child Protection Act, which is in its drafting stages, while ensuring that provisions and principles of the Convention are fully reflected in the new Act. To also amend the existing Special Provisions Act, the Family Law and the Penal code to address legislative gaps in combating child, early and forced marriages, and corporal punishment respectively.
172. To continue to observe the moratorium on the death penalty for minors and to respect the principles contained in Art. 37 of the Convention and Art. 6 of the ICCPR when sentencing juvenile delinquents.

National Plan of Action

173. To ensure that the new Strategic Action Plan includes clear goals and strategies on protection of children, in view of its international obligations and commitments and to guarantee its effective implementation.

Coordination

174. To establish an independent ombudsman on child rights, either as a separate mechanism or through the Human Rights Commission of Maldives, with the legal mandate to oversee and monitor all matters relating to the implementation of the Convention.

Independent Monitoring

175. To ensure the independence and impartiality of the HRCM by providing it with sufficient resources to carry out its mandate, and to cease any acts of reprisals or interference in the work of the HRCM especially concerning cases of children.

Allocation of resources

176. To ensure that the Government allocates sufficient financial resources to MLG and all FCSCs, enabling them to effectively carry out their mandate - in providing adequate training and support to technical staff; in investigating and responding to cases of abuse in all islands under their purview; in providing temporary shelter facilities in FCSCs, for children who are at immediate risk; as well as in ensuring an effective monitoring mechanism, and in raising awareness, with a focus on prevention.

Data Collection

177. In collaboration with other stakeholders, to conduct an urgent and comprehensive study to determine the number of children with disabilities in the country, segregated by type of the disability and region. Such data would fill existing information gaps on children with disabilities and allow for targeted programmes and interventions.
178. To operationalize the Maldives Child Protection Database so that all relevant state agencies can have access to vital information, improve coordination and eliminate duplication of work.

Dissemination of the Convention

179. To update and redistribute a revised child-friendly handbook, which includes the principles and provisions of the Convention explained in manner that would be easier to comprehend for children, and to ensure that the Convention is made available in all schools in the country in both English and Dhivehi, aimed at teachers and parents.

Cooperate with non-governmental NGOs

180. To facilitate the participation of NGOs in providing technical advice and guidance to the committees in Parliament during legislative deliberations concerning the child rights legal framework.

International cooperation

181. To ensure that the information on State party's positions on the rights of child, and on issues which affect children in international fora are disseminated and distributed to all relevant stakeholders.

Chapter 3

Non-discrimination

182. Conduct a continuous, systematic and multi-faceted programme to raise societal awareness necessary to promote freedom, human rights and dignity of children with disabilities and to combat discrimination, stereotyping and prejudices, particularly in the education system.

Best interests of the child

183. Recommends the Government to strengthen the national child protection system and include mechanisms to ensure that the best interest of the child is reflected in all actions concerning children, by providing adequate training and awareness for all relevant stakeholders.

Respect for the views of the child

184. To encourage greater child participation in line with Art. 12 of the Convention and to infuse greater understanding amongst teachers, parents and policy makers in respecting the views and opinions of children.

Chapter 4

Torture, cruel, inhuman and degrading treatment or punishment

185. Prohibit by law, all forms of corporal punishment in schools, homes, alternative care settings and juvenile justice and detention centers.

Chapter 5

Alternative and institutional care

186. To urgently endorse and implement the National Minimum Standard Guidelines, the Regulations on Foster Care and the Regulations on State Custody, and to provide relevant training to staff to implement them in practice.
187. To ensure that the Foster Care Panel is provided with reliable assessments, periodic reports after placement of children, and details following any complaints made by the foster child or parents. To ensure that placements are done in a transparent manner, with the full disclosure of information available to members of the Panel.

Violence, abuse and neglect, maltreatment

188. Create proper mechanisms such as Standard Operations Procedures (SOP) to manage the child helpline, provide adequate training for the staff responding to the helpline and actively encourage the use of the helpline to report suspected cases of abuse.

Chapter 6

Children with disabilities

189. Provide disability related trainings to staff at FCSCs and enhance their capacity in early detection, intervention initiatives and other services that may be crucial for children with disabilities.
190. Develop a sign-language pocketbook with signs that would be useful for staff at police stations, health centers, schools, court houses or other state officials and social workers who may have contact with

children with hearing impairments. Train and maintain a roster of sign-language translators, for official use, as well as to cater for requests from children with hearing impairments and their parents.

Health and health services

191. To step up its efforts to increase the percentage of children fully immunized for vaccine preventable diseases mandated by the national immunization schedule, with a view to reach the proposed goal of 98% by the UNDAF Country Document 2016-2020, in collaboration with UN agencies and other partners.
192. To reduce stunting in children by conducting evidence based programmes in focused atolls with a view to improve child nutrition and micronutrient deficiencies.

Adolescent health

193. To improve access to relevant information on adolescent health, in an age-appropriate manner, to address the myriad of challenges faced by adolescents.

Chapter 7

Education, including vocational training and guidance

194. Recommends the Government to reach out to parents of children who are not enrolled in schools for various reasons, to ensure their right to education, with a focus on marginalized groups such as children with disabilities and children in conflict with the law.
195. Recommends to investigate the extremely low enrollment rate among vision-impaired children and to increase enrollment through introduction of braille and other measures, in consultation with relevant organizations.

Chapter 8

Sexual exploitation, trafficking in children for exploitative purposes

196. Complete a Situational Analysis of Human Trafficking in the Maldives, building from the existing studies conducted on migrant workers and other relevant issues, in close collaboration with HRCM and IOM and other relevant actors. The analysis should also focus on trafficking in children and provide recommendations to relevant actors on the prevention of trafficking in children.
197. Develop systematic procedures, including amendment of existing laws, to ensure that child victims are not penalized for acts committed as a result of being trafficked.
198. Complete the necessary documents for the implementation of Prevention of Human Trafficking Act 2013, and link those documents to existing documents such as Directory of Identified Services for Victims of Human Trafficking in the Maldives developed by IOM.

Field Work Report

Methodology

Due to the geographically dispersed nature of the population, it was important for ARC to obtain grassroots knowledge about the rights that are entitled to children under the Convention and under domestic law, by conducting field visits in other Atolls. As part of the preparation of this report, ARC conducted three visits to gather information from four key groups; children, parents, teachers and community workers on their views, opinions and perceptions about the levels in which child rights are protected in the Maldives and the effectiveness of the child protection system as a whole. The key groups play a crucial role in terms of their level of awareness and expertise (in the case of teachers and community workers) in responding to, and implementing in practice the principles espoused in the Convention.

In January 2015, ARC conducted field visits to the islands of *Kudahuvadho* in Dhaalu Atoll (Pop. 2,443) and to *Gan* in Laamu Atoll (Pop. 3,543). ARC also undertook a visit to *Thimarafushi* in Thaa Atoll (Pop. 1,167) in February 2015. In each of these visits, ARC coordinated with the schools in the islands to enable an environment where secondary school students could provide their views and opinions. Information was gathered through the distribution of a questionnaire, which included questions about their familiarity with rights of the child, the Convention, survival and development rights, protection measures, and decisions that affect their lives. Children were not required, nor encouraged to provide any personal details, and their right to privacy was fully respected during this process.

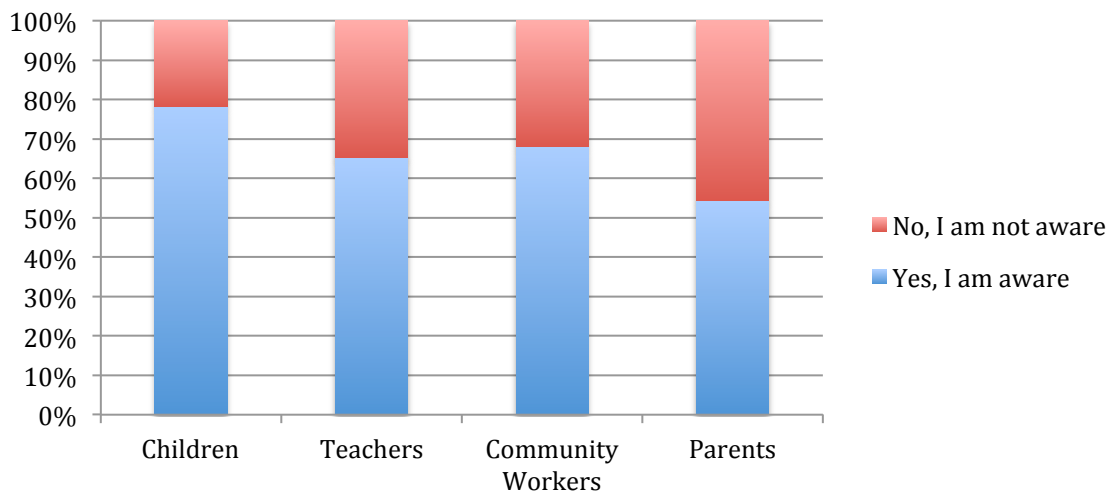
ARC also held discussions with both expatriate and local teachers and parents, to assess their general perceptions on the rights of the child and to get a sense of how the principles of the Convention were observed in practice. Questionnaires specifically designed for teachers, and also parents were distributed in these meetings.

Lastly ARC held focus group meetings with community workers comprising of staff at the FCSCs, health workers and nurses in both Laamu Gan and also in Dhaalu Kudahuvadho. In addition to focus group discussions, questionnaires were distributed with a focus on questions relating to child rights and protection.

Combined Statistics

One of the more crucial questions put to the four groups was to assess whether they were aware of the Convention on the Rights of the Child. The chart below depicts the response from each group when they were asked the following questions.

*“Have you heard of the **United Nations Convention on the Rights of the Child**”*



Children

- 1) Gender distribution; 44.48% of boys, 55.52% of girls
- 2) Do you think children have any rights under the Maldivian Constitution? 83.5% were aware, 16.5% were not aware

Fig. 1; Gender distribution

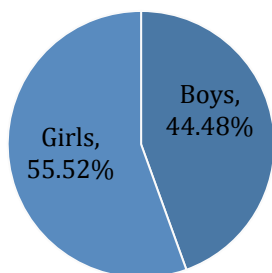
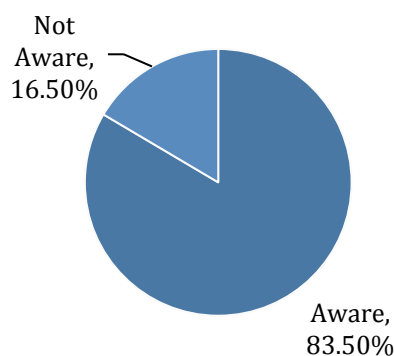


Fig. 2; Do you think children have rights under the Maldivian Constitution?



- 3) Do you have any knowledge about child rights?; 13.46% had knowledge, 75.96% had little knowledge, 10.58% had no knowledge

4) Have you heard of the UN CRC;
(Fig. 3)

78.14% said YES
21.86% said NO

5) Percentage of children who said that they would like to learn more about
child rights; (Fig.4)

96.78% said YES
3.22% said NO

Fig. 3; Have you heard of the CRC?

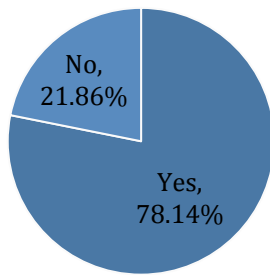
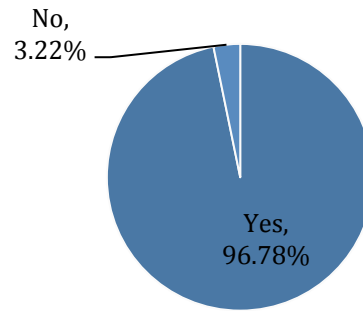


Fig. 4; Would you like to learn more about child rights?



6) Percentage of children who have been asked for his/her opinion
on issues that affect their life by an adult;

14.33% said Often
53.50% said Sometimes
19.43% said Rarely
12.74% said Never

7) Percentage of children who stated that education about child rights
should be included in the school curriculum;

87.26% said Yes,
12.74% said No

8) Percentage of children who said that teachers discriminate
against students school; (Fig. 5)

77.85% said Yes
22.15% said No

9) Percentage of children who were aware of the child helpline;
(Fig. 6)

43.27% were aware
56.73% were not aware

Fig. 5; Do teachers discriminate against students?

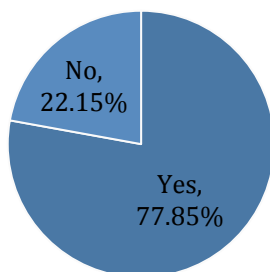
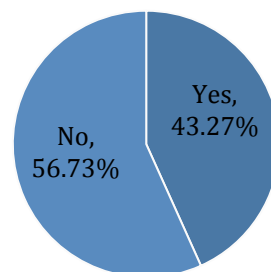
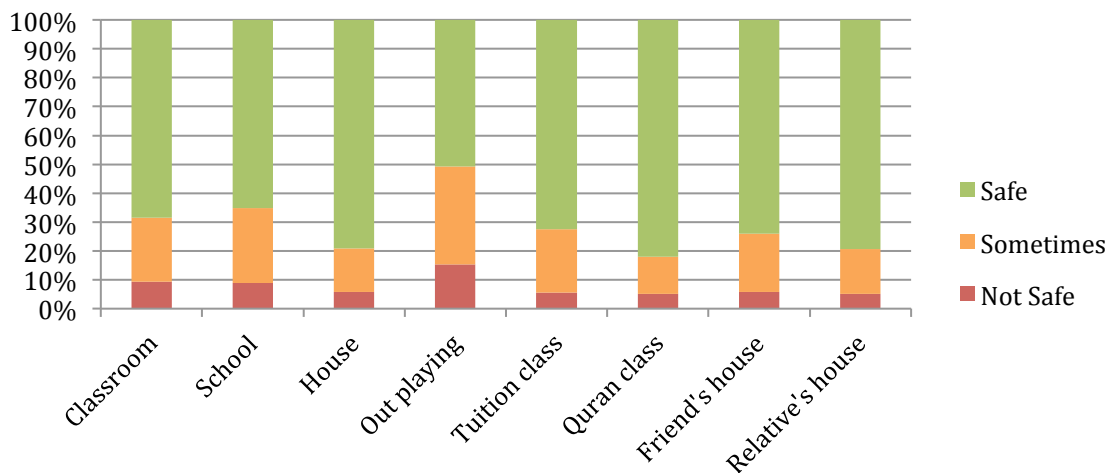


Fig. 6; Are you aware of the helpline?



10) Children were asked how safe they felt in various environments;

Fig. 7; How safe do you feel?



Teachers

Sample Size: 212

Note: All figures are in percentages.

- 1) Percentage of expatriate and local teachers; (Fig. 8)
 - 26.89% expatriate
 - 73.11% local
- 2) Gender distribution;
 - 41.98% males
 - 58.02% females
- 3) Percentage of teachers who thought that the school had adequate facilities to accommodate children with disabilities; (Fig. 9)
 - 28% said it was adequate
 - 72% said it was inadequate

Fig. 8; Distribution of local and expat teachers

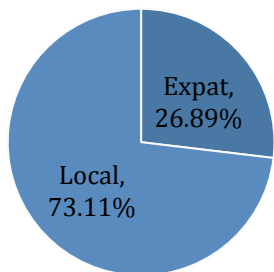
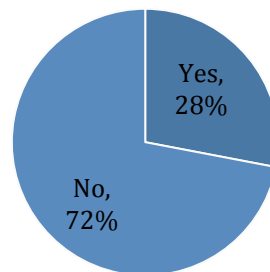


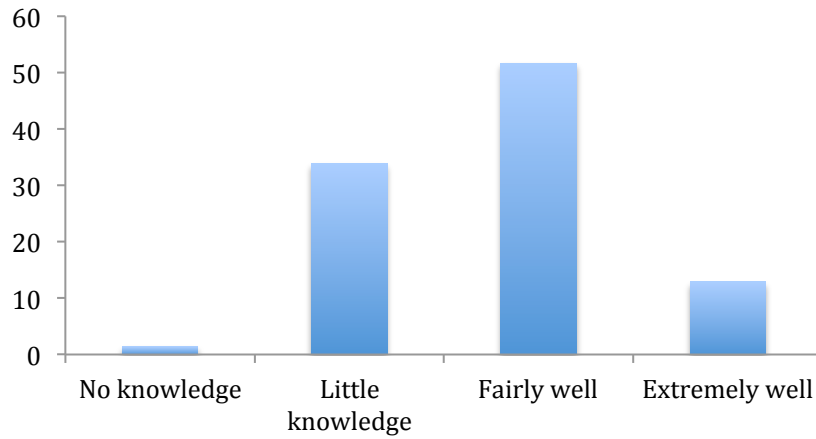
Fig. 9; Can your school accommodate child with disabilities?



4) Percentage of teachers who are familiar with child rights; (Fig. 10)

1.44% had no knowledge
 33.97% had little knowledge
 51.67% knew fairly well
 12.92% knew extremely well

Fig. 10; Teacher's familiarity with child rights



5) Percentage of teachers who said that child rights should be taught in school;

91.96% Yes
 8.04% No

6) Percentage of teachers who had taught child rights either through a lesson or an extracurricular activity in school; (Fig. 12)

45.50% Yes
 55.50% No

7) Percentage of teachers who were aware of the Convention; (Fig. 11)

65.28% Yes
 34.72% No

Fig. 11; are you aware of the Convention?

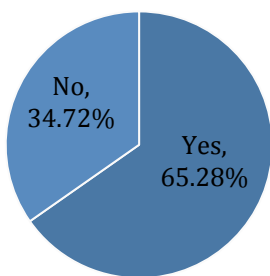
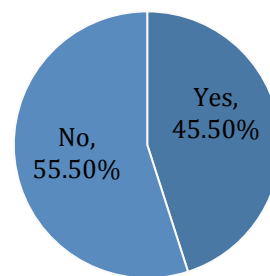


Fig. 12; teachers who had taught child rights in school



Parents

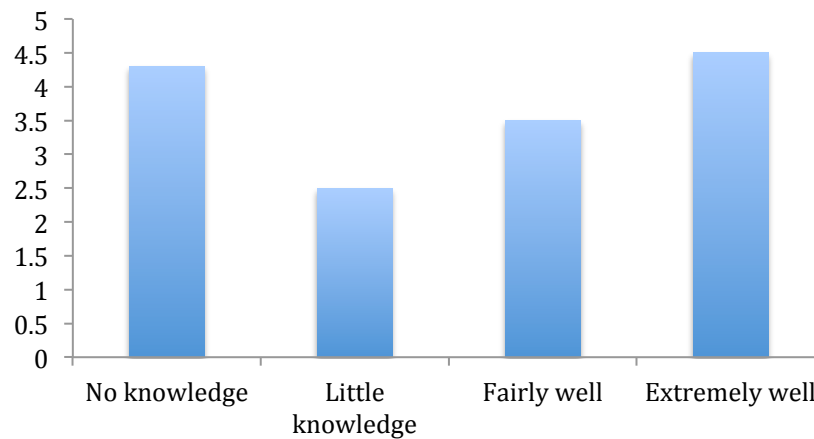
Sample Size: 359

Note: All figures are in percentages.

1) Percentage of parents who are familiar with child rights;
(Fig. 13)

6.21% had no knowledge
42.09% had little knowledge
42.37% knew fairly well
9.32% knew extremely well

Fig. 13; Parent's familiarity with child rights



2) Percentage of parents who knew that Maldives had laws specifically for the protection of child rights

94.38% were aware
5.62% were not aware

3) Percentage of parents who were aware of the Convention
(Fig. 14)

54.27% were aware
45.73% were not aware

4) Percentage of parents who stated that information sessions or awareness campaigns were conducted on the island on child rights
(Fig. 15)

40% Yes
17.27% No
42.73% don't know

Fig. 14; are you aware of the Convention?

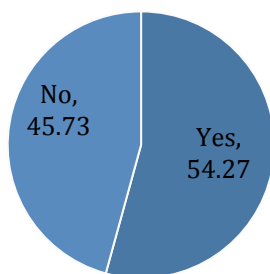
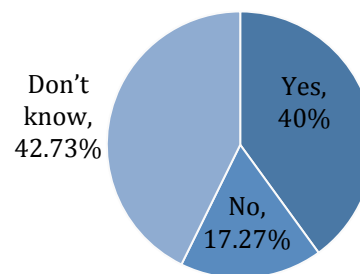
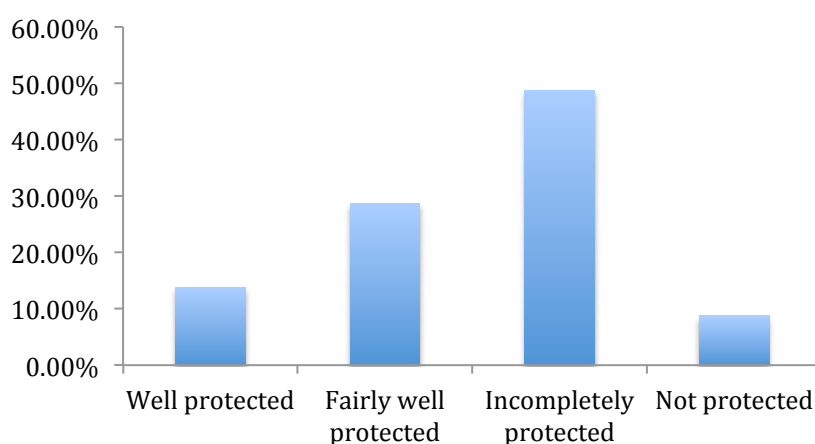


Fig. 15; Parents who said awareness sessions were conducted



- 5) Percentage of parents who thought that child rights are respected in the schools attended by their children;
 - 62.06% said yes
 - 32.94 said sometimes
 - 5% said no
- 6) Percentage of parents who said that they help educate their children on child rights;
 - 67.26% indicated Yes
 - 25% indicated Sometimes
 - 7.74 indicated No
- 7) Percentage of parents who were aware of the helpline;
 - 27.71% were aware
 - 72.29% were not aware
- 8) Parent's perceptions on the existing levels of protection on child rights;

Fig. 16; Existing levels of protection



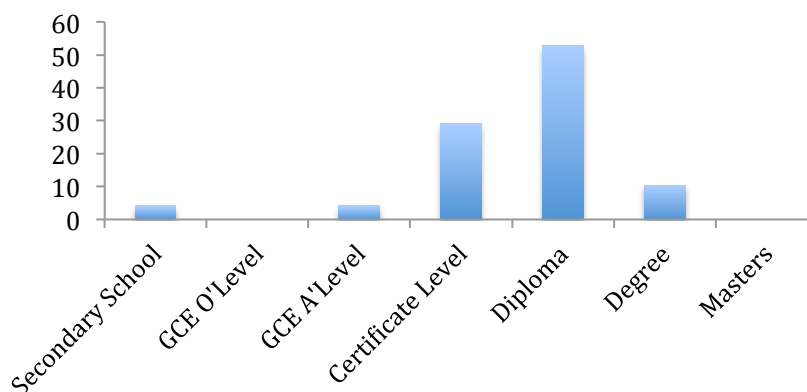
Community Workers (health-workers, nurses and FCSCs)

Sample Size: 50

Note: All figures are in percentages.

- 1) Distribution of profession;
 - 10% FCSCs
 - 64% Nurses
 - 26% Health-workers
- 2) Levels of academic and vocational qualifications among community workers; (Fig. 17)

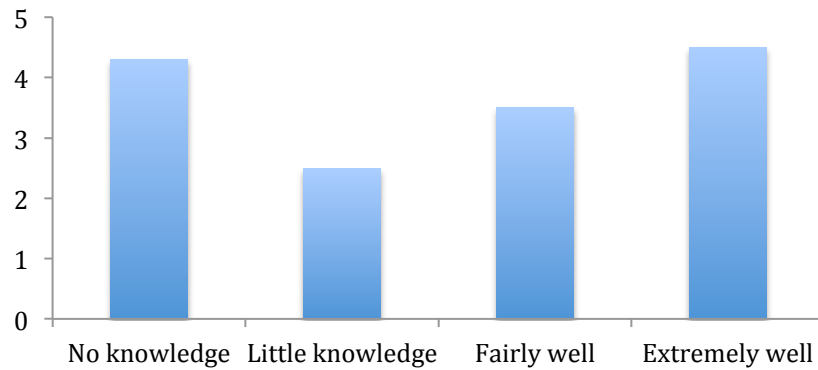
Fig. 17; Academic qualifications



3) Percentage of community workers who are familiar with child rights;
(Fig.18)

0.00% had no knowledge
36.17% had little knowledge
55.32% knew fairly well
8.51% knew extremely well

Fig. 18; Community worker's knowledge on child rights



4) Percentage of community workers who were aware of the Convention
(Fig: 19)

68.09% were aware
31.91% were not aware

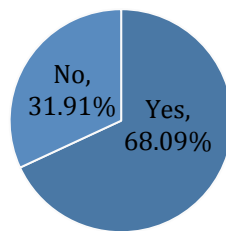


Fig. 18; Community worker's knowledge on child rights

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