

Disclaimer

The International Bureau for Children's Rights is pleased to share with the visitors of its official website this draft country profile on the status of the CRC implementation. This draft profile is the preliminary result of the ongoing research project that will eventually cover all the States parties to the Convention.

This draft is based on data that IBCR interns were able to collect from various Internet sources. As the information on the Internet is often limited and may contain inaccuracies, this profile is not meant to be complete or absolutely accurate. Still, IBCR has decided to publicize this draft profile for the purpose of awareness-raising and exchanging of information.

In the meantime, IBCR remains open to any comments, corrections and feedback readers may have. IBCR is seeking additional resources to improve this draft country profile and bring it to the expert level. The reports on Cambodia, Indonesia, Sri Lanka, Timor Leste, and Viet Nam are examples of expert level reports and are available on IBCR's official website thanks to the financial contribution of CIDA. The ultimate goal of this endeavour is to bolster international understanding of children's rights, disseminate knowledge about the CRC and assist Governments in its implementation.

REPUBLIC OF MALDIVES

Introduction

The Republic of Maldives was once a sultanate under Dutch and then British protection. It is composed of 1 190 islands in 20 atolls situated in the South-Southwest of India in the Indian Ocean. The population of 359 008 inhabitants (July 2006) consists of three major ethnic groups: South Indians, Sinhalese and Arabs. Maldivians are predominantly Sunni Muslim and the legal system is based both on Islamic law and on English common law for commercial matters. Islam is the official religion of the entire population and is required to qualify for citizenship. Social stratification, based on the similar Indian Caste system, exists in the islands.¹

The Maldives became a republic in 1968, three years after acquiring independence from the United Kingdom. The country adopted its constitution in January 1998 under the presidency of Maumoon Abdul Gayoom, Chief of State since November 1978 and elected on the basis of a yes-no referendum procedure. Although political activity was not prohibited, political parties were until the introduction of multi-party politics for the first time in 2005.² Nearly one quarter of the country's total population is concentrated in the capital city, Male. The protection of the child is an important issue in the Republic of Maldives because as of June 2006, 43.4% of the population is under 14 years old and the median age is fixed at 17.9 years old.³

Accounting for 20% of the Growth Domestic Product, tourism is the Maldives' largest industry. Fishing is the second foremost production. The GDP has significantly risen during the last few decades and growth averages 8% per year.⁴ Per capita income is an estimated US\$ 2500 and is the highest in South Asia. However, the economy is particularly vulnerable due to its high dependence on the tourism and fishing industries. The September 11, 2001 terrorist attacks in the United States as well as the December 2004 Asian tsunami disaster negatively affected the country's tourism and consequently impacted the GDP.

The country's socio economic indicators vary in their progress made. Currently the infant mortality rate in the Maldives is estimated at 54.89 deaths per thousand and life expectancy reaches 64.41 years. The total fertility rate is 4.9 children per woman, while the literacy rate accounting for citizens over 15 years of age is an estimated at 97.2%. The negative repercussions of malnutrition and inadequate sanitation are of particular concern when it comes to children and remain one of the major issues to contend with in the Maldives.⁵

The recent Asia tsunami disaster resulted in the death of more than 100 people and the evacuation of over 9 000 more; an estimated 12 000 became internally displaced while another 12 000 became homeless.⁶ The first victims were children as one in three schools were damaged by the tsunami.

¹ "Maldives", CIA World Factbook, 1 June 2006, available on-line at <http://www.cia.gov/cia/publications/factbook/geos/mv.html> (last accessed 5 June 2006)

² "Country Profile: The Maldives", BBC News, 29 December 2005, available on-line at http://news.bbc.co.uk/2/hi/south_asia/country_profiles/1166511.stm (last accessed 5 June 2006)

³ Supra note 1

⁴ "Executive Summary - Maldives CCG 2004 Update", STAT-USA Market Research Reports, 22 September 2004, available online at <http://strategis.ic.gc.ca/epic/internet/inimr-ri.nsf/en/gr127456e.html> (last accessed 5 June 2006)

⁵ Supra note 1

⁶ "Hundreds of schools damaged in the Maldives", UNICEF, 31 December 2004, available on-line at http://www.unicef.org/infobycountry/media_24692.html

UNICEF's delivery of US\$ 1 million in supplies for the cleaning and repairing of schools following the disaster has succeeded in reopening of many schools.⁷

The Maldives ratified the Convention on the Rights of the Child in 1991 and enacted the Law on the Protection of the Rights of the Child the same year. A National Council for the Protection of the Rights of the Child has been established by the government and is responsible for the monitoring the progress of the National Plan for Action. The Unit for the Rights of the Child was also created within the Ministry of Women's Affairs and Social Security to implement the Convention on the Rights of the Child.⁸

The main challenge for the Maldives is dealing with their geographic reality which isolates the inhabitants and complicates the full access to infrastructures and basic services.

International Conventions and Treaties

- Convention on the Rights of the Child (CRC), signed: August 21,1990; ratified: February 11, 1991
- Optional Protocol to the CRC on the Involvement of Children in Armed Conflict, ratified: January 29, 2005
- Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, ratified: June 10th, 2002

Children's Rights

With nearly half the population under 14 years of age, the Maldives is in a unique situation regarding children's rights.⁹ While the recent advancements in health, education and other social services have significantly improved the Maldivians' quality of life, certain issue areas reportedly remain of concern. Gender inequalities, discrimination, and lack of access to basic health and education in the outlying islands of the Maldives are of particular interest.

The December 2004 tsunami disaster resulted in the death of more than 100 people and the destruction of rural and urban infrastructure. The primary urgent need was the provision of clean water and adequate sanitation in order to prevent children from contracting disease. UNICEF initially delivered bottled water and purification tablets to meet immediate needs and has since then provided 23 water desalination units.¹⁰ The specific needs of vulnerable groups such as women and children were a second important concern. Temporary refuges have been established to welcome unaccompanied women and children.¹¹

⁷ "Back to School in the Maldives", UNICEF, 25 January 2005, available on-line at http://www.unicef.org/media/media_24962.html (last accessed June 2005)

⁸ "Report of the Committee of the Rights of the Child", United Nations, 8 May 2000, available on-line at <http://www.un.org/documents/ga/docs/55/a5541.pdf> (last accessed 5 June 2006) p. 33

⁹ Supra note 1

¹⁰ "Maldives: Fresh water from the sea", UNICEF, 22 June 2005, available on-line at http://www.unicef.org/emerg/disasterinasia/index_27476.html (last accessed 5 June 2006)

¹¹ "Maldives: Day-to-day life in a temporary camp", UNICEF, December 2005, available on-line at http://www.unicef.org/emerg/disasterinasia/index_30079.html (last accessed 5 June 2006)

While hundred of schools were destroyed, directly impacting over 30 000 children, with UNICEF's assistance many have reopened since January 2005.¹²

The Maldives Government passed the law on Protection of the Rights of the Child in 1991, the same year it ratified the CRC. In February 1992 the National Council for the Protection of the Rights of Children was founded, and is composed of officials from key ministries and NGO representatives. This government agency monitors the National Plan of Action's adherence to the CRC. A Unit for the Rights of Children was established in November 1992 under the Ministry of Women's Affairs and Social Security. The mission of the URC is to promote the values delineated in the Convention on the Rights of the Child. The Ministry is responsible for implementing the law on the Protection of the Rights of the Child as well as provide a legal framework for present and further legislation.¹³

The Ministry of Education of the Maldives is also involved in the promotion of children's rights and is working closely in collaboration with UNICEF. The early childhood care project, "First Steps Maldives", aims to ensure the survival, protection and developmental needs of children under five years of age. The initiative concentrates on building capacity to foster print, radio and television media which features non-stereotypical images of children, including the disabled. The supply of seven educational booklets focused on families and involved the government, the media and civil society.¹⁴

Despite significant improvements in **health** and social welfare many areas remain lacking in progress. As of yet there exist inadequate recording mechanisms and insufficient data collection for all of the areas covered by the Convention. Furthermore, coordination for the implementation and monitoring of the Convention is deficient within the government.¹⁵ There is limited access to safe water and adequate sanitation which is of particular concern on the remote islands. It must be recognized that the geographical severity of the country poses major challenges for healthcare improvement. Transportation difficulties lead to constraints in terms of equal accessibility and availability of health services.¹⁶ The Committee of the CRC is of the opinion that measures to promote breastfeeding are insufficient, and it is not satisfactorily encouraged in health facilities.¹⁷ Adolescent health issues, including the rising rate of early pregnancy and the lack of access to sexual health services, are not being adequately addressed.¹⁸ Aside from the government's own involvement, there is little participation from civil society in the design and implementation of programs intended to enhance children's rights.¹⁹ Finally, according to the Health Department of Maldives, malnutrition remains the trickiest disease to bring under control.²⁰ Of primary concern is the rate of malnutrition which is one of the highest in South Asia. One quarter of

¹² Supra note 7

¹³ "About URC", Republic of Maldives Unit for the Rights of Children, <http://www.urcmaldives.gov.mv/urc/about.html> (last accessed 5 June 2006)

¹⁴ "First Steps – Maldives", The Communication Initiative, 31 January 2003, available on-line at <http://www.comminit.com/experiences/pdskdv12003/experiences-1041.html> (last accessed on 5 June 2006)

¹⁵ "Concluding observations of the Committee on the Rights of the Child: Maldives", United Nations, 24 June 1998, available on-line at <http://www.hri.ca/fortherecord1999/documentation/tbodies/crc-c-15-add91.htm> (last accessed 5 June 2006)

¹⁶ "National Report on the follow up to the World Summit for Children", Republic of Maldives, December 2000, http://www.unicef.org/specialsession/how_country/edr_maldives_en.pdf (last accessed 5 June 2006) p. 10

¹⁷ "Concluding observations of the Committee on the Rights of the Child adopted up to December 13 2003: Maldives", United Nations, 31 December 2003, available on-line at http://www.bayefsky.com/./pdf/maldives_t4_crc.pdf (last accessed 6 June 2006)

¹⁸ "National Report on the follow up to the World Summit for Children", Republic of Maldives, December 2000, http://www.unicef.org/specialsession/how_country/edr_maldives_en.pdf (last accessed 5 June 2006) p. 4

¹⁹ Ibid., p. 3

²⁰ Ibid., p. 10

children under 5 years of age suffer a stunted growth²¹. Pregnant women are also significantly affected, and without ready access to health facilities the maternal mortality rate remains high.²² Many islands do not grow or import vegetables or fruits, fostering a diet primarily consisting of fish and rice only.²³ Pregnant women are significantly affected by malnutrition. Currently in operation is the government's second National Nutrition Strategic Plan 2002-2006 formed in collaboration with UNICEF. The Plan seeks to reduce malnutrition, increase access to quality food and promote exclusive breastfeeding.²⁴ The government has also made significant improvements in the area of vaccination and preventable diseases. The rate of child immunization has increased and much progress has been made in the decentralisation of vaccination. No indigenous cases of polio have been reported since 1978.²⁵

A more proactive approach against **discrimination** has been recommended by the Committee on the Rights of the Child. Insufficient measures have allegedly been taken to protect children, in particular females, from discrimination.²⁶ However, Maldivian women are reported to be the most emancipated in South Asia and the Islamic world. No institutional discrimination prohibits females from accessing public services such as education and healthcare. Net school enrolment indicators for girls and boys are similar and at promising high levels. Women are employed both in the government and in manufacturing, and represent 70% of the agricultural labour force.²⁷ The Committee has also expressed concern for **children with disabilities** who are not fully integrated into Maldivian society. Limited access to health, education and professional assistance renders this process difficult, and discrimination is reinforced for those not living in the capital and without easy access to essential services.²⁸ In addition, a more proactive approach has been recommended to meet the rights of children born out of wedlock in relation to inheritance. While there are no specific laws in existence effectively and directly in favour of children with disabilities, government programs have been initiated and a national survey launched in 1999 in order to identify citizens with disabilities. The Institute of Needy People steps in to act as a substitute when families themselves are unable to provide assistance.²⁹ The Law on the Protection of the Rights of Children No.9/91 specifies how "treatment and care of mentally or physically disabled children shall be facilitated to the extent possible at the time. Efforts shall be made to enable such children to participate in the activities of the community by providing the special care and assistance required by them"(art 6).³⁰ The article is effective insofar as the provision of medication free of cost is undertaken for persons with mental disabilities.³¹ Apart from the aforementioned, the Maldives

²¹ "Maldives: Survey helps combat malnutrition", UNICEF, December 2005, available on-line at http://www.unicef.org/emerg/disasterinasia/24615_30057.html (last accessed 5 June 2006)

²² Supra note 18

²³ Supra note 18., p. 41

²⁴ "Convention on the Rights of the Child: Combined First and Second Report to the United Nations", Republic of Maldives Ministry of Gender and Family, 28 February 2006, available on-line at <http://huachen.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.MDV.2.pdf> (last accessed 6 June 2006) p. 68

²⁵ Ibid., p. 36, 64

²⁶ "Concluding observations of the Committee on the Rights of the Child adopted up to December 13 2003: Maldives", United Nations, 31 December 2003, available on-line at http://www.bayefsky.com/./pdf/maldives_t4_crc.pdf (last accessed 6 June 2006) p. 5

²⁷ "Maldives Country in Brief", The World Bank Group, August 2005, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/MALDIVESEXTN/0,,menuPK:306322~pagePK:141132~piPK:141107~theSitePK:306313,00.html> (last accessed 6 June 2006)

²⁸ Supra note 26., p.6

²⁹ "US Department of State Country Report on Human Rights Practices 2003: Maldives", US Department of State, February 2004, available on-line at <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsdocview.html?tbl=RSDCOI&id=403f57d38&count=4> (last accessed 6 June 2006) p. 25

³⁰ "Children's Law: Chapter I: Duties of the Government, Articles 5-7", Unit for the Rights of Children, available on-line at http://www.urcmaldives.gov.mv/archive/child_law/cl_5-7.html (last accessed 6 June 2006)

³¹ Supra note 29

reportedly does not offer sufficient protection against the ill-treatment of children. Inadequate and incomplete information on the prevalence of **abuse** consequently leads to a lack of services and resources available to address issues of abuse within and outside families.³²

The Maldivian government has made significant progress in the area of **education** through encouraging school enrolment by universalizing access to free primary education and rendering it compulsory. In 2004, 79% of children were enrolled in grades 1 to 7, 62% in grades 8 to 10 and 16% in grades 11-12. Among them 49% were female and 51% male.³³ It must be noted that the literacy rate is at an impressively high level, reaching 97.2% of the total population.³⁴ Major disparities exist between access to education on the capital island versus access on the outlying islands, and a general shortage of trained teachers permeates throughout the country. Moreover, the drop-out rate between primary and lower secondary school is extremely high and is even higher between lower secondary school and higher secondary. Certain islands do not provide for secondary education at all.³⁵ Education is a key issue in the government's long term plan, "Vision 2020". The plan outlines a national strategy to meet targets in various sectors by the year 2020. It encouragingly expressed how in order to reduce worrying disproportions related to accessibility to education, "ten years of formal schooling will be the minimum standard throughout the Maldives and the country will enjoy good tertiary education".³⁶

Little research has been conducted in the area of divorce and its impact on children's **family environment and care**. The effect of the divorce rate, which is one of the highest in the world, has not been measured and consequently inadequate measures exist to promote public awareness and coping strategies. Insufficient procedures have been launched to support children deprived of a family environment and access to alternative care is not provided.³⁷ Nevertheless, the government enacted a Family Law (No.4/2000) which entered into force in 2000, delivering special provisions on extracting child support and alimony from divorced fathers.³⁸

Insufficient legal measures have been taken to prevent the emergence of **child labour**, including **sexual exploitation** and the **trafficking and sale of children**.³⁹ While Article 27 of the Law on the protection of the Rights of Children prohibits the employment of children under 14 years of age, and article 26 stipulates that children shall not "perform work incompatible with their age and health", it has been acknowledged by experts that it is vague in nature and ineffective.⁴⁰ It fails to limit working hours for children or create mechanisms to monitor violations and receive complaints. Discussions are currently underway to review and strengthen legislature.⁴¹ The legislation remains silent concerning the trafficking and sale of children and does not prohibit the activity. However, as is the case with child labour, no

³² "SUMMARY RECORD OF THE 467th MEETING: Maldives", United Nations, 29 May 1998, available on-line at [http://193.194.138.190/tbs/doc.nsf/\(Symbol\)/027796d165207f5f802566a900416718?Opendocument](http://193.194.138.190/tbs/doc.nsf/(Symbol)/027796d165207f5f802566a900416718?Opendocument) (last accessed 6 June 2006)

³³ Supra note 29

³⁴ Supra note 1

³⁵ Supra note 29

³⁶ "Vision 2020", Republic of Maldives Ministry of Planning and National Development, available on-line at <http://www.planning.gov.mv/contents/misc/vision2020.php> (last accessed 6 June 2006)

³⁷ Supra note 17., p.3

³⁸ "Maldives: Reports to Treaty Bodies", Committee on the Elimination of Discrimination against Women, 2001, available on-line at <http://www.hri.ca/fortherecord2001/vol3/maldivestb.htm> (last accessed 6 June 2006)

³⁹ Supra note 18

⁴⁰ Supra note 24., p. 106

⁴¹ Ibid., p. 107

reports underline the existence of such practices.⁴² The Maldives has not ratified the International Labour Organization's Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour No. 182.⁴³ No study has been conducted concerning the **sexual exploitation** of children. Despite the number of tourists each year, sex tourism is not present. Instead, the potential for the introduction of the HIV virus and unsafe sex practices is of concern.⁴⁴ The Committee of the Rights of the Child expressed its concerns at the lack of preventive measures in the areas of child prostitution, child pornography, trafficking and sale of children.⁴⁵

It has been reported how the Maldives laws regulating juvenile procedures are not fully in line with United Nations conventions on the treatment of juveniles. For instance, not enough guiding principles exist concerning the protection of children in detention.⁴⁶ **Juvenile justice** in the Maldives is regulated by the Penal Code and by the Law on the Protection of the Rights of the Child, as quoted above. Article 9 of this law requires the establishment of a special procedure in cases involving juvenile delinquents. However, the Committee on the Rights of the Child, while recognizing the existence of this special procedure for children aged up to 16, remains critical on the condition of children between 16 and 18 years who are still considered as adults in the Maldives.⁴⁷ To respond to the increase of juvenile delinquency, juvenile justice has been amended through the Maldives Criminal Justice Action Plan of 2005. Indeed, 95% offenders began at the age of 12-16 years. Drug abuse among adolescents is a recent problem and could be the cause behind the high percentage.⁴⁸

While progress has been made in some areas of concern in the protection of children's rights, there is ground still to be covered in the Republic of Maldives.

⁴² "US Department of State Country Report on Human Rights Practices 2003: Maldives", US Department of State, February 2004, available on-line at <http://www.unhcr.org/cgi-bin/texis/vtx/rsd/rsddocview.html?tbl=RSDCOI&id=403f57d38&count=4> (last accessed 6 June 2006)

⁴³ Supra note 24., p. 30

⁴⁴ "HIV/AIDS South Asia: Maldives", The World Bank, 4 April 2006, available on-line at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/SOUTHASIAEXT/EXTSAREGTOPHEANUT/EXTSAREGTOPHIVAIDS/0,,contentMDK:20288503~menuPK:568875~pagePK:34004173~piPK:34003707~theSitePK:496967,00.html> (last accessed 6 June 2006)

⁴⁵ Supra note 17., p. 3

⁴⁶ Ibid

⁴⁷ Supra note 15

⁴⁸ "National Criminal Justice Action Plan 2004-2008", Republic of Maldives Attorney General's Office, December 2004, available on-line at <http://www.presidencymaldives.gov.mv/publications/NCJAP.pdf> (last accessed 6 June 2006)