



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL  
TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE  
INVOLVEMENT OF CHILDREN IN ARMED CONFLICT**

**Initial reports of States parties due in 2007**

**MALDIVES**

[13 September 2007]

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## **Introduction**

1. The Government of the Maldives is committed to the protection and promotion of the rights of children, and in line with this policy ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict on 29 December 2004. Pursuant to article 8 (1) of the Optional Protocol, within two years following its entry into force, the State party is obliged to submit a report to the Committee on the Rights of the Child providing comprehensive information on measures taken to implement the provisions of the Optional Protocol.
2. This report was prepared after consulting stakeholders, especially concerned government authorities, and after interviewing relevant parties. The report is a compilation of their contributions, and was sent to them for their comments in order to ensure the accuracy of information included in the report. Additionally, the report was sent for comment to non-governmental organizations actively involved in promoting the rights of children in the Maldives. The existing legal framework pertaining to this area was reviewed by a specially appointed independent legal practitioner, and the findings have been incorporated into the report.
3. The Maldives is a peaceful environment with no armed conflicts or civilian hostilities. The Maldives signed the Optional Protocol to express its commitment to the cause of protecting children from violations, although most of the concerns addressed by that instrument do not apply to the Maldives.
4. In recent history, the Maldives faced armed hostility in 1988 when a group of Tamil mercenaries, aided by a few Maldivians, attempted to overthrow the Government by force. Although there were a few casualties and fatalities, the Government regained control of the situation within 24 hours.
5. However, there are serious concerns such as juvenile delinquency, drug abuse and crime, with children being used actively for violent activities in gangs.

### **MEASURES ADOPTED TO IMPLEMENT THE PROVISIONS OF THE OPTIONAL PROTOCOL**

#### **A. Measures to ensure that armed forces members under 18 do not take part in direct hostilities (art. 1)**

6. At the time of ratification of the Optional Protocol, the national armed forces of the country, the National Security Service of the Maldives, did not have in its service any individual below the age of 18 years. As such, no specific measures have been adopted to implement this article. Furthermore, as the minimum age of recruitment to the armed force was raised to 18 years in November 2002, no specific measures are foreseen in the future to implement this provision.

**B. Measures to ensure that persons under 18 are not compulsorily recruited into the armed forces (art. 2)**

**Compulsory recruitment**

7. Prior to 2002, the Government practised compulsory recruitment of school-leavers into the armed forces. Secondary school-leavers are generally between the ages of 16-17 years while higher secondary school-leavers are aged between 17-20 years. Compulsory recruitment of school-leavers meant that persons above 16 but below 18 were recruited into the armed forces. School-leavers were recruited to ensure that persons could be brought into the armed forces and could be sent for further education to meet the specific needs of the armed forces.

8. In 2002, the Government stopped recruiting persons under 18 into the armed forces. The Maldivian Government, in order to align national legislation with the Convention on the Rights of the Child, raised the age of majority from 16 years to 18 years (amendment to Law No. 9/91, Law on the Protection of the Rights of the Child, November 2002).

9. Pursuant to this, the Rules pertaining to the Maldivian Public Services were amended in 2003 with a strict prohibition on recruitment of any person under 18 into the Maldivian national armed forces (section 12 of the Rules pertaining to the Maldivian Public Services). The Rules also prohibit even the temporary recruitment of persons under 18 into the army.

**C. Voluntary recruitment (art. 3)**

**Minimum age**

10. Prior to 2002, the national armed forces recruited persons under 18 but above 16 with parental consent. However, after the Law on the Protection of the Rights of the Child was amended in November 2002, the minimum age for recruitment into the armed forces was raised from 16 years to 18 years.

**Safeguards to ensure that persons under 18 are not recruited: Recruitment process**

11. In line with the country's obligations under the Optional Protocol and national legislation pertaining to children's rights, the army makes every endeavour during the recruitment process to ensure that no one under 18 is recruited. The Rules on recruitment into the armed forces mandate a minimum age of 18 years as an application criterion. Applicants' age is verified through the national registration card and the registration of births through the Law on Registration of Births and Deaths.

**D. Armed groups distinct from armed forces of the State (art. 4)**

12. There are no armed groups operating within the country as defined by the Optional Protocol. Domestic legislation criminalizes the use of weapons without proper authorization and section 46 (6) of the Maldivian Penal Code prohibits training in the use of weapons or the conduct of any special training that is relevant only to persons engaged in national security without the permission of the Government. Any person contravening this section faces

punishment of exile for a term not exceeding one year or imprisonment or house detention for a term not exceeding six months or a fine not in excess of Rf. 100/- or both fine and house detention (section 46 (6) of the Maldivian Penal Code).

13. Section 49 of the Penal Code prohibits taking part in an unlawful assembly or being armed with any deadly weapon or with anything which when used as a weapon is likely to cause death. Any person contravening this section faces punishment of exile for a term of between 1-6 years or imprisonment for a term between 6 months and 3 years or house detention for a term between 8-18 months.

14. While section 2 of the Law on Prohibited Items bans the importation of weapons and explosive items into the Maldives, section 56 of the Penal Code criminalizes the recruitment of individuals for an unlawful gathering or assembly, thereby prohibiting the hiring of persons for an unlawful assembly and the manufacture, purchase or safe keeping of any weapon for such an unlawful assembly.

15. Contravention of section 56 of the Penal Code is punishable by imprisonment for a term of between 1 and 5 years, while infringements of section 2 of the Law on Prohibited Items carry the punishment of imprisonment or banishment or house detention for a term of between 10-15 years.

16. Although there are numerous provisions which criminalize the use of weapons or the organization of groups for hostile purposes, there are no provisions in the law expressly prohibiting the recruitment of minors. Nor do the proposed amendments to the Penal Code have express provisions regarding this aspect. It should be noted that the Maldives has been a very peaceful society where the use of weapons has been a rare occurrence.

17. Section 56 of the Penal Code also criminalizes the recruitment of individuals for an unlawful assembly; moreover, those who provide food, shelter, protection or encouragement for it or assist in conspiring to stage such an assembly shall be deemed to be a member of such assembly. The section further states that whoever manufactures, purchases, or holds for safe keeping any weapons for such assembly or for the purposes of such assembly shall be liable to 1-5 years' imprisonment.

18. Even though section 26 of the Law on the Protection of the Rights of the Child does not specifically criminalize the engagement of children in activities that could be harmful to their well-being, it imposes a mandatory prohibition on the general public from engaging children in activities that could have harmful effects on them.

## **E. Implementation and enforcement (art. 6)**

### **Activities to sensitize the public**

19. Though no specific programmes pertaining to the Optional Protocol have been conducted, numerous awareness-building programmes have been carried out to sensitize the public to the rights of the child under the Convention on the Rights of the Child. With the changing political climate, the need to increase awareness of different issues relating to child rights has taken on added importance.

20. The Ministry of Gender and Family (MGF) has conducted special awareness-building programmes to prevent the use of children for political leverage. With the cooperation of the media, the MGF has tried to sensitize parents and has called on them to exercise greater vigilance in regard to these kinds of threats which their children face. The local media is also widely used to send messages to the public strongly discouraging the use of children in any form of hostilities.

21. Although it does not specifically deal with armed conflict, the MGF has routinely produced advocacy materials targeting the general public and parents with a view to promoting the rights of children. Seminars and workshops have been conducted involving a cross-section of society in order to increase awareness of children's rights.

### **Ministerial directive to the armed forces**

22. The Ministry of Gender and Family is the Government department with a mandate to implement and enforce child protection measures. Accordingly, upon the ratification of the Optional Protocol, the then Minister for Gender and Family issued a ministerial notification to the Minister of Defence bringing the country's obligations under the Optional Protocol to the latter's notice.

### **National Action Plan**

23. The proposed Seventh National Development Plan gives priority to children's rights and has included measures to mainstream gender and child rights concerns. The development of institutional frameworks and the establishment of a multidisciplinary protection system for children have also been given priority.

### **National Council for the Protection of the Rights of the Child**

24. The National Council for the Protection of the Rights of the Child, which was formed in 1991, has an overall mandate to monitor the actions of the Government in implementing the State's obligations under child rights conventions and the Optional Protocol.

### **Child Protection Authority**

25. In January 2006, the Child Protection Authority was established within the MGF. This body has a mandate to review legislation pertaining to child protection and family at the national level and to take the necessary steps to bring it into line with international treaty obligations. However, the Authority faces human resource and capacity-building constraints.

### **Legal measures for effective implementation**

26. Rules pertaining to the recruitment of staff into the national armed forces have been amended, raising the minimum age of recruitment to 18 years.

27. The Law on the Protection of the Rights of the Child (sect. 26) prohibits the use of children in any job which is incompatible with their age or which could have a detrimental impact on their health or mental development.

28. The Government is working towards reforming domestic legislation to ensure conformity with the State's obligations under the Convention on the Rights of the Child and its Optional Protocols. The MGF is liaising with the Attorney General's Office in this regard.

### **Planning, Monitoring and Research Section**

29. To date, there has been a lack of an adequate mechanism to oversee implementation of the specific provisions of the Convention and its Optional Protocols. Research has not been conducted in specific areas under the Convention or the Optional Protocols to determine the extent of prevalence of some of the issues covered thereunder. Nor has research been carried out to identify the extent of implementation of the provisions of the Convention or the Optional Protocols.

30. The lack of trained staff and adequate resources has been one factor that has led to this problem. However, the MGF was restructured to ensure that these areas receive special attention and a department under the name of the Planning, Monitoring and Research Section was established within the MGF to focus on these areas.

### **National budget**

31. To facilitate implementation of activities planned for the year 2007, the Government has allocated adequate funds to ensure that the targets set for this year can be met.

### **F. Measures for prevention, rehabilitation and social reintegration (art. 7)**

32. Statistics on recruitment into the national armed forces show that since the inception of the National Security Service, a total of 395 persons below the age of 18 years have been recruited into the armed forces. Of this total, 24 were female.

33. In 2002, at the time the Law on the Rights of the Child was amended, there were only 14 male recruits under 18. They were released from the armed forces with an option to return when they turned 18.

34. No follow-up activity was conducted to assess their situation after dismissal. Few of those individuals returned, and as no follow-up measures were taken, at the time the report was prepared the status of those individuals who opted not to return was not known. Preventive measures are in place to ensure that no children under 18 are recruited into the national armed forces. Finally, there is no need for demobilization assistance as such in the Maldives.

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