

URGENT ACTION

GOVERNMENT TO PROTECT 15-YEAR-OLD GIRL

The government of Maldives has recently committed to protecting a 15-year-old, who was found guilty of “fornication” and sentenced to house arrest and flogging. She is still at risk of being flogged and house arrest while the conviction hangs over her head.

On 26 February, a 15-year-old girl was found guilty of “fornication” or sex outside marriage by a juvenile court in the Maldives and was sentenced to eight months’ house arrest and 100 lashes. On 28 February, the government of Maldives released a statement acknowledging that the girl is also a victim of sexual abuse and should therefore be treated as a victim, and “her rights should be fully protected”. The government further stated that that all cases of child abuse, including sexual abuse, should be viewed “through a human rights lens” based on the “best interest of the child”.

Amnesty International has welcomed the government’s statement. The government must now act on its words and commitments and fully protect the rights of the 15-year-old girl as guaranteed under international human rights law. “Fornication” is not an offence under international human rights law and standards so the girl should never have been sentenced. Further, flogging is in violation of the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment. The girl should not be flogged and flogging should be abolished in the Maldives. As a survivor of rape, the girl also has a right to be provided with appropriate support services by the government.

Please write immediately in English or your own language:

- Welcoming the government’s commitment to ensuring the protection of the girl, and urging authorities to act on this statement;
- Urging them to release the girl immediately and unconditionally (including house arrest) and ensure that she is not flogged or otherwise punished;
- Urging them to ensure that the judicial process is initiated in order to overturn the conviction for “fornication”;
- Urging them to ensure that she has access to adequate and appropriate protective and support services;
- Urging them to end the practice of flogging as a form of punishment and act to amend Maldivian law to remove the provisions that allow flogging as well as those that criminalise “fornication”.

PLEASE SEND APPEALS BEFORE 23 APRIL 2013 TO:

President Dr Mohamed Waheed

The President’s Office
Boduthakurufaanu Magu,
Male’ 20113
Republic of Maldives
Fax: + 960 332 5500
Email:
<http://www.presidencymaldives.gov.mv/index.aspx?lid=6> (via form)
Salutation: Dear President

And copies to:

Minister of Foreign Affairs
His Excellency Dr. Abdul Samad
Abdullah
Block number 77,
Henvairu, Boduthakurufaanu Magu
Fax: +960 332 3841
Email: consular@foreign.gov.mv
Salutation: Dear Minister

Prosecutor General, Maldives
Ahmed Muizzu
Prosecutor General’s Office,
Majeedhee Magu,
Male’ 20040,
Republic of Maldives
Fax: +960 300 0644
Email: pgoffice@pgoffice.gov.mv
Salutation: Dear Prosecutor General

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 55/13. Further information:
<http://amnesty.org/en/library/info/ASA29/001/2013/en>

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ADDITIONAL INFORMATION

The 15-year-old girl was first arrested after the body of a baby she had given birth to, was found buried outside her house on Feydhoo Island in Maldives in June 2012. Authorities found that she had been raped by her stepfather, who has been charged with several offences, including murder and the sexual abuse of a minor. Her mother has been charged with both concealing a crime, and murder. During their investigation, however, authorities came across evidence to support charges of “fornication” against the girl in a separate incident. The Prosecutor-General’s office pressed charges against her for “fornication” on 25 November 2012. She was found guilty and sentenced to flogging and house arrest on 25 February 2013. While she has a right to appeal, it is unclear whether she will exercise this option.

Recent media reports suggest that almost 90% of the individuals convicted of “fornication” in 2011 are women. In 2009, at least 180 people faced the punishment of flogging for “fornication” in the Maldives. Amnesty International has received credible reports that the Maldivian authorities have charged and convicted other girls in the past – some of whom have been survivors of rape and other sexual assault – with “fornication”; this has led to them being punished by flogging.

The UN High Commissioner for Human Rights has urged the Maldivian government to stop the practice of flogging, stating that it “constitutes one of the most inhumane and degrading forms of violence against women”. The UN Country Team in the Maldives has expressed similar concerns. After her recent visit, the UN Special Rapporteur on the independence of judges and lawyers called on the government of the Maldives to “show strong leadership to move the development and adoption of essential legislation forward and ensure that their contents are in line with the promotion and protection of human rights”.

The UN Convention on the Elimination of All Forms of Discrimination Against Women Committee has stated that governments have an obligation to provide “appropriate protective and support services” for survivors of rape and other forms of sexual assault, which can include “rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structure ... and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation”. It is unclear whether the 15-year-old girl in this case has been provided any of these services. Furthermore, international standards stipulate that states must recognize the growing capacity of adolescents to express their sexuality. Children who are either engaging in consensual sexual activity or who are victims of sexual assault should not be criminalized or punished, regardless of their age.

Name: 15-year-old rape survivor

Gender m/f: f

Further information on UA: 55/13 Index: ASA 29/004/2013 Issue Date: 12 March 2013