



ngo group for the crc

STATE PARTY EXAMINATION OF MALDIVES'S INITIAL REPORT ON THE OPTIONAL PROTOCOL ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (OPAC)

50TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

12 – 30 January 2009

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The Maldives ratified the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) on 29 December 2004. On the 26th of January 2009, the Committee on the Rights of the Child (the Committee) examined the Maldives's initial report on the implementation of the OPAC.

Opening Comments

Mr Awich Pollar, Country Rapporteur on the OPAC, remarked that Maldives was a traditionally peaceful nation with little or no armed conflict but that relevant measures needed to be in place to ensure that children were protected even if there was no on-going war in the country. He noted that after November 2002, the minimum age for recruitment was raised to 18 years and that the state required those who joined the army to undergo several examinations to determine their emotional maturity. Mr Pollar asked if the state party saw any loopholes in the age requirement and if there was follow-up on children who were in the army before 18. In addition, he asked if there were measures in place to ensure that children would not be recruited into the armed forces and if recruiters were prosecuted.

Furthermore, Mr Pollar enquired about the involvement of NGOs in the preparation of the report and their daily work in promoting the OPAC. He asked about mechanisms in place to monitor the protocol and if there was any information on children involved in conflict outside of Maldives living in the state. He also requested more information on the program used to discourage children from violence and asked how the state party ensured that arms did not get to areas where children were involved in conflict.

Legislation and Interpretation of the OPAC

The Committee enquired about the criminalization of child employment in armed forces. The delegation responded that it was prohibited under the Police Act and the Act of Armed Forces for any child to be employed in armed forces for the purposes of aiming or abetting.

The Committee inquired about the age of employment of children. The delegation explained that children between the ages of 16 and 18 were allowed to do certain jobs and that employment for children under 16 was prohibited.

Coordination and Monitoring

The Committee enquired about day to day work with NGOs in promoting the OPAC. The delegation explained that only a few NGOs worked with their ministry on a regular basis but that they had a good working relationship and sometimes took part in collective decisions. There were occasions when the state would secure funds and ask NGOs to implement programs, but NGOs were not always equipped with the knowledge to scrutinize the government and keep people accountable in stakeholder industries.

The Committee asked about verifying a person's age before he was recruited or employed in the military. The delegation replied that other than birth registrations there was an identity card that was verified and cross-checked from various sources.

Extradition

The Committee asked whether there were cases of extradition of Maldivian nationals from other countries. The delegation responded that it did have extradition agreements with Sri Lanka and Pakistan. If there was a request for extradition for a national of the Maldives who allegedly committed crime, the two governments negotiated the case on individual basis.

Recruitment

The Committee asked if there were women in the military. The delegation confirmed that there were women in the military forces.

Education

The Committee enquired about civil education in school curriculum. The delegation replied that, unfortunately, civil education, as well as peace education, had not yet been introduced. The state had also been fighting to incorporate life skills education into curriculum.

The Committee asked about the existence of military schools. The delegation explained that there was a Defence Institute for Training and Education under the Ministry of Defence and National Security. The Ministry of Education had no control over this institution and it functioned from the military budget. There were basic and advanced level trainings, as well as special task force trainings for recruits. The Committee enquired about the ages of people attending this school. The delegation said that only those employed in the force could join the school, so the ages were 18 and up.

Children previously recruited

The Committee asked what happened to children who were in the Maldivian military when the military service age was raised to 18. The delegation replied that about 14 children were affected by the law. Their contracts were terminated immediately and children left the job provided that they might want to join the same force at the age of 18.

Regarding the enquiry about children from combat zones outside the country, the delegation said that it did not think this was possible as there was only one international airport and there had been no cases of people arriving in clandestine boats. The Committee asked how the state would deal with the cases of asylum or refugee children. The delegation made a reference to the Immigration Act of 2007, which authorised immigration authorities to allow the passage if the circumstances were to arise. The Committee expressed concern that the country was geographically exposed to conflict areas and asked how immigration authorities were prepared to protect children in these cases. The delegation said that it did not think that anyone was prepared for such an incidence, however, if it did happen, the Department of Child and Family Protection would address it. The department was well known in the country and there were services in every island. The delegation also said that it would extend whatever services were available to children caught up in that situation.

Sale of Arms

Regarding the Committee's question on the transport of arms, the delegation said that only army and police had legal authority to carry a firearm. There was also a law on contraband items, which provided that anyone without legal authority could not carry a firearm. The Committee inquired about a possible flow of arms through the country. The delegation responded that despite being located in a region of turbulence, Maldives had hardly been affected and that there was no production of arms within the country. The Committee asked if there were laws criminalizing the production and trafficking of weapons. The delegation said that the Law on Contraband did stipulate that production, distribution, sale, and possession of weapons were criminal offences.

Closing Remarks

Ms Lee, the Co-Rapporteur for the Maldives, said the Committee was excited about the recent changes in the Maldivian government and felt that the head of the delegation was "on the top of issues". She recommended a more holistic, child rights based approach throughout the implementation and monitoring of the Convention and the Protocol. She urged the state party to ratify other relevant international treaties, including the Hague Convention and the ILO Conventions, and establish a two-fold monitoring system within the government. Ms Lee suggested the government to review the new penal code and ensure that all crimes prohibited by OPAC were explicitly included there. She also said that civil society needed to be more empowered and aware of the Protocol.

Mr Pollar, the co-rapporteur, reiterated that OPAC could be used to prevent conflict and that a system should be built in the peaceful country to ensure that violence did not occur. He looked forward to the periodic evaluation to make sure the state party remained on the right track.

Ms Jameel, the head of the delegation, thanked the Committee for the informative and interactive dialogue and said that she had a better understanding of appropriate questions for the military. She also appreciated the importance of accelerating legal reforms. She mentioned that the following week they plan to sign a work plan with UN agencies.