



ngo group for the crc

STATE PARTY EXAMINATION OF MALDIVES'S SECOND AND THIRD PERIODIC REPORT

45TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

21 May – 8 June 2007

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The Maldives ratified the Convention on the Rights of the Child (CRC) on 11 February 1991. On 23 May 2007, the Committee on the Rights of the Child (the Committee) examined the Maldives' joint second and third Periodic Reports.

Opening Comments

Ms. Aishiath Mohamed Didi, Minister of Gender and Family, headed the high level delegation from the Maldives. In her opening statement she emphasised the new period of democratic development and human rights awareness. Since ratification, the implementation of the CRC had been hampered by a lack of an adequate monitoring system, limited health and social welfare facilities, and the geographical difficulties in reaching all the population. Ms. Didi indicated that although there were many areas of positive change, such as primary school enrolment, the reduction of the gender gap in education, a reduction in infant and mother mortality rates, and an increase in child protection programmes, there still were many problems. Didi noted that there were legal reforms underway related to child rights and the Maldives was ratifying many international human rights instruments. A National Plan of Action was in the pipeline and a child helpline was to be initiated in 2008. Didi also mentioned that numerous projects had been set up to continue to improve the protection and promotion of child rights. Didi also acknowledged the support of UNICEF and other UN agencies, and thanked civil society for its work and its alternative report.

The country rapporteur, Mr. Siddiqui, warmly welcomed the delegation. He noted that many of the previous recommendations regarding harmonisation, discrimination, children with disabilities, children born out of wedlock, drug abuse and juvenile justice had not been sufficiently addressed.

He asked about the existing reservations to the CRC, the National Plan of Action, coordination, decentralisation of children's rights, data collection systems, and dissemination.

The second country rapporteur, Ms. Vuckovic-Sahovic, noted the many positive changes since the last report. She asked about the measures taken to improve civil society participation, particularly in the area of child rights.

General Measures of Implementation

Responding to the country rapporteurs's questions, the delegation noted that NGO involvement had been encouraged in recent years, although the number of child-focused NGOs was limited. Recommendations were welcome to improve the involvement of civil society in implementing the rights of the child.

The Committee asked about the monitoring capacities of the Human Rights Commission and if there were plans to create a child-friendly reporting mechanism. The delegation replied that although it had a rocky start in 2003, the situation had greatly improved. It was a working body that children could contact directly and make a complaint without the consent of a guardian.

The Committee was concerned about the regional disparities in poverty and the possible negative effects of poverty reduction strategies on the rights of the child. The delegation replied that there were many problems of disparity between the atolls, particularly on islands with less than 2000 inhabitants. For this reason, the state was implementing a population consolidation programme which aimed to move inhabitants to more highly populated islands to provide them with better education, health and social welfare facilities.

The Committee asked how the Child Protection Programme and the Social Security Systems worked together on child rights. The delegation responded that the same people were working on child issues in both programmes. This group was small and overworked, but hoped to be able to achieve concrete results. The Committee also asked about the extent of the dissemination of the CRC. The delegation responded that although the dissemination of previous recommendations was inadequate, they were committed to publishing the new recommendations and disseminate them to the appropriate bodies. The general principles of the CRC were disseminated through training workshops in all the atolls.

Legislation

The Committee asked about the harmonisation of domestic law with the provisions of the CRC. The delegation responded that some of the provisions had been incorporated in law 9/91, however more work needed to be done. The Committee commended the ratification of many international instruments and asked if there were plans to ratify the ILO conventions. The delegation responded that they hoped to do so in the coming year.

The Committee asked about the implications of marriages and divorces not recognised by the state, and the measures taken to address these issues. The delegation responded that marriages in the 'home' were very rare and measures such as mediation and mandatory pre-marital classes were provided to reduce the number and negative effects of divorce. The rights of women and children were ensured in the legislation. Joint custody was allowed by law, and second marriages were not allowed unless the parent wishing to marry paid for the maintenance of their children.

Definition of the Child

The Committee asked about the age of conscription, which was set at 16 years. The delegation responded that it had recently been increased to 18 years. The Committee was also concerned about the number of early marriages that were taking place. The delegation explained that although the legal age for marriage was 18, there were provisions for marriages between the ages of 16 and 18. However, this was monitored and allowed on a case-by-case basis.

Civil Rights and Freedoms

The Committee voiced concerns about existing reservations on articles 14 and 21 of the CRC. Such reservations apparently had no constitutional impediment. The delegation replied that the government was committed to the withdrawal of the reservation on article 21 in 2007. The Committee asked about the constitutional provisions for the Maldives, as it was a Muslim country, and wanted to know how it affected children. The delegation responded that it had been a Muslim country for hundreds of years and that the constitutional provisions were descriptive rather than prescriptive. Non-Muslim children had the same rights as Muslim ones, including full access to education. The Committee enquired about recent cases of girls being prevented from going to school and asked what the state was doing to address this issue. The delegation responded that these cases were very rare and were being handled on an individual basis. To date, all the girls had returned to school.

The Committee asked about the freedom of association for children and the reasons for them not being allowed to join political groups. The delegation responded that political freedom and political participation were new to the country, and that guidance was needed as to how to best allow children to participate without putting them in any sort of danger.

The Committee asked about child participation and how it was encouraged. The delegation noted that child participation was highest in the education sector, where there were numerous programmes to promote their involvement. The delegation admitted, however, that there was much room for improvement and would appreciate any input from the Committee on how best to promote participation.

Education, Sports and Leisure

The Committee noted that there were very few play areas for children and asked about the measures being taken in this area. The delegation responded that they were working on the construction of more playgrounds and there was more of a focus on physical education in schools. The Committee asked about the measures to reduce hidden costs of 'free' education, such as textbooks, uniforms and exam fees. The delegation responded that all families in need were eligible for social aid to cover the costs of education. These funds were available at regional and local level. The Committee asked if there were any vocational training centres. The delegation explained that such centres were available, although there was a low enrolment rate to attend them. There was a new strategy being implemented to integrate technical education into the formal education sector. The Committee asked about the state's measures to improve the quality and quantity of teachers. The delegation responded that the shortage of teachers was due to the expanding school system. The training and re-training of teachers would be aided by the creation of a teacher-training centre on each atoll.

The Committee asked if preschool or early childhood education was a part of compulsory education. The delegation responded that it was not. This was due to a lack of formal training and the current ad hoc nature of the pre-school system. Early childhood education was being promoted through a programme called First Steps Maldives. This programme targeted children aged 0 to 5 and went beyond the traditional basics of early childhood education.

Health and Welfare

The Committee was concerned about recent reports of infanticide and asked about measures to stop this from happening. The delegation responded that there had only been 3 cases of infanticide in 2006. Their approach was to work with each individual case with all those involved to address the situation. The Committee was concerned about the prevalence of unwanted and teenage pregnancies and asked about the measures to address these issues. The delegation responded that they were promoting the use of condoms, but the communities were not ready for the promotion of condoms to school children. Regarding adolescent health, the Committee asked if there were health facilities focusing particularly on adolescents, which would provide them with information and help without

parental consent. The delegation responded that they had set up youth health clinics and Youth Health Cafes, but there was still insufficient training for their staff. Family planning methods and condoms were not provided to children. There was a sex education programme in schools, but the delegation wanted advice on how best to educate and protect children. The Committee asked about the measures to prevent and treat the increasing use of hard drugs. The delegation responded that there were insufficient resources to rehabilitate drug-users. It was part of a multi-disciplinary approach for child protection.

The Committee asked about the accessibility to healthcare facilities. The delegation responded that all islands with a population over 700 inhabitants had a doctor and there were community health officials on all other islands. The outreach of healthcare facilities was being expanded. The Committee noted that there were discrepancies in health indicators between the large islands and the smaller atolls. The delegation explained that the larger islands had more people and therefore received more resources for healthcare. The Committee asked about the breastfeeding practices. The delegation replied that these practices were improving. Although most doctors recommended a minimum of 6 months exclusive breastfeeding, some only promoting 4 months. An effort was being made to recommend 6 months, as malnutrition became an important problem as soon as children stopped being breastfed. The Committee asked about the stigmatisation of tuberculosis (TB) and thalassemia (a genetic disease). The delegation explained that TB treatment was provided free of charge and that children were tested for thalassemia early on. There were around 500 children with thalassemia. The Committee asked about prevention plans for HIV/AIDS. The delegation responded that prevention programmes focused on intravenous drug use and condom promotion.

Family and Institutions

The Committee noted the lack of alternative care facilities for children and their limited capacities. It also asked about monitoring mechanisms for these institutions and if the children were allowed to see their families. The delegation responded that there were limited facilities, as every effort was made to place children into alternative care rather than state institutions. All the facilities were up to UN and CRC standards and the staff of these facilities were trained in partnership with Cornell University (United States). Inspection and complaints were done through the Child and Family Protective Services and limited visitation was allowed for families.

Juvenile Justice

The Committee asked whether judges were being systematically trained in the provisions of the CRC. The delegation responded that it was working with UNICEF to train them, and there had been many positive developments in this area. The training of judges was ongoing and hopefully half of them would be trained in the CRC in 2007.

The Committee asked about legislative reform on juvenile justice and alternative methods of punishment. The delegation described the Juvenile Justice Act, which would harmonise domestic law with all international instruments, focused on community-based measures and placing a child in a juvenile facility would be used as a last resort. The Juvenile Justice Unit would serve as a hub for these activities.

The Committee asked about the minimum age of criminal responsibility. The delegation responded that the minimum age was technically 10, however no child under 12 had ever been convicted and the new penal code was proposing to increase the age to 14. The Committee asked about the availability of juvenile courts. The delegation responded that there was only 1 official juvenile court in Male, however there were over 200 island courts that were authorised to hear juvenile cases.

Exploitation and Child Labour

The Committee asked about legislation and practices related to child labour. It was particularly concerned about the domestic labour of girls in secondary school, discrepancies between the

schooling and working age and the existence of labour inspections. The delegation admitted that the involvement of girls in domestic labour in urban centres had been a problem for many years. The recent expansion of secondary schools on smaller islands, allowed girls to stay at home, which should help address this problem. The minimum age of work was 14 years, but they were trying to raise it to 16 years in the Employment Bill, with special requirements to be met between the ages of 16 and 18. This Bill would also provide a monitoring system.

Special Protection Measures

The Committee asked about the standards of protection for children victim of sexual abuse. It expressed concern that sexual offenders were not receiving harsh enough sentences. The delegation responded that they were improving the systematic investigation and prosecution of sexual abuse cases. They were revising the penal code to better protect children and prosecute the offenders. The Committee asked about the procedure for a child to make a complaint about sexual or physical abuse. The delegation explained that anyone concerned would be able to make a complaint (the child, guardian, teacher, etc) and complaints could be made to either the police or the Child and Family Protection Services. If the accused was a family member, the child was removed temporarily from the home and placed in state care. If the accused was arrested or detained, the child was returned to the home and the Attorney General was invited to start an investigation. The Committee noted that the number of cases of sexual abuse was increasing and asked for the reasons for this trend. The delegation explained that the number of cases of abuse was not actually rising, but the number of reported cases was increasing. This showed a positive trend in the attitude of the population to report cases of abuse.

Violence against Children

The Committee asked if there was a positive response to the UN Study on Violence and the measures being set up to implement the recommendations. The delegation responded that it was keen to implement the recommendations, particularly the creating of a helpline. The government was working with Child Helpline International to set one up.

The Committee asked about the prevalence of corporal punishment and its use as a sentence for a crime in court. The delegation responded that corporal punishment in any form was illegal, although it still existed privately. There had been various projects developed to sensitise the population towards the negative effects of this practice.

Concluding Remarks

Mr Saddiqui noted the fruitful discussion that had taken place. He commended the delegation for its self-critical, open and objective discussion and its considerable good will. The Maldives had come a long way since its last report, despite the many challenges that remained.

Ms. Didi noted the importance of this reporting process for the State party to implement the CRC and thanked the Committee for the productive discussion.