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Amnesty International welcomes Maldives government's commitment to ensure protection of 15-year old girl

In a welcome move, the government of Maldives has added its voice to the mounting national and international concern about the sentence of flogging the Juvenile Court imposed on a girl of 15 last week.

The girl, who had been sexually abused, was sentenced on 26 February 2013 to 100 lashes and eight months' house arrest on a charge of "fornication". Amnesty International called on the government of Maldives to ensure the girl is not flogged and the punishment is removed from Maldivian law.

In its 28 February statement, the government has acknowledged that the girl should be treated as a victim and not an offender and "her rights should be fully protected".

Amnesty International supports the government's view 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 looks forward to the quashing of the girl's flogging sentence. In addition, the girl must not be detained including under house arrest, because she has not committed a crime under international human rights law. Her right to move about freely and safely must be respected. The girl's need for protection is all the more urgent as religious groups in Maldives have publicly supported her flogging.

Flogging violates the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment. The Maldives acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 20 April 2004, and must comply with its international law obligations. Amnesty International calls on the Government of Maldives to ensure that no one is flogged. The government must also act immediately to amend Maldivian law to remove the provisions that allow flogging.

Amnesty International also calls upon all political parties to support our call to end the practice of flogging in the Maldives.

Furthermore, any punishment for "fornication" amounts to the criminalization of consensual sexual activity inconsistent with the right to freedom of expression, privacy and sexual autonomy. Recent media reports suggest that almost 90% of the individuals convicted of "fornication" in 2011 were women. The Maldives acceded to the Convention on the Elimination of all forms of Discrimination against Women on 1 July 1993 and has the obligation to amend all laws or regulations which are discriminatory to women. To this end, the

government must ensure that the judicial process is initiated in order to overturn the conviction against the 15-year old girl for “fornication” and take action to remove provisions in the law which criminalize “fornication”.

Finally, as a survivor of rape, the girl also has a right to be provided with appropriate support services by the government. This can include rehabilitation, treatment, counselling, and health and social services. Amnesty International calls upon the Government of the Maldives to ensure that the girl has access to the care and protection she needs and further action is taken to prevent other girls from such harm.