



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined sixth and seventh periodic reports submitted by Maldives under article 44 of the Convention, due in 2021*

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* The present document is being issued without formal editing.



List of Abbreviations

CFPS	Child and Family Protection Service
CSOs	Civil Society Organisations
CSGs	Community Social Groups
CRC	United Nations Convention on the Rights of the Child
CRPA	Law no: 19/2019 (Child Rights Protection Act)
DJJ	Department of Juvenile Justice
DNR	Department of National Registration
DV	Domestic Violence
DVPA	Law No: 3/2012 (Domestic Violence Prevention Act)
FGM	Female Genital Mutilation
FPA	Family Protection Authority
GBV	Gender-based Violence
HPSN	Home for People with Special Needs
HRCM	Human Rights Commission of the Maldives
IEP	Individual Education Plan
JJA	Law No: 18/2019 (Juvenile Justice Act)
LGA	Local Government Authority
LRA	Labour Relations Authority
MBS	Maldives Bureau of Statistics
MCPD	Maldives Child Protection Database
MCS	Maldives Correctional Service
MEMIS	Maldives Education Management Information System
MOE	Ministry of Education
MOGFSS	Ministry of Gender, Family and Social Services
MOH	Ministry of Health
MOIA	Ministry of Islamic Affairs
MOT	Ministry of Tourism
MPS	Maldives Police Service
NHRI	National Human Rights Institution
NCTC	National Counter-Terrorism Centre
NDA	National Drug Agency
NDCC	National Drug Control Council
NRR	National Resilience and Recovery Plan 2020–2022
NSPA	National Social Protection Agency
PGO	Prosecutor General’s Office
PWDs	Persons with Disabilities
RMNCA	Reproductive Maternal New-born Child and Adolescent Health
SAP	Strategic Action Plan (2019–2023)

SDGs	Sustainable Development Goals
SRH	Sexual Reproductive Health
VAC	Violence against Children

Introduction

1. This report is submitted in accordance with the Article 44 of the Convention on the Rights of the Child (“CRC”). This report will cover the period from the date of the Concluding Observations issued following the review of the 4th and 5th Combined Report, January 2016 to October 2021. The State Party believes that the developments in the area of child protection following the submission of the 4th and 5th Combined Periodic Report was adequately covered during the review of the report, conducted in January 2016. The 6th and 7th Combined Report of the Maldives was initially due on 12 September 2021. However, due to the restrictions triggered by the COVID-19 pandemic, the Government sought an extension until 12 October 2021, to undertake thorough consultations with the relevant stakeholders including Civil Society Organisations (“CSOs”), the National Human Rights Institution (“NHRI”) and the Children’s Ombudsperson.

2. This report was prepared through the Maldives National Mechanism for Reporting and Follow-up that was established by the President of Maldives on 5 November 2020. A specific subcommittee comprising of all relevant stakeholders to child rights protection contributed to the formulation of this report. This report is also a product of consultations that were conducted with the Children’s Ombudsperson’s Office, the Human Rights Commission of the Maldives (“HRCM”), and CSOs active in the Maldives in the protection of human rights.

Political Landscape and National Planning

3. This reporting period was of particular importance to the Maldives in terms of the shifts in the political landscape and transformative changes in the governance of the country. During the days leading up to the Presidential Elections in September 2018, Maldives witnessed an unprecedented deterioration in the protection of human rights and democratic values. The political volatility of the country towards the latter half of 2018, largely distracted institutions from meaningful implementation work, thus impacting development and the well-being of the society as a whole.

4. In a landslide victory, President Ibrahim Mohamed Solih’s administration assumed office with the promise to restore democratic rule and an enhanced governance system in the Maldives. Upholding the rule of law, promotion of respect for human rights, establishing an accountable state, with renewed confidence in the justice system are primary pledges of the Government. The current Government strives to achieve decentralized governance to ensure that even the population furthest from the capital have equal access to basic services.

5. In that regard, the Government commenced development efforts with the formulation of a Strategic Action Plan. The Government’s Strategic Action Plan (2019–2023) (“SAP”) complements the 100-day pledges of the Government and converges the targets set forth in the Government’s manifesto, recommendations from CSOs, and other special bodies. Endorsed as the first national development plan within a decade, SAP focuses on 5 sectors; Blue Economy, Caring State, Dignified Families, Jazeera Dhiriulhun (the island life), and Good Governance. Under these broad sectors, SAP identifies the policies and strategies of the Government for the period of 2019–2023. Protection of child rights and social protection is a recurring theme in the SAP, with a majority of the policies aimed at the betterment of social protection services, prevention of violence against children (“VAC”), enhancing the lives of children with special needs, improving family life and provision of enhanced services to the youth. SAP is also aligned with the Sustainable Development Goals (“SDGs”) and is the stepping stone to shift towards a results-based resource allocation and budgeting. SAP is expected to enhance equitable distribution of resources, set achievable priorities and targets, and institutional developmental planning.

6. Child protection policies being at the centre of national development, Maldives is pleased to note that the Maldives has achieved remarkable progress in strengthening the child rights and child protection system during this reporting period.

Changes in the Ministry's mandate

7. During the reporting period, the relevant Ministry underwent significant changes in terms of its institutional governance and mandate. The Ministry of Gender and Family was established as a separate Ministry on 22 June 2016. Ministry was allocated the primary mandate among other things, to implement and steer policies relating to the wellbeing of women, children, elderly and persons with disabilities, implement policies relating to gender equality, prevention of domestic violence (“DV”) and gender-based violence (“GBV”) and establish and operate the child rights protection system in the Maldives. A Child Rights and Family Wellbeing Division was established within the Ministry to provide assistance to victims of VAC, create awareness and mobilise community social groups to counter VAC.

8. This mandate of the Ministry remained unchanged and the Ministry continued undertaking a number of efforts as the primary stakeholder entrusted with enforcing policies relating to child protection and child rights. During the reporting period, until the enactment of the Law no: 19/2019 (Child Rights Protection Act) (“CRPA”) in November 2019. The Ministry was instituted as the Ministry of Gender, Family and Social Services (“MOGFSS”) by the current administration.

Enactment of the Child Rights Protection Act and Juvenile Justice Act

9. The reporting period saw important legislation being enacted that implemented much-needed reforms in the area of child protection. After almost a decade of deliberations, the CRPA was finally signed into law by the President on 20 November 2019, repealing the outdated Child Rights Act in place since 1991. Along with the CRPA, the Law No: 18/2019 (Juvenile Justice Act) (“JJA”) was also ratified by the President on 20 November 2019. The CRPA and the JJA came into force on 20 February 2020 and 20 November 2020 respectively.

10. The CRPA introduces transformative changes to the legislative framework governing child rights in the Maldives. The Act seeks to protect and guarantee the rights of the child in Maldives as per the Constitution of the Republic of Maldives and CRC requirements; determines the responsibilities of families, parents, guardians, community, State and other parties in the protection of the rights of the child; sets forth the mechanisms to facilitate social protection and assistance to vulnerable children and their families; establishes a national framework to provide assistance and care to vulnerable children; and provides a mechanism through which persons who fail to ensure the protection of child rights can be held accountable.

11. The Act identifies a plethora of rights that must be guaranteed to the children in Maldives. Most importantly, the Act prohibits child marriages, sets the age of criminal responsibility at the age of 15 years, prohibits the death penalty from being imposed against children, and provides safeguard to children against corporal punishment. The Act mandates that State institutions, courts of law, parents, guardians and other parties should at all times prioritise the best interests of the child. The Act identifies responsibilities of the parents and guardians, including that of registration of the child, ensuring the provision of education, ensuring vaccinations and healthcare vital to the development of the child, and provision of child maintenance. Similarly, the Act also stipulates obligations of the State to meet the duties under the CRC, ensure the full implementation of the Act, support the parents and reprimand parents neglecting the rights of their children, ensure child participation in policymaking and dissemination of correct information regarding rights of the children. The Act also establishes duties of families, private parties and the community as a whole to safeguard the wellbeing and rights of children in the Maldives.

12. The enactment of the CRPA is a significant step in enhancing the governance framework in the child rights protection system of Maldives. To that end, the Act establishes the Council for Protecting the Rights of the Child, comprising of multi-sectoral representation appointed by the President. The Council's primary mandate as detailed out in Section 58 of the Act and highlighted in this report, is to advise the Minister on the implementation of the Act and in the formulation of the child rights protection policies in the Maldives.

13. In addition to the Council, the CRPA establishes the Child and Family Protection Service (“CFPS”), a government institution specialising in the protection of rights of the child

and responsible to safeguard the interests of the child in need of assistance and care. Functions of the CFPS include provision of assistance and support to children and families in vulnerable conditions; safeguarding and promoting interests of the children in need of special assistance; investigating cases relating to child rights violations, provision of services to children placed under State care; coordinating matters relating to the treatment of children falling victim to substance abuse; acquiring data, conducting analysis and maintaining a registry of children in vulnerable conditions. The CFPS is established as a separate institution answerable to the Minister, with a distinct budget allocation in the State budget.

14. The CRPA also establishes the Children’s Ombudsperson as an impartial and independent appointee, mandated to oversee the implementation of the Act and the overall child rights protection system. The Children’s Ombudsperson will strive to identify the progress of implementation of the Act; assess the compliance of State institutions with the provisions of the Act and the CRC; monitor and evaluate persons and institutions within the child rights protection system and where there are breaches, investigate and review those breaches. A Children’s Ombudsperson was appointed on 23 July 2020, by the President.

15. The CRPA also paves way for decentralisation of the child protection services. In that regard, the Act empowers the Minister to nominate the local councils as agents in the implementation of the Act at the local community level. The duties of the councils are to organise and conduct different projects within the council’s jurisdiction, report cases of VAC and parental neglect, and enhance the involvement of citizens and private organisations in the implementation of the Act.

16. Similar to the CRPA, the JJA was signed into law on 20 November 2019. The Act which came into force a year later in November 2020, creates a distinct track in the criminal justice system for children in conflict with the law. The Act sets forth mechanisms to safeguard children from the negative impacts of being exposed to the standard criminal justice system; prevent children from reoffending, emphasize rehabilitation; and ensure that children are treated in a manner that prioritises their best interest at every stage of the criminal justice system. In that regard, the Act states that the rights of the child should be safeguarded within all the stages of the criminal justice system at all times. The Act further mandates the State to devise a national plan and strategy to prevent children from offending and extend assistance to at-risk children.

17. The Act also stipulates that the detention of children in conflict with the law should be a last resort measure. The introduction of a diversion system mandates that children in conflict with the law are issued diversion actions instead of incarceration to ensure rehabilitation in line with the principles of restorative justice.

18. The JJA establishes the Department of Juvenile Justice (“DJJ”), a government institution that will assume a key role in reintegrating children in conflict with the law back into the community. The Act further mandates that officers within the criminal justice institutions coming into contact with children in conflict with the law must be specially trained to deal with children.

19. In this reporting period, extensive efforts were directed by the stakeholders towards the implementation of these Acts. Although the COVID-19 pandemic impeded rapid implementation, Government is resolute in making up for time lost and ensuring an effective roll-out of these two key pieces of legislation that has changed the Maldivian child protection system for the better.

Presidential Commission to Inquire into Child Rights Violations

20. On 20 February 2020, the President established a Presidential Commission to conduct an inquiry into violations of child rights. The mandate allocated to the Commission includes assessing the capacity of State institutions in addressing issues relating to children particularly those maintained under State care; identify the obstacles to securing convictions by assessing the quality of investigations, legislative limitations and conduct of trials; assess the extent to which State institutions comply with the set standards of procedures, guidelines and protocols; identify the efforts required to enhance public confidence in State bodies

entrusted with child rights protection and propose recommendations to that effect. The mandate also includes a broader analysis into identifying the reasons for VAC in the Maldives, systemic deficiencies within the child protection system, particularly in addressing cases of VAC within the Ministry.

21. The Commission empowered by Law No: 4/2019 (Presidential Commission's Act), conducted preliminary visits to the children's shelters and proposed immediate recommendations regarding the infrastructure and wellbeing of the children housed there. The Commission has also undertaken a comprehensive audit of case management within the Ministry, an audit of the cases investigated by the Family and Child Protection Wing of Maldives Police Service ("MPS"), and an audit of the child protection cases reported to the HRCM. These audits focused on identifying the effectiveness of case management, investigation quality, how authorities dealt with victims and most significantly, in evaluating the causes for delay in extending protection to the victims. The Commission has also conducted an analysis into the legislative safeguards within the system, identifying areas of reform. Further, two distinct investigations have been conducted by the Commission to investigate alleged violations perpetrated against children in State care.

22. The Commission is currently in the final stages of compiling its findings and recommendations., following which the report will be presented to the President and relevant stakeholders.

Impact of COVID-19 on child rights

23. Effects of the COVID-19 pandemic that took the entire world by surprise further exacerbated the existing challenges in the Maldives. Especially in the area of child rights protection and prevention of VAC, restrictions brought forth by the pandemic greatly impacted the capacity of social workers to support vulnerable children and families. The imposition of a full lockdown across the nation, closure of schools and work-places greatly increased the fear of children being subjected to VAC at home.

24. While the lockdown measures initially resulted in a sharp decline in the number of cases, it was soon followed by a concerning climb in the number of VAC reports. Increase in the number of reports required social sector institutions to strengthen its capacity to monitor and respond to domestic violence and child abuse. A dedicated hotline was set up to reach the Ministry easily during the lockdown. Ministry continued to regularly supervise the Social Protection Officers to ensure that they are equipped with the necessary tools to work efficiently during the pandemic. Ministry also ensured that victims were provided continuous psychosocial support throughout.

25. In order to reduce the response time to cases of DV, GBV and VAC, a national emergency team was formed with strategic plans and mechanisms for the management of shelter homes for children, women, and the elderly. A temporary shelter was set up, which housed more than 415 people. Social workers worked with the families to make arrangements for them to travel back to their islands, as some of them were families with children who came to the capital Male' for either medical or other purposes.

26. Furthermore, Law No: 20/2020 (Public Health Emergency Act) was enacted, mandating the Government to provide food, shelter and income support for vulnerable groups, especially women, children, PWDs, and migrant workers during the pandemic.

27. During this unprecedented time, the Ministry undertook an initiative to provide care packages and meals to vulnerable families and individuals. 45000 hot meals were distributed, and 600 care packages were distributed to families with single mothers and persons with disabilities ("PWDs"). These initiatives of the Government prevented families from being rendered even more vulnerable during the pandemic.

28. Having faced with an economic crisis and a need to boost economic activities, the Government launched a campaign to support families willing to move back to the islands. As a part of the social protection recovery plan, financial aid was extended to families through the Voluntary Relocation Programme conducted by the Ministry.

29. The COVID-19 pandemic also largely impacted children’s access to education. The Maldives places a high priority on children’s personal and intellectual development. Prior to the pandemic, Maldives had already taken a number of measures to promote online education. Every student in the Government schools were given a tablet. This greatly helped to minimise the disruptions of the pandemic on children’s education.

30. With support from the Global Partnership for Education, in partnership with UNICEF Maldives, the Ministry of Education (“MOE”) devised an education response plan. MOE introduced *Telekilaas*- classes and educational programming that were broadcasted nation-wide with the assistance of television stations and internet service providers. Government online education platform *Filaa* was particularly useful for the students in accessing digital textbooks, sharing notes, assignments and worksheets. MOE in collaboration with Google-certified educators launched a training programme for the teachers to familiarise them with digital teaching skills.

31. With the lower infection rates, Maldives was able to resume in person schooling with strict health protocols to provide children with a return to some sense of normalcy as we work our way through the pandemic.

National Resilience and Recovery Plan

32. The COVID-19 pandemic compelled authorities to take swift and concrete steps to ensure the protection of children under these unprecedented conditions. The pandemic also revealed, serious gaps and limitations within the social protection mechanism. As a measure to counter these problems, the Government convened a special taskforce to manage Maldives’ response to the pandemic as well as to devise a cohesive recovery plan. Within the taskforce a specific working group was dedicated to the social sector, where build back policies were formulated and prioritised.

33. The resulting National Resilience and Recovery Plan 2020–2022 (“NRR”), is grounded in the key priorities identified in the Government’s SAP and substantiated with new strategies devised to remedy the deficiencies highlighted by the pandemic.

Developments following the combined fourth and fifth Periodic Report

I. General measures of implementation (articles 4, 42 and 44 (6))

Committee’s previous recommendations

34. The Government of Maldives would like to express its appreciation to the Committee on the Rights of the Child (‘the Committee’) for its analysis of the combined fourth and fifth periodic reports from the Maldives, and in particular for the constructive recommendations contained in the Committee’s concluding observations.

Reservations

35. With regard to reservations, Maldives notes that the Article 14 (1) and Article 21 of the Convention relating to child’s freedom of religion and the right to adoption respectively. The reservations to these Articles of the Convention were introduced on the basis of Article 10 of the Constitution, which states that the religion of the State of Maldives is Islam and that Islam shall be one of the bases of laws in the Maldives.

36. Maldives notes that freedom of religion and conscience is not anticipated in the Constitution and the laws of Maldives. With regard to the right to adoption, since adoption which goes beyond fostering is not a prescribed practise in Islam, it poses complications for the Maldives to integrate adoption into the childcare system and consequently withdraw the

concerned reservation. However, the Government of Maldives notes that the wellbeing of children under legal guardianship is safeguarded under regulations governing foster care, as well as the newly enacted CRPA.

37. The CRPA codifies foster care services by mandating the Minister to establish a foster care system for children under State care, identifying children that can be fostered and introducing safeguards to ensure the security of the foster care system for the fostered children. Prior to the CPRA, the Foster Care Regulation adopted in 2015 was in effect, enabling children under State care to be fostered into families. A new regulation was adopted in 2020, that establishes an enhanced mechanism for fostering emphasising on the best interest of the child. Where the child is not under State care, Courts of law still allow legal guardianship to be placed with foster parents as per the stipulations in Law No: 4/2000 (Family Act).

Legislation

38. Maldives is pleased to note the remarkable achievements made in strengthening the legislative framework relating to child rights protection. In line with the Committee's recommendation, Maldives adopted the comprehensive CRPA in November 2019. The Act came into force in February 2020, guaranteeing a number of significant rights for the children in Maldives in compliance with the CRC, truly complementing the protection enshrined in Article 35 of the Constitution.

39. The new Act establishes a strengthened, more cohesive child protection system, by expressly stating the rights of children, responsibilities of the parents, State institutions, private parties and the community as a whole, in ensuring the protection of child rights. The Act specifically states that parents, expressly defined as mothers and fathers of children, bear the primary responsibility of ensuring a good upbringing, education and care for the child. The Act codifies different circumstances where the child may be removed from the family origin, emphasizes that the best interest of the child should be the paramount consideration and underscores the importance of a child's removal from the family origin being a last resort remedy. The CRPA confirms all the rights stipulated in the Act to all children in Maldives.

40. In addition to this, the Act establishes multiple institutions as detailed in paragraphs 9 to 15 of this report, for service provision within the child rights protection system. At the local community level, in addition to having local councils as agents to ensure implementation of the Act, the Act allows for the mobilisation of Community Social Groups ("CSGs") to work in close proximity with families in islands. CSGs although granted legal recognition through the CRPA, have been in operation since 2016. With the assistance of UNICEF, Ministry initiated this concept in 5 atolls with the target of expanding it across the nation. This concept is being revisited in light of the CRPA, and work is currently underway to devise the necessary regulatory framework for its efficient functioning.

41. In addition to the enactment of the CRPA and the JJA, Maldives has continued its efforts to complete and reform the legislative and regulatory framework necessary to enhance the promotion and protection of rights and ensure effectiveness of State institutions. Here follows a summary of the most significant legislative and regulatory measures related to the protection of children's rights, enacted during the reporting period.

1. Second Amendment to the Family Act

42. Enacted on 28 April 2016, the Second Amendment to the Family Act enables judicial recognition of prenuptial agreements, facilitating equitable distribution of property acquired within a marriage, upon its dissolution.

2. Law No: 12/2016 (Criminal Procedure Act)

43. Enacted on 2 May 2016, the Act enables a modern and more cohesive criminal justice system in the Maldives. Adoption of the said Criminal Procedure Act set forth a comprehensive set of rules to be adhered to by all the criminal justice sector institutions in investigating, prosecuting and adjudicating criminal offences in the Maldives.

3. Law No: 18/2016 (Gender Equality Act)

44. Enacted on 23 August 2016, this legislation prohibits discrimination on the basis of gender and promotes gender equality in all aspects of public and family life. A historic law, long-awaited by the women's movement, the Act outlines explicit duties and responsibilities on State and private parties to prohibit victimization and introduce remedies for gender-based discrimination.

4. Second Amendment to Law Number 32/2015 (Prevention of Terrorism Act)

45. The amendment to the Prevention of Terrorism Act enacted on 10 October 2019, seeks to amend the definition of acts of terrorism so as to prevent its abuse for politically motivated reasons. The amendment also introduces specific procedures relating to returnee fighters, especially children belonging to such families. The Act maintains a presumption that children are victims of terrorism unless otherwise established in a law mandated risk assessment conducted by a specialised committee.

5. Amendment to Law No: 6/2006 (Human Rights Commission's Act)

46. This significant amendment to the Human Rights Commission's Act enacted on 22 September 2020, purports to provide the Commission with unfettered discretion in communicating and engaging with international organisations, bilateral and multilateral partners. This legislative amendment effectively nullifies the effect of the *suo motu* decision of the Supreme Court of Maldives in 2014, limiting the authorities of the Commission. The Amendment also introduces rules relating to the ethics and asset declaration of members so as to enhance the independency and autonomous functioning of the Commission.

6. Law No: 20/2020 (Public Health Emergency Act)

47. Enacted on 22 September 2020, this legislation purports to ensure continued governance and protection of the rights of the vulnerable population during the COVID-19 pandemic, the Act provides for anti-eviction measures, and obligations of the State relating to social welfare to ensure continued assistance to persons facing economic hardships due to the pandemic. The Public Health Emergency Act will cease to be in force sixty days from the date of termination of any declared public health emergency or emergency related to a disaster.

7. Third Amendment to the Criminal Procedure Act

48. Enacted on 22 September 2020, the amendment seeks to establish criminal procedure rules applicable for public health emergencies to ensure continuity of access to justice.

8. Law No: 24/2020 (Education Act)

49. President Solih ratified the Education Act on 10 November 2020. The Education Act purports to substantiate the right to education enshrined in the Constitution, establish the primary principles of the Maldivian education system, stipulate the rights and responsibilities of teachers and set forth the standards of education provision in the Maldives. This Act came into effect on 10 August 2021.

9. Law No: 28/2020 (Transitional Justice Act)

50. The Transitional Justice Act enacted on 17 December 2020, established an Ombudsperson's Office for Transitional Justice, mandated to investigate and reveal systematic violations of human rights and fundamental freedoms perpetrated by State institutions or senior officials of State institutions between 1 January 1953 to 17 November 2018, and provide victims of such acts with justice. Transitional justice forms a primary pledge of the current Government.

10. Law No: 34/2020 (Maldives Police Service Act)

51. The Maldives Police Service Act enacted on 27 December 2020, overhauls the 2008 Police Act, and introduces a number of much needed reforms to the governance of police and

decentralises service provision. The new Act sets forth a human rights-centered policing approach.

11. Second Amendment to Law No: 12/2013 (Anti Human Trafficking Act)

52. This amendment to the Anti Human Trafficking Act enacted on 28 April 2021, seeks to align the definition of human trafficking with the UNTIP protocol. The Amendment also introduces provisions criminalising internal and cross border child trafficking for exploitative purposes.

12. Law No: 16/2021 (Maldives Statistics Act)

53. Enacted on 20 July 2021, this Act establishes a national statistics framework, and entails processes for collection, analysis, usage and publication of national statistics, under an established national standard. The Act aims to advance the statistics domain in the Maldives, and to collect relevant data regarding the Maldives' economy, ecology and social aspects, and use that data responsibly for the benefit of all.

Comprehensive policy and strategy

54. With regard to the Committee's recommendation to devise a comprehensive policy on child rights protection, Maldives notes that the enactment of CRPA set forth a comprehensive legislative framework for child rights protection in the Maldives. The CRPA, by defining the rights of children, responsibilities of the State institutions, families and the community in safeguarding children, incorporates the requirements of CRC and its optional protocols into domestic law. The Act extends authority to the Minister to devise policies necessary for the implementation of the Act. To that end, Section 54 (b) of the Act states that the Minister shall formulate policies necessary for protecting the rights of the child and providing care and protection to children by the State.

55. Additionally, significant policies and strategies for child rights protection are reflected in the SAP and NRR of the Government. SAP and NRR are framed in such a manner that it reflects resource requirements for implementation, monitors evaluation and measures the success of implementation. SAP and NRR takes a holistic approach towards child rights protection by encompassing policies that are aimed at strengthening the family unit, support working mothers, enhancing the social protection avenues for single parents, vulnerable families and PWDs, and proposing policies to eliminate violence against children.

56. In terms of strengthening service provision, the SAP sets forth targets for staff recruitment for children's homes, expansion of the social sector workforce in atolls to provide decentralized services, operationalising existing shelters and establishing new alternative care facilities for children.

Coordination

57. During the reporting period, Maldives made significant progress in coordinating child rights protection efforts. These efforts were further bolstered by the enactment of the CRPA. The establishment of the CFPS as a separate Government institution with specialised staffs and a distinct State budget resulted in enhanced service protection to vulnerable children.

58. Officially set up on 1 March 2020, the CFPS is mandated to collaborate with law enforcement institutions in investigating cases of child rights violations, provide services such as family conferencing to assist vulnerable children and families, steer the child fostering mechanism, and ensure the wellbeing and protection of children brought under State care, at national and local levels. The CFPS is also required to maintain data on child protection to ensure evidence-based policymaking in the area of child protection.

59. The Act also established a Council for Protecting the Rights of the Child with the mandate to advise the Minister on the formation of policies pertaining to protecting the rights of the child and observe enforcement of the CRC obligations. The Council comprises of representatives nominated by the MOGFSS, Ministry of Health ("MOH"), Prosecutor

General's Office ("PGO"), MOE, MPS and two representatives nominated from CSOs that work towards protecting the rights of the child.

60. The Council is mandated with the overarching mandate of identifying the key areas of priority in the protection of child rights in the Maldives; observe the extent of compliance and enforcement of the CRC and its Optional Protocols; review the services provided under the national framework for providing care and protection to vulnerable children; evaluate the success of relevant policies in addressing child rights protection and review and inform the Minister in relation to the implementation work executed by other State agencies in the sector; establish the framework within which CSOs and Government institutions can collaborate to further child rights protection in the Maldives; advice and counsel the Minister on the formulation of policies, standards and procedures to be established to achieve the objectives of the CRPA. The Council, therefore, embodies a key role in determining policy and monitoring the progress of implementation of the Act.

61. CRPA also sets up an impartial and independent children's Ombudsperson, with the duty to oversee the child rights protection system identifying the extent of compliance with the convention. Implementation of the Act at the local level will be ensured by the council agents nominated by the Minister, and the CSGs.

Allocation of resources

62. With the enactment of the CRPA, significant changes were brought to the child rights protection system with an allotment of a separate budget to the CFPS. This enabled the CFPS to focus on strengthening the social officer's workforce and the regulatory framework towards reinforcing the child rights protection system. The CFPS funds will be utilised for the development of human resources, strengthening childcare facilities and to create awareness on the child rights promotion and protection, enabling meaningful children's participation and in aligning policies to achieve full compliance with the CRC requirements.

63. As evident from the figure below, the State budget allocated to the Ministry has seen a constant increment since 2016. The total budget allocated to the Ministry in 2021 is approximately twofold than that allocated in 2017. State funds towards social protection is also substantiated with financial assistance from international partner organisations.

64. Further, CFPS has currently moved towards programme budgeting, where separate efforts necessary for child rights protection will be allocated a distinct sum in the budget. The new budgetary framework will allow CFPS to monitor its performance, identify areas that require further attention and assess efficiency in resource allocation.

<i>Details</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>Total</i>
Expenditure on human resources related to social services	61 144 411.03	66 319 508.51	73 124 379.24	84 295 880.68	100 752 952.21	385 637 131.67
Expenditure on logistics related to providing social services	2 348 686.62	2 102 103.60	2 681 638.82	4 009 919.76	2 583 590.36	13 725 939.16
Expenditure on basic needs for clients including, expenses for education, medical etc.	10 521 485.17	11 921 667.24	12 038 175.39	13 624 985.88	14 293 324.63	62 399 638.31
Participating meetings related to social services sector	90 612.79	23 697.86	16 427.87	12 568.48	11 700.84	155 007.84
Participating training programs, social work programs related to social service sector	1 508 105.99	999 020.59	715 305.52	1 348 870.51	345 107.91	4 916 410.52

<i>Details</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>Total</i>
Expenditure on strengthening social service delivery by with expenses on infrastructure	4 555 804.59	931 371.97	368 877.57	1 252 613.42	2 263 765.00	9 372 432.55
Drug abuse and prevention expenditures	68 794 397.01	64 499 976.20	67 566 602.38	79 702 212.27	64 905 352.66	345 468 540.52

Data collection

65. In relation to the Committee's recommendation on data collection, the Government of Maldives acknowledges great difficulties in real-time data collection and management. Concerning cases of VAC, stakeholders in the sector have been utilising the Maldives Child Protection Database ("MCPD") since 2016. The MCPD was developed with the assistance of UNICEF, as a multi-sectoral data platform that linked all relevant stakeholders enabling data sharing and access. The MCPD is also equipped to maintain real-time data and generate disaggregate numbers. However, there have been technical difficulties within the stakeholders and MCPD remains to be utilised to its maximum. Plans are underway to develop connected, secure care systems that will facilitate case management.

66. Nevertheless, MOGFSS maintains and published disaggregated data of reported cases on a monthly basis. Quarterly reports on the number of reported cases, types of cases, numbers of fostered and reintegrated children are shared with the Parliament as per the requirement in the CRPA. The Ministry also submits annual data analysis to the Council for Protecting the Rights of the Child. This analysis informs the Ministry's plans to conduct targeted awareness programmes and strategize child protection efforts with other related stakeholders. Reliance on this data was particularly helpful during the COVID-19 pandemic, in identifying vulnerable families in remote communities and provide assistance.

67. Family Protection Authority ("FPA"), records and maintains data that is comprehensive and disaggregated by location, gender and age of victims and perpetrators of DV.

68. Concerning children in conflict with the law, a criminal justice data management system is being developed by the PGO in collaboration with UNICEF. This effort will seek to remedy deficiencies in data sharing amongst relevant criminal justice sector agencies by making available harmonised information across a common platform. Further, the Sex Offenders Registry is being maintained by MOGFSS, and efforts are underway to enhance this database.

69. Additionally, the Local Government Authority ("LGA") has developed an E-council system, which will enable the councils to record data on people with special needs nationwide. Efforts are underway to facilitate the integration of the database for MOGFSS' use. The register is currently being upgraded to include information on vulnerable children as well as other specific categories.

70. Furthermore, the Maldives Bureau of Statistics ("MBS") publishes disaggregated data acquired from surveys on children living in multidimensional vulnerability, children living below the national poverty line, children by disability status, children's living arrangements, children in education, child marriages and teenage pregnancies (through the Demographic Health Survey), internal migration among children and future childhood population.

Independent Monitoring

71. In relation to Committee's recommendation on independent monitoring, Maldives notes that the recent amendment to the Human Rights Commission's Act enacted on 22 September 2020, introduces Section 26-1 to the Act, which states that the Commission may coordinate and engage with bilateral partners, regional organisations and associations, other

National Human Rights Institutions, forensic and investigation agencies of other countries for the purposes of acquiring assistance to promote human rights in the submission of reports to international organisations, committees, bodies and working groups in HRCM's capacity as the national human rights institution. This has now enabled HRCM to communicate with and submit reports to international organizations and all UN organs without restriction and has effectively negated the impacts of the 2014 *suo motu* decision by the Supreme Court of Maldives.

72. The government will continue to fully cooperate and support the HRCM, in the independent and proper execution of its functions. The government acknowledges the concerns regarding budgetary constraints faced by HRCM and will engage with the Commission to explore avenues to enhance its resource envelope.

73. Children's Ombudsperson established by the CRPA plays a key role in the independent and impartial monitoring of implementation the Act. Since its establishment in 2020, the Children's Ombudsperson's Office has undertaken several significant efforts to evaluate the status and identify areas requiring further reform. In that regard, a baseline study was conducted to identify the challenges in implementing the CRPA and the CRC, which will inform the compilation of an strategic plan for the Office. Focus group discussions were conducted for key stakeholders to identify pathways for collaboration and to highlight gaps in the CRPA and relevant regulations/guidelines. A Child Rights Audit tool has been developed in accordance with the Convention, CRPA, regulations on alternative care and the UNICEF minimum standards for children's homes. The audit tool was then utilised to assess the conditions of the children's shelters in 5 regions.

74. The Children's Ombudsperson's Office has received 28 complaints of alleged child rights violations till date, and has commenced a probe into 14 of the cases. The Office has also conducted an analysis of the legal framework concerning child labour and disseminated it to key stakeholders, conducted research on the gaps in CRPA, JJA and the Family Act as well as the legal framework concerning judicial decisions on matters related to children, and prepared training material on CRPA and JJA.

Dissemination, awareness-raising and training

75. With regard to the Committee's recommendation on dissemination, awareness raising and trainings conducted for child rights protection stakeholders and communities, Maldives notes that significant progress have been made in this area. In 2018, Maldives in partnership with UNICEF formulated a child-friendly version of the CRC. The child-friendly version has been made available to the public on the MOGFSS's website. The Ministry has plans to circulate printed booklets of the child-friendly version of the CRC to school-age children.

76. Additionally, the HRCM has translated the CRC into the local language and aims to disseminate the translated booklet to atolls. In order to further awareness on the CRC rights, HRCM collaborates with MOE to establish Human Rights Clubs in schools. The HRCM also conducts competitive quizzes and art festivals to raise awareness on child rights among school children. While these activities are mostly successful, challenges persist in approaching school age children at schools where the Human Rights Clubs still need to be established and in garnering the support of media agencies towards such activities, indicating the need for reinforced efforts to increase the outreach.

77. Efforts undertaken by relevant CSOs in dissemination and awareness-raising on child rights and the child protection system are also noteworthy. While these efforts persisted throughout the reporting period, challenges were faced in outreach during the lockdowns imposed by the COVID-19 pandemic.

78. Maldives continues to undertake significant efforts to standardize the quality of service provided by the child protection professionals and social workers with annual refresher trainings on the CRC obligations. Since 2020, targeted trainings are being conducted for care workers in children's homes aiming to disseminate information on the rights of children, relevant laws, regulations and procedures. As such, trainings have been conducted in 5 atolls. Further, the Ministry of Islamic Affairs ("MOIA") in collaboration

with UNICEF has also developed video clips to disseminate information on child rights, mental wellbeing and caring for others from an Islamic perspective.

79. In 2021, the Children’s Ombudsperson’s Office widely disseminated video clips developed on the theme ‘Pandemic and My Rights’ aiming to focus on the rights of children impeded due to the pandemic.

Children’s rights and the business sector

80. Protection of child rights in the business sector is ensured by Law No: 2/2008 (Employment Act) and the CRPA. Section 6 of the Employment Act prohibits the employment of children in work and sets 16 years as a minimum age for recruitment on the condition that family consent is sought prior to such recruitment. Section 7 of the Act emphasizes that children must not be recruited for an employment or made to work in conditions that may be hazardous to the health of the child, negatively impact their education or behaviour. The Act ensures safeguards by mandating a health professional’s sign off prior to recruitment. All establishments seeking to employ children above 16 years of age are obligated by law to maintain a register and Section 12 of the Act ensures violations of the Act are penalized through a monetary penalty.

81. These safeguards are further reinforced through Sections 52 and 53 of the CRPA. Section 52 maintains that private parties must adopt workplace policies that enhance the protection and prioritize the rights of the child; ensure participation in the provision of care and protection to children and provide necessary resources to that end; and ensure that the acts of the private parties are in compliance with the stipulations of the Act. Section 53 prohibits acts that support and engage in discourse that hinders the rights of the child. The Act allows the Minister to impose a fine or revoke any licenses held by a party contravening this provision. Further, Section 70 of Law No: 9/2014 (Penal Code of Maldives) recognizes liability of corporations and other unincorporated associations.

82. The Government remains deeply concerned regarding the alleged incidence of child sex tourism in the Maldives. Ministry of Tourism (“MOT”) along with MPS engages with the industry on raising awareness on this matter. In that regard, four workshops were conducted in 2017 and 2018 by MOT in coordination with MPS. Child Safe Tourism Programme is an ongoing programme conducted by the MPS. Since 2016, MPS has conducted 10 programmes to raise awareness on issues surrounding child exploitation.

83. In relation to maintaining records of sex offenders, an INTERPOL database has been established at the MPS to identify sex offenders at the Maldivian borders. Mechanisms are established at the Maldives Immigration to identify sex offenders with INTERPOL notices issued against them. Currently, there are three cases of Maldivians involved in overseas distribution of pornographic content of children ongoing. Efforts are being undertaken by international law enforcement agencies to investigate and identify perpetrators.

Cooperation with civil society

84. The Government of Maldives considers the safety of all journalists a priority and the MPS maintains a good working relationship with all local members of the media. Mechanisms have been put in place to ensure that any attempts for impunity within the criminal justice system is not practiced or entertained.

85. The Government of Maldives further places a high priority over the crimes that occur in digital space. Journalists are protected against unjustified electronic surveillance, covert or otherwise, through safeguards, which require investigating bodies to seek a court’s permission to commence such an operation.

86. Threats against journalists, human rights defenders or CSOs are treated as special cases and are investigated by selected teams within the Crime Investigation Command of the MPS. Furthermore, the MPS formulated the “Project Guardian” under its Strategic Plan 2019–2024, which is an ongoing campaign to strengthen the efforts to end crimes against

women, children and families. Online protection and combating online exploitation are key components of this project.

87. MPS is working with international law enforcement partners to enhance the capacities of police officers to investigate cybercrime to address and combat online exploitation. In 2021 alone, over 150 Officers trained and enrolled in Cyber Safety Asia Programme which is a new Australia Government Initiative developed under the International Cyber Engagement Strategy aiming to enhance cybercrime awareness across South East Asia law enforcement agencies. Additional 1200 officers are expected to undergo this capacity enhancement in next two years. Further engagements of enhancing response around targeted online harassment, exploitation and cyber-crime being explored with law enforcement partners in INTERPOL, the European Union, the United States of America, the United Kingdom and India.

88. Investigating and ensuring accountability for cybercrimes remains a challenge due to the lack of a legal framework governing this area. Work is underway to enact a Cybercrime Prevention Bill and a new Evidence Bill, which will overhaul the outdated evidence law in place since 1976. The Government of Maldives is also working on Bills on Freedom of Expression and Freedom of Press, which will further enhance the respective rights provided by the Constitution, and reinforce the work done by the Government to ensure the safety of all journalists and human rights defenders in the Maldives.

89. In order to ensure enhanced involvement of CSOs in development and improve its governance, in 2019, the Government introduced a new Associations Bill to the Parliament. Particularly in the protection of child rights, Maldives acknowledges and appreciates the vital role played by CSOs in bridging the gap between communities and policy makers. The Maldives is committed to engaging meaningfully with the CSOs to further enhance the child protection system. The CRPA is a result of extensive engagements and discussions with the HRCM and CSOs. CSOs were also consulted in the formulation of the Government's SAP and the NRR.

90. In 2017, MOGFSS engaged CSOs in the formulation of the National Action Plan on Violence Against Children through the national conference on violence against children. Ministry also collaborated with CSOs to conduct "Ahan" (listen to us) Campaign – a nationwide awareness campaign conducted from 2016 to 2018 to counter various aspects of child abuse. 'Girls Lead Initiative' – an annual one-day attachment programme launched on the occasion of International Day of the Girl Child was another effort undertaken in engagement with CSOs.

91. In 2020, in partnership with UNICEF, Ministry initiated a forum with the CSOs to address the increasing number of cases of VAC being reported. The constructive forum resulted in efforts to conduct research on the prevalence of child abuse in Maldives and the initiation of another nationwide awareness campaign, "*Mikan Huttuvaanan*" (will stop this). Following the onset of COVID-19 pandemic, a similar effort was undertaken in engagement with CSOs to implement a child online protection policy in 2021.

92. Inclusion of CSOs in the Council for Protecting the Rights of the Child established by the CRPA is another important step in this regard. This arrangement ensures that CSOs are able to voice their concerns and work more closely with the stakeholders in policy formulation and in enforcing the child rights protection system.

93. Additionally, in 2020, MPS conducted consultation sessions with Government stakeholders and CSOs to exchange ideas towards strengthening the case management system, identify gaps in the implementation of relevant laws and resolve difficulties the CSOs may face in working with the Family and Child Protection Wing of the MPS. Further, MPS engaged CSOs in conducting sensitization on child rights and child protection programmes in 10 atolls of Maldives where approximately 400 staff were trained.

II. Definition of child (art. 1)

94. With regard to the Committee's recommendation on Section 28 of the previous Child Rights Act, the Government of Maldives notes that the aforementioned section has been

repealed with the enactment of the new CRPA in November 2019. The current Act, in its Section 4 defines children as a child from its conception to the attainment of 18 years of age after birth. The CRPA further elaborates on the rights and protections ensured for all children in the Maldives.

III. General principles (arts. 2–3, 6 and 12)

Non-discrimination

95. Article 35 of the Constitution states that children and young people are entitled to special assistance from the family, the community and the State. The Article also says that children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation. The CRPA affords rights and protection to all children within the Maldivian jurisdiction without any discrimination. This is specifically mentioned in Section 6 of the CRPA.

96. “*Ahan*” Campaign conducted from 2016–2018, and “*Mikan Huttuvaanan*” Campaign which is currently being undertaken by the Ministry are nationwide campaigns to raise awareness on issues of child rights. Information disseminated through these campaigns highlight the importance of affording equal opportunities to all children, responsibilities of the families, schools and communities in ensuring the overall wellbeing of children.

Best interests of the child

97. In relation to the Committee’s observation on defining the term ‘best interests of the child’, Maldives notes that Section 8 subsection (a) of the CRPA prescribes that the best interest of the child shall be the paramount consideration in decisions made about children, by the courts, State institutions, Parliament, private and public institutions providing social protection, and parents.

98. Subsection (b) of the Section also provides 7 factors that must be considered when assessing what is in the best interest of the child. Subsection (b) states that, any decision made in relation to the child shall take into account the state of the Child, and that every case shall be determined separately. The general guidelines prescribed in the Act directs institutions to factor in the opinion of the child on the matter; individuality of the child; importance of keeping the child within the family and the importance of sustaining the relations between the members of the family and the child; care, safety and protection that shall be afforded to every child; the right to good health; right to education; and social and general status of the child.

99. The concept of best interest of the child is enshrined in the JJA as well. Section 6 of the Act states that any party providing social protection to children in conflict with the law, the courts of law and other institutions shall regard in the highest priority the best interest of the child in deciding matters relating to children. All relevant institutions are expected to adhere to these parameters set forth in the Act, in developing additional guidelines in further defining best interest consideration relevant to the respective field of work.

100. Maldives is pleased to note that extensive efforts have been undertaken to encourage reporting of sexual abuse cases. During the reporting period, these efforts were directed through the “*Ahan*” Campaign and “*Mikan Huttuvaanan*” Campaign initiated by the MOGFSS. “*Ahan*” Campaign also resulted in the introduction of a mobile application to ensure an easy reporting mechanism. With the enactment of the CRPA, non-reporting of any abuse or neglect perpetrated against a child has been criminalised, thereby enforcing strict obligation to report.

Right to life, survival and development

101. Right to life is protected as an inviolable right in Section 7 of the CRPA which states that every child should be afforded the right to life and development in the broadest sense, and that no child shall be deprived of the right to life.

102. Further, Section 29 of the Child Rights Protection Act expressly prohibits infliction of death penalty against minors. As per the law, children are not considered as having the same capacity and maturity as adults, and in line with the protection afforded in Article 35 of the Constitution, no child shall be sentenced to death penalty. The Section further states that any child convicted of a death penalty offence committed before the age of 18 years, shall not be given the death penalty even after the child becomes 18 years of age. In fact, as per the Act, where the child is convicted of an offence for which the prescribed punishment is the death penalty, the punishment of the child shall be reduced to no more than three quarters of the next degree of punishment.

Respect for the views of the child

103. With regard to the Committee's recommendation on ensuring the child's right to be heard, Maldives notes that Section 9 of the CRPA guarantees a child's rights to express his or her opinion on matters related to the child. The law emphasizes that authorities should factor in the child's age and changing capabilities when considering the expressed opinion. Further, Section 28 of the CRPA states that where a testimony of a child is taken in relation to any matter, provisions of the Act shall be triggered to protect and safeguard the child.

104. Concerning children's testimony at criminal trials, the Criminal Trial Procedure Regulation published by the Supreme Court of Maldives which came into force on 15 June 2021, establishes the guidelines to be followed when taking children's testimonies in criminal trials. The Regulation provides that, children's testimonies should be taken in a child friendly setting outside the premises of court, investigating institution, or anywhere a child might be subjected to re-victimisation. The section further mandates the presence of a guardian to protect the interests of the child during the interview. The guideline directs courts to schedule a child testimony as the last component of presenting witnesses.

105. Where children come into contact with law enforcement agencies, MPS has a strict policy of having interviews conducted on children by trained child forensic interviewing specialists. All child interviewers are required to undertake a specialized training module and interviews are conducted in child friendly interview rooms. Efforts are underway to increase the number of child friendly interview rooms by expanding it to all major police stations across the country.

106. In cases concerning custody matters and guardianship issues, mechanisms are in place within the MOGFSS (currently CFPS) and the Family Court to seek the opinion of the child. Additionally, an extensive review of the Family Act is underway, to introduce modern legislative provisions to facilitate enhanced participation of children in cases such as custody proceedings.

IV. Civil rights and freedoms (arts. 7, 8 and 13–17)

Freedom of thought, conscience and religion

107. Article 10 of the Constitution expressly states that the religion of the State of Maldives is Islam, and that Islam shall form one of the bases of all the laws in Maldives. The Government is committed to combatting incitement of hate and violence, especially on the basis of religion. In that regard, on 28 May 2021, the Government submitted an important amendment to the Penal Code of Maldives seeking to criminalize perpetration of hate and violence against members of the society on the basis of their religious beliefs. While such actions against individuals both online and in-person are already criminalized in the Penal

Code, this amendment seeks to prevent individuals from being subjected to bodily harm or any form of harassment on the basis of their faith.

108. In the same manner, the Government also acknowledges that radicalization and violent extremism as an emerging threat impacting the social wellbeing of the society. The Government remains steadfast in implementing a whole of government and society approach to foster a national dialogue on this issue. The government is committed to eliminate the effects of radicalization on vulnerable populations such as women and children. The National Counter-Terrorism Centre (“NCTC”) is working to implement a multi-sectoral National Action Plan on Prevention and Countering Violent Extremism. In 2019, the President established a high-level sub-committee with the mandate to coordinate and steer counter terrorism and counter radicalization efforts within the Government. NCTC continues to engage with the stakeholders in the social sector to raise awareness on identifying influences of radicalization on children and to disseminate correct information on Islam.

Freedom of association and peaceful assembly

109. In regard to the Committee’s observation on children’s right to freedom of association and assembly in the Maldives, Government notes that the right to freedom of association is enshrined in Article 30 of the Constitution. A new Associations Bill has been proposed and deliberations are ongoing at the Parliamentary Committee stage.

Access to appropriate information

110. Children’s right to information is enshrined in Section 17 of the CRPA. The Act states that every child has the right to information from international and national sources, which are appropriate to the child and are essential for the social, spiritual, disciplinary wellbeing and the physical and mental development of the child. In order to raise awareness on cyberbullying and promote safe use of the internet, MPS conducted several awareness sessions in schools, in partnership with relevant stakeholders. These sessions focused on rights and responsibilities, prevention of child abuse and cyberbullying. The MOE has also initiated an internet safety campaign “Be Internet Awesome” in collaboration with UNICEF.

111. Further, in 2020, the Government initiated a multi-stakeholder effort to formulate a Child Online Protection Policy. This Policy is intended to be the guiding document for stakeholders in the social protection sector, network providers and communication regulators in ensuring that protection of children online. The policy identifies five targets: all school aged children complete basic cyber safety training; children know that they can call child helpline for support in internet-related issues; devise specific standard operating procedures for cyber related incidents and support; all child helpline officers are trained to handle internet related calls; and parents and other professionals have access to resources, including parental controls to support children in cyber safety. The Policy has since been endorsed by the Parliament and is being implemented through a multi sectoral working group with the oversight of a ministerial level steering committee.

V. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Torture and other cruel or degrading treatment or punishment

112. While the right to be protected from torture and degrading treatment is enshrined in the Constitution, this right is further reinforced in Section 30 of the CRPA. The Act states that no child shall be punished or harmed in a ruthless inhumane or humiliating manner at the home, educational institution, at a residential facility, or any other surrounding where the child resides. Section 12 of the Act further states that, every child has the right to be protected from physical and mental abuse, harassment, neglect, mistreatment and other forms of victimization that would hinder the development of the child. Subsection (a) of Section 12

states that the aforementioned right must be afforded to the child under the care of the parents, legal guardians, in schools or within the care of any guardian.

113. This principle is also reinforced in Section 30 subsection (a) of the JJA. JJA states that any person who is responsible for the supervision of a child at any law enforcement stage shall not do or allow to be done, in any manner any act or punishment which is inhumane, sexual and or indecent in nature, violent, brutal, or an act of harassment against the child.

114. JJA creates a distinct track for children in conflict with the law within the criminal justice system by replacing any previous rules and regulations that governed juvenile justice. As per the new Act, children in conflict with the law will be guided onto diversion mechanisms. Where the child is accused of having committed a *hudood* offence, the Act provides for special provisions that should be followed.

115. Addressed in chapter 16 of the Act, the safeguards ensure that children are treated as not having the same capacity as adults, that measures are taken to ascertain the actual capacity of the child in committing the alleged offence, and to ensure that the requirements prescribed for a *hudood* penalty are met in the stages of investigation, prosecution and conviction. As per the Act, prosecution shall have access to a report prepared by the DJJ indicating the situation of the child.

116. The Act also mandates prosecution to take into account, the mental and physical wellbeing of the child, social status of the child, probability of the child being a victim of organised crime or any other exploitative act, gravity of the offence and the child's awareness on the legality of the act. In conducting trials, the Act expressly states that the judge shall refrain from convicting, where there is any form of doubt.

117. The Act also stipulates a number of factors that the court shall consider in assessing the culpability of the child. In that regard, the judge shall evaluate the capacity of the child to commit the crime; whether the alleged crime satisfies all elements prescribed in Islamic Sharia beyond any doubt; whether the case is built on a confession, if so, whether the confession meets all the requirements prescribed in Islamic Sharia beyond any doubt; whether the case is based on eye witness testimonies and if so whether such a testimony meets all the requirements prescribed in Islamic Sharia beyond any doubt; the extent to which all the elements of the alleged crime satisfy the requirements prescribed in Islamic Sharia beyond any doubt; and the circumstances under which the alleged crime was committed.

118. JJA specifically indicates that placing a child under detention must be a last resort measure. Priority and emphasis are given to rehabilitation of the children in conflict with the law. Furthermore, even if a child is convicted of an offence for which the punishment prescribed is death penalty, the punishment of the child shall be diminished to no more than three quarters of the next degree of punishment. In relation to other offences, children will be given 2/3rds of the minimum punishment prescribed for the offence. This effectively ensures that life imprisonment is not given for any child convicted of any offence.

Freedom of the child from all forms of violence

119. Concerning the Committee's recommendations to ensure the protection of children from all forms of violence, Maldives notes that Law No: 3/2012 (Domestic Violence Prevention Act) ("DVPA") extends to any action that may endanger a person's protection, health, wellbeing, life, or inciting such a feeling of endangerment, and in that regard covers all physical violence, verbal abuse, sexual violence committed against a person in within the definition of a domestic relationship. Additionally, the newly enacted CRPA prohibits any form of corporal punishment imposed against children in domestic settings while also recognizing it as a form of VAC.

120. The government acknowledges challenges in operationalising the designated DV shelters. Efforts to provide a safe shelter for domestic violence victims have been obstructed by budgetary constraints to build necessary infrastructure and train human resources required for the shelter. In 2020, however, renewed efforts were undertaken to operationalize the shelters. To that end, 5 shelters have been fully operationalised and plans are underway, in partnership with Asian Development Bank, to expand shelter services to three other locations

in the Maldives. Standard operating procedures and manuals necessary for the smooth functioning of the shelters have been formulated and are in the process of being endorsed. One of the fully operationalised shelters has been designated specially to house children and parents who are victims of domestic violence. MOGFSS undertook an extensive effort to enhance human resources to manage the shelters.

121. Under the DVPA, the FPA is established as the primary institution to steer all the efforts relating to the prevention of domestic violence. FPA conducts several capacity-building programmes for stakeholders and supports the MOGFSS in the implementation of policies to counter the perpetration of DV and support victims. FPA has undertaken various awareness raising campaigns during the reporting years to encourage the community, particularly men, to speak out against DV. Campaigns have been conducted for youth aimed at creating safe spaces for discussions surrounding DV and promote the understanding of healthy relationships. To encourage reporting and public engagement in the elimination of domestic violence, campaigns have also been conducted for the general public, including a virtual public consultation that was conducted in 2020. The public consultation served as a platform to share concerns regarding key stakeholders. In addition, FPA has initiated a number of training programmes targeting social workers, police officers, first responders, health sector professionals, and other service providers.

122. While there are gaps in data collection in domestic violence cases concerning children, efforts are being undertaken by the MBS to acquire specific data, strengthen and publish the data from cases reported to the MOGFSS.

123. The Maldives remains resolute to reduce the incidence of all forms of violence against children. While the number of cases reported are on an increase, measures are being taken to enhance reporting mechanisms, strengthen interagency referrals of cases, improve the quality of support and assistance extended to victims and improve the quality of investigations to secure convictions against perpetrators. In 2017, Ministry convened all stakeholders and partner agencies to a national conference on violence against children. The main aim of the national conference was to share knowledge on the situation of violence against children in the Maldives, approaches to addressing violence against children, roles, responsibilities, inter-sectoral coordination and collaboration, community level systematic and integrated responses to violence against children. Consequently, a 2-year National Action Plan on Violence against Children was launched (2017 – 2019). Ministry has plans to revisit and evaluate the implementation status of the National Action Plan on Violence Against Children. In light of the findings and the established legal framework, a new Action Plan will be devised to ensure the prevention of VAC. This is reflected in the Government's SAP as well.

124. The CRPA sets forth the legislative mechanism for a well-coordinated and comprehensive child protection policy. As such, Section 66 of the CRPA mandates the State to establish a national mechanism for providing care and protection to children. The national mechanism emphasises on a multi-sectoral approach to handling reports of VAC, and efficient referral mechanism to guarantee the safety and wellbeing of the victim. The CRPA mandates the Council for Protecting the Rights of the Child to function as a multisectoral body with high level representatives from relevant stakeholders, to advise the Minister on policies to counter VAC.

125. With regard to children being exposed to political protests, Maldives notes that MPS has now invoked several safeguards to ensure that protestors are not subjected to undue and disproportionate force by the police. Following the enactment of the CRPA, all institutions, including the MPS, political parties and individuals are expected to treat children with the special care envisaged in the Act. Where these rules are encroached, the HRCM and the Children's Ombudsperson have the mandate to investigate any acts violating the rights of children.

126. Furthermore, intimidation towards anyone within the Maldivian jurisdiction will be investigated by the MPS. In order to prevent marginalization of children in local communities and schools, MOE in partnership with UNICEF initiated the implementation of a national anti-bullying policy in schools. Launched in early 2019, the policy encourages peer led interventions while encouraging everyone in the education system, including parents, to take responsibility for preventing and mitigating bullying.

Sexual exploitation and abuse

127. In relation to the Committee's recommendations in this area, Section 24 of the Law No: 12/2009 (Special Provisions Act on Child Sex Offenders) states that minors aged below 13 cannot consent to any sexual activity. Section 25 states that minors aged between 13 and 18 unless otherwise proven, cannot legally consent to sexual activity. That said, all children below the age of 18 years are considered as children as per the CRPA. Section 11 of the Act states that every child has the right to protection from sexual abuse and sexual exploitation.

128. Even though the term sexual abuse is in itself not defined in the Special Provisions Act on Child Sex Offenders, the offences stipulated in the Act encapsulates the forms of abuse the Convention foresees might be carried out against a child. In that regard, the Act criminalizes the use of children in audio/visual images of sexual abuse, use of children in prostitution, commercial sexual exploitation, and coercion to engage in sexual activity. Further, Section 122 of the CRPA criminalises the offence of exploitation and Section 123 criminalises the offence of grooming. The Second Amendment to the Anti-Human Trafficking Act enacted in 2021, expressly criminalises the act of trafficking children cross border and internally, for purposes of exploitation. The definition of exploitation in the Act includes forced labour, forced marriages and among other things, forced engagement in sexual activities or prostitution.

129. Section 25 of CRPA sets the legal age of marriage at 18 years of age and expressly prohibits child marriages. Therefore, with the enactment of the CRPA, Section 14 of the Special Provisions Act has been impliedly repealed.

130. The Maldives is pleased to note that the new Evidence Bill has been submitted to the Parliament on 30 August 2021. Enactment of the Bill will overhaul the 1976 Evidence Act, and set out modern rules for submission, acceptance, weight assignment and other matters relating to evidence.

131. With regard to the Committee's recommendation on reporting, enactment of the CRPA creates an obligation over the State to establish a reporting mechanism for violation cases. Section 70 stresses that the reporting mechanism shall be a confidential referral mechanism to ensure that vulnerable children are provided with the protection and care they need. Section 71 of the Act identifies all the parties who may report a case to the authorities. Further, Section 126 of the Act creates the offence of failure to report cases of sexual abuse, serious physical and psychological harm, and acts of exploitation.

132. Following the enactment of CRPA and the JJA, sensitization programmes have been conducted among judges, prosecutors, social workers, to the DJJ and for police officers. These trainings undertaken in collaboration with UNICEF and CSOs were aimed at familiarising the officers to the safeguards, rights and protections stipulated in the Act.

133. "Ahan" Campaign launched in May 2015 and the "Mikan Huttuvaanan" Campaign launched in 2020 are the largest nationwide campaigns that have been conducted till date, to raise awareness and encourage reporting of VAC. Through the "Ahan" Campaign, information sessions were conducted in schools in 8 regions of Maldives to a total of 4,390 children enrolled in grades 4 to 8. Awareness sessions were also conducted to teachers in the capital Male' region, where 168 teachers were sensitised on issues surrounding VAC.

134. In addition to this, in 2017, a call centre was established in partnership with UNICEF and a mobile application was launched to facilitate easy reporting of cases of abuse. Both these campaigns are aimed to empower children against abuse, raise public awareness, encourage reporting and provide support to victims of child abuse. The Child Online Protection Policy of 2020, was also initiated to combat the rising number of reports on online exploitation during the reporting period.

135. In order to prevent stigmatization of survivors, MOGFSS conducted a series of consultations in 2018 with a number of children living under State care, children with special needs, and children in the Girl Guides. The forum provided the children with an opportunity to engage regarding policies and issues relevant to them. Ministry also held a one-day child participation forum as a follow up action to the National Conference on Violence against Children in 2017. This forum brought together children from various backgrounds, including

children with special needs, to discuss issues concerning their wellbeing and the efforts to promote child participation.

Harmful Practices

136. Maldives notes that the Section 25 of the CRPA specifically prohibits marriage of children below the age of 18, and sets the minimum age of marriage at 18 years of age. The Government of Maldives is strongly against the vile act of female genital mutilation (“FGM”). Captured by the offence of assault in the Penal Code, Section 13 of the CRPA also ensures that every child has the right to be protected from any social and cultural factors that may have a detrimental effect on the best interests, dignity and development of the Child.

Helpline

137. The Maldives acknowledges that there are gaps in ensuring the most efficient functioning of the helpline. Section 75 of the CRPA necessitates the establishment of a child helpline that can provide service for 24 hours, that is accessible to every child in the Maldives, and that will ensure provision of assistance and protection to children in need. Efforts are underway to review the standard operating procedure to strengthen the reporting system. In order to build human resource capacity, with the assistance of Child Helpline International, staff working in the helpline department are placed under clinical supervision on a monthly basis. Focus of these trainings are to ensure that staff acquire adequate skills to meet the internationally recognized standards for first responders. Additional efforts are underway in partnership with UNICEF, to ensure that the call center is linked with the MCPD, and fully operational through Short Message Service and mobile application to enable timely responses to reports.

VI. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

138. In relation to the Committee’s observations on family environment and alternative care, Maldives notes that, in 2019, the Government introduced six months maternity leave and one month paternity leave for new parents. This is being implemented in all Government agencies and 77.4% of all the State-owned Enterprises. Work is underway to establish a day-care centre to minimize the challenges for working mothers. Further, the Government allocated housing units under “*Hiyaa*” social housing scheme for single parents and parents of children with special needs. To enhance the financial situation of single parents, the monthly Single Parent Allowance offered through the social protection scheme was revised in 2019 to remove the ceiling of MVR 3000 (USD 195) that was allocated irrespective of the number of kids in the family. Currently, single parents are able to get an allowance of up to MVR 10,000 (USD 649). In addition to this, provision of social service benefits was revised extending the eligibility of single parents with children with disability for both the single parent allowance and PWD allowance.

139. NRR targets the establishment of affordable childcare facilities to enable working mothers to be sustained in the workforce. Currently, there are 5 privately run childcare facilities in operation in the capital region. A Regulation is in force since 2015, relating to day-care service provision in Maldives and efforts are currently underway to revise the regulation in line with the CRPA.

140. The CRPA also mandates the State to provide adequate resources to parents in order to facilitate discharging responsibilities of the parents in raising and nurturing children.

141. In relation to reported cases, MOGFSS initiates mediation with parents of vulnerable children and case conferencing with school teachers. Parent Effectiveness Trainings are conducted in communities to disseminate information on child development and equip parents with necessary parenting skills. Plans are also underway to develop specific modules to ensure sustainability of these trainings.

Children deprived of a family environment

142. The Government acknowledges the challenge of housing children in the Home for People with Special Needs (“HPSN”). Efforts were undertaken to establish a specific wing for children in the HPSN and children were in fact moved to this wing. However, with the onset of the COVID-19 pandemic, the wing was used as an isolation area. The government is undertaking urgent efforts to renovate this area and use for the initially intended purpose. There are unsurmountable challenges in housing children with special needs in the other children’s shelters, as the shelters are not entirely equipped to provide the required services to these children.

143. Enactment of the CRPA establishes a strong legislative foundation for fostering and community-based care. In that regard, the Act mandates the Minister to establish a foster care system under the Act. The Act details out the process of appointing a foster carer, identifies children that can be fostered out and stipulates the measures that must be implemented prior to fostering a child. To this end, a Foster Panel has been convened to expedite the fostering process of children under State care. Similarly, main principles of alternative care placement are also set forth in the CRPA. Regulations on the alternative care facilities have been devised and published by the Ministry. Standard operating procedures have been formulated to address the standards of the facility and the standard of care provided to the children housed in these facilities.

144. A significant effort was undertaken by the MOGFSS in 2020, to move the children housed in the Vilimale’ Residential Facility to safer and more community friendly regional homes established in 5 regions of Maldives. The main purpose of the project was to provide the children with a fresh start, enable better engagement with the community and remedy emerging behavioural issues. The project was undertaken by the Ministry with a concrete preparation plan and number of safeguards to ensure that the children had adequate understanding of the plans. Children’s participation and opinions were sought at every stage of the process. Each shelter is equipped with trained staff and resources to ensure the wellbeing of children.

VII. Disability, basic health and welfare (arts. 6, 18 (3), 23–24, 26, 27 (1)–(3) and 33)

Children with disabilities

145. The Maldives acknowledges the need to strengthen the implementation of the Law No: 8/2010 (Protection of the Rights of Persons with Disabilities and Provision of Financial Assistance Act). The Maldives recognizes the need to formulate and implement stronger policies to ensure that children with special needs are afforded an equal platform at all fronts. Enhancing the functions of the Disability Council is a key commitment of the Government.

146. In 2018, the MOGFSS worked with National Social Protection Agency (“NSPA”) to finalize the “Guideline on Identification and Classification of Disabilities”, to categorize the types of disabilities and determine corresponding standards for such classification. This guideline is used by NSPA to determine the eligibility of people and children in issuing the financial allowance. Ministry and NSPA maintain a register of children with disabilities. The government acknowledges that this does not cover all of the children in the Maldives, but this indicator has been included in the upcoming census.

147. While the Constitution and the CRPA emphasizes non-discrimination, it is important to note that the CRPA ensures that children with disability has the right to a dignified life, with equal opportunities for community participation and has the discretion to make decisions to the extent that their abilities permit, in a manner that does not hinder the dignity of the child. The Act further states that children with disabilities are entitled to special care and protection from their families, community and the state, which is, in essence, a reiteration of the right enshrined in the Constitution. In addition to this universal provision of education, MOE is undertaking the development of hub schools which will be inclusive schools within

respective regions as per national priorities. Additionally, the Education Act, enacted in 2020 further reinforces the right to education without discrimination and ensures the provision of inclusive education for children with special needs.

148. The Health Master Plan 2016–2025 outlines the principles and the national health goals provides strategic guidance to stakeholders and the public to further develop programmes which, improve the health of the population, as well as develop the health system of the country. The health care delivery system is organized into a three-tier system with the island level health facilities managing and referring patients to higher level health facilities in the atolls, regions and to the central level, when needed. Health care for children with disabilities are covered under the universal social insurance programme. Work is ongoing to decrease the level of preventable disabilities through comprehensive maternal care, immunization schemes and injury prevention programmes.

149. Health care providers work with families to increase understanding and awareness, detect and correctly diagnose children with impairments as early as possible in order to ensure appropriate services can be made available to reduce the impact of the impairment on the child. An injury prevention programme is ongoing, to prevent disabilities resulting from road traffic and occupational accidents, and awareness programmes are conducted on the use of safety devices.

150. Early detection of birth defects in children are facilitated in all atolls by undertaking ante-natal ultrasounds. Child Health Records are screened and milestones are recorded in children from birth to the age of 5 years. Healthcare providers are provided with refresher trainings on how to carry out these checks. This facilitates early identification of delayed growth progress or situations where referral to a specialist is required for further evaluations and referral for other services. The Health Master Plan targets to reduce the prevalence of underweight maintained, with a decrease from 17% to 15%. The National Vitamin A Supplementation Programme is conducted for children between ages 6 to 59 months and deworming and iron-folic acid supplementation programmes are ongoing.

151. Healthcare professionals at health facilities collaborate with MOE to conduct health check-ups in schools, which includes screening for hearing and sight checks as part of the standard programme. Referrals to specialist is made as required and these are covered under the national health insurance scheme.

152. The CRPA reinforces every child's right to be registered at birth, right to necessary vaccinations and adequate healthcare. All cases of disabilities found before or after birth will be referred for specialist consultations and therapies. All referrals to higher facilities are covered under the national health insurance scheme. Working as a multi-sector support system to protect the rights of children, strengthening and expanding rehabilitative services and interventions at different levels of healthcare works are ongoing.

153. Financial assistance for therapeutic services, physiological assessments and also assistance for assistive devices such as wheelchairs, walkers, hearing aids, etc. is facilitated through NSPA. Plans are underway to strengthen the social protection scheme for disability allowances. To that end, in 2019, the Government disbursed more than 195 million Maldivian Rufiyaa in disability allowances to 8,476 people, noting an increase of approximately 34 million Maldivian Rufiyaa in comparison to the figures in 2016 and 2017.

154. In 2019 the Government initiated providing financial assistance to therapeutic services needed for persons with disabilities. A total of MVR 3,165,107.00 and MVR 7,201,744.00 was spent on therapeutic services in 2019 and 2020 respectively.

155. NSPA also provides affordable mental healthcare to children with disabilities. In 2019, the National Social Health Insurance Scheme, *Aasandha*, increased the ceiling for insurance coverage to 5000 Maldivian Rufiyaa (approximately USD 324) towards counselling and psychological assessment services provided from the private sector clinics. MOGFSS also undertakes programmes for communities and parents to enable early identification of disabilities.

156. The initial 'Guidelines for Goodwill Ambassadors working for the Rights of Persons with Disabilities' was formulated in 2014 to appoint the first goodwill ambassadors with the main aim to give formal status to independent individuals who work for the betterment of

PWDs. This Guideline establishes the ethical standards and the roles and responsibilities of persons acting as Goodwill Ambassadors. In 2014, the Ministry appointed 3 Goodwill Ambassadors to work for the protection and promotion of the rights of persons with disabilities. The Guideline was revised in 2017, prior to the appointment of the second batch of Goodwill Ambassadors.

157. Furthermore, the *Riveli* Exhibition was conducted to empower and promote their talent and create new opportunities for PWDs and *Riveli* Award was introduced to recognize their efforts. In 2019, more than 15 children with special needs took part in the exhibition and the *Riveli* Award was given to 21 PWDs in recognition of their skill. Further, awareness raising sessions and screening programmes were conducted in 5 atolls, focusing on early identification, assessment and protection of PWDs, including children with special needs.

Adolescent Health

158. The national curriculum allows health and physical education to be taught as a separate subject in primary schools. MOE has adapted adolescent sexual and reproductive health into the new Health and Physical Education curriculum aiming to enhance access to information concerning sexual and reproductive health among adolescents. The government acknowledges limitations in delivery of Sexual Reproductive Health (“SRH”) education. While these limitations are mostly due to resource gaps, in some communities, some cultural norms were also observed to impede effective delivery of SRH education. In order to counter these values, efforts are being undertaken by the MOE in partnership with UNICEF, to implement a comprehensive parent education programme aimed at raising awareness among parents on the importance of open communication with children, particularly on topics such as SRH.

159. The government’s SAP identifies further policies relating to adolescent sexual and reproductive health. To that end, targets have been set to conduct programmes for young people to impart correct knowledge, safe sexual and reproductive behaviour and practices among their peers through schools, higher education institutions, and other youth programmes.

160. MOH collaborates with school health programmes towards empowering adolescents with correct information on healthy practices and life skills to respond to peer pressure and support their peers. Hence, school health programmes continue to implement activities to promote healthy habits in school canteens, particularly in establishing a tobacco-free environment and in instilling health education and life skills.

161. With regard to the Committee’s observation on abortion rights, Maldives notes that the Penal Code creates an exception for abortion where the mother is subjected to risk or where the pregnancy has resulted from sexual abuse and/or incest. Fiqh Academy in a later ruling extended the allowance made for medical termination of pregnancies within 120 days of conception for pregnancies resulting from rape by an immediate family member, rape of a child who is physically and mentally not fit to get pregnant and deliver. The ruling has long extended to cases of pregnancies resulting in thalassaemia major, sickle cell major, multiple congenital anomalies and maternal life-threatening conditions. Further, comprehensive abortion care and post-abortion care and referral services are made available at health facilities based on the grading.

162. While teenage pregnancies are not an uncommon factor in out of school children, MOE continues to work with families and schools to enrol and support these students within the education system. MOE also ensures that these children have access to education with the help of the local school.

163. The Health Master Plan and National Reproductive Maternal New-born Child and Adolescent Health (“RMNCA”) Strategy by MOH continues to recognize that reproductive health is a crucial component of general health and aims to serve the need for directing the programmes in an integrated and comprehensive manner. In that regard, the National Standards for Adolescent and Youth Friendly Health Services have been adopted. There are 9 standards with packages of services and roles of relevant stakeholders for different levels

of health facilities identified. Providing young people with sexual and reproductive health information and services through the existing healthcare system is an ongoing effort. In this regard, health care providers are sensitized to provide adolescent friendly health services across the country to strengthen and improve inclusivity in care provision. Continuing sessions and sensitization programmes for health care providers including all reproductive health focal points are being conducted to raise awareness on this issue. Efforts are being undertaken to collaborate with CSOs to deliver information on sexual and reproductive health to the general public. Broadcast media is often used to spread awareness, via video spots, interviews, and messages.

164. The National Mental Health Policy 2015–2025 and National Mental Health Strategic Plan 2016–2021 was developed with collaboration and a consultative effort by national stakeholders. Consultative meetings, working groups and discussions were carried out with stakeholders including community organizations, public and private sectors. Work is underway to devise a Mental Health Bill.

165. The Government has established National Centre for Mental Health at the national tertiary referral hospital. It functions to provide services which includes children and adolescents' mental health services and also coordination with atoll health facilities. Health services are tiered to a referral mechanism according to the level of care between health facilities. National Social Health Insurance Scheme covers the cost of health expenditure through the National Social Health Insurance Scheme, *Aasandha*, which also includes mental health services.

166. To further strengthen the integration of mental health care into the primary health care system, efforts are underway to integrate Mental Health Gap training into Primary Health Care trainings for health care professionals. This would further add value to the current ongoing efforts to establish community-based approaches where mental health care is well integrated within the Primary Health Care system efforts in terms of mental health promotion and prevention of mental disorders. Mental health awareness programmes are conducted in collaboration with NGOs and other stakeholders, as an important contribution to mental health service delivery as well as mental health promotion.

167. Furthermore, MOIA also conducts discussions through moderate scholars to raise awareness within the community, targeting parents and adolescents on sexual behaviour and mental health issues.

Drug and substance

168. Substance abuse is a prevalent problem affecting the Maldivian youth including women and children. The Government of Maldives continues to undertake vigorous efforts to address the resulting social issues, rehabilitation and meaningful reintegration of victims of substance abuse into the society. Special attention is paid to protect children from being exposed to the negative impacts of substance use, within their homes and in the community.

169. To that end, special measures are being planned to enforce and fully implement the Law No: 17/2011 (Drugs Act), adopting a holistic approach to address drug addiction and to assist in rehabilitation and reintegration. Plans are underway at the National Drug Agency (“NDA”) to strengthen women’s rehabilitation centre in the island of Himmafushi, and establish a centre specialised for children. Plans are underway to establish 7 drug rehabilitation centres across the Maldives. This expansion of rehabilitation services is reflected in the Government’s SAP and NRR as well. The Half-way House in Hulhumale’ is being upgraded and a Drug Offender Remand Center was established and operationalised in 2021. Establishment of the offender remand centre will be particularly helpful in allowing the victims to undergo proper rehabilitation in lieu of incarceration.

170. Priority is also given to implementing the National Drug Control Council’s (“NDCC”) 12-step action plan (2020) specifying actions for stakeholders on drug demand and supply reduction. NDA is in the process of reviewing services previously used to counter substance use problems in the Maldives. The review process will better align services to the plan of action endorsed by the NDCC. This evidence-based plan of action focuses more on providing

substance use prevention, treatment and rehabilitation services developed using well-documented peer-reviewed research, international consultancies, and most recent data and statistics of the Maldives.

171. In February 2019, with the assistance of UNICEF, an operational guideline for substance abuse treatment and rehabilitation services for adolescents was developed. This guideline details the effective prevention strategies and effective drug abuse treatment and rehabilitation of adolescents. The guideline highlights the principles of treatment, fostering tailor made treatment to the unique needs of children with the focus on catering to the co-occurring mental disorders, needs of individual, family and community.

172. Additionally, with the emphasis on development of capacity among counsellors to conduct child focus treatment interventions for substance use, provided with the help of the Colombo Plan, two counsellors completed 3 courses (out of 6 courses) on Training of Trainers on the Child Intervention for Living Drug-Free Curriculum. The 3 courses completed has helped in understanding interventions for children with substance use disorder, enhancing their knowledge and practical application of treatment intervention, such as a motivational interview for children with substance use disorder.

173. Particularly, for young people falling victim to substance abuse and experiencing homelessness, NDA's services will encompass the clients' basic needs – food, shelter and hygiene and dignity kits. Government is confident that the existing physical infrastructure and the wide spread widespread system/network of care within the country are opportunities for this approach to be successful and sustainable.

174. Currently, four children are undergoing rehabilitation and five children are awaiting the commencement of their rehabilitation programme at NDA. NDA classifies children falling prey to drug addiction as low, medium and high risk, and programmes are tailored accordingly. Low-risk addiction is required to undergo a community-based treatment while medium risk addicts are enrolled in a 21-day programme including detoxification and community-based reintegration. Children classified as high-risk addicts undergo a residential treatment under the guidance of trained staff at NDA.

175. In addition to the above, further prevention programmes are implemented through relevant stakeholders including NDA, MOE, community-based organizations and NGOs working with some key populations to execute targeted interventions for high-risk communities. The MOH is undertaking trainings for health professionals to implement behaviour change interventions in areas with populations at more risk of being subjected to substance abuse. Peer outreach workers have also been trained to conduct community programmes targeted at vulnerable populations.

VIII. Education, leisure, and cultural activities (arts. 28, 29, 30 and 31)

Education, including vocational training and guidance

176. On 10 November 2020, the Education Act was enacted, with the purpose of establishing an education system that guarantees the right of education to all, and formulate the guidelines pertaining to the provision of the right as well as prescribe the responsibilities of the state, parents and children. In addition to the Constitution and the CRPA, the Education Act also ensures the right to education from the age of four years until the age of 18 years, in an environment that is safe from corporal punishment, bullying, harassment and violence. The Act mandates the State to provide free pre-school, primary and secondary education, to all children in the Maldives. Law No: 1/2012 (Pre-School Act) has been repealed with the enactment of the Education Act. Hence all regulations pertaining to pre-school will be published under the Education Act and preschool education is now part of the general education cycle.

177. The right to education is guaranteed for all children in the Maldives. This right is enshrined in the Constitution and further reinforced in Section 21 of the CRPA. CRPA

mandates the State and parents to ensure that children receive primary and secondary education without discrimination. The Act further creates a general responsibility for parents to provide nurture and to educate the child. Education Act ensures that all children, including children with disabilities, enjoy their right to education in equality with others.

178. Prior to the commencement of the Act, MOE practiced an Inclusive Education Policy since 2013, to ensure that children with disabilities had access to education without discrimination in mainstream schools. In 2018, the unit established for the implementation of this policy was upgraded into a department. The policy aimed at ensuring the equal provision of the right to education to children categorized as those children requiring an Individual Education Plan (“IEP”). 212 Government schools enrolled 3215 children requiring the IEP in 2018.

179. An assessment policy was put in place to allow curricular adaptations and arrangements were made to enhance physical access to the classes. While physical access to school buildings remains a pressing challenge, in 2019, a school was opened in the capital region with ramps that allowed children with special needs access to the whole school building. There is however, a critical need to meet the human resource need for trained teachers in the field. As a part of the Government’s 100-day pledges in 2018, an assessment was conducted to evaluate the resource requirement to strengthen special needs education in Maldivian schools.

180. As part of the new policy initiatives under the NRR, hub schools that would have all the necessary infrastructure and curriculum provision in place, are to be built in three regions across the country. The first school would be built as early as 2022, and these schools would function as regional hubs with infrastructure, human resources and curriculum provision to deliver a quality inclusive education programme.

181. The Maldives has long achieved gender parity in access to education. Children’s school enrolment data from 2018 indicates a gender disparity in favour of males while there are higher number of females enrolled in the upper secondary and higher education. This is the result of the successful implementation of policies by the Government to capture school dropouts and remedy the circumstances causing children to leave school. In 2014, “*Dhasvaaru*” and ‘B-tech’ programmes were introduced as an internship scheme and a vocation stream respectively. “*Vinavi*”, an alumni support programme was introduced in 2016 to ensure meaningful engagement with vulnerable or at-risk children. The Attendance Policy introduced in 2016 is still in enforcement bringing together families and schools to create a supportive culture to deliver interventions.

182. To this end, Maldives Education Management Information System (“MEMIS”), remain up to date with the registration records maintained at the Department of National Registration (“DNR”). Schools across the nation continue to collect data on out of school children and conduct risk assessments to enable early interventions. The Child Protection Policy introduced in 2017, established referral procedures for cases where the child was subjected to danger. The Policy allows for schools to extend support and regular monitoring to children to ensure their wellbeing. Concerning out of school children, the percentage of out of school males are slightly higher than that of females. Conducting a study on assessing the reasons for school dropouts, especially girls, is identified in the SAP of the Government.

Aims of education

183. In order to ensure that the curriculum was more suited for teaching 21st century skills and values, all teaching and learning materials of Key Stage One have been revised. The rest of the teaching/learning materials of the other key stages are in the process of being revised. The newly enacted Education Act prescribes the basic principles of the children’s education system that should be upheld. The Act stipulates that the education system should emphasize among other things, mutual respect and peace, promote respect for human rights, promote mutual respect and acceptance of differences in peace. The teaching/learning materials will be revised with these overarching aims in mind.

Rest, leisure, recreation, and cultural and artistic activities

184. Right to leisure, recreational and cultural activities are reinforced in Section 23 of the CRPA. The CRPA mandates the State and parents to respect and encourage the rights of a child to participate in creative and cultural activities and take adequate measures to provide equal opportunities for children to participate in creative, cultural and recreational activities. The Education Act further stresses the significance of promoting cultural independence, traditions and customs of the country.

IX. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38, 39 and 40)

Economic exploitation, including child labour

185. With regard to the Committee’s recommendation on economic exploitation of children, Maldives notes that Section 26 of the newly enacted CRPA states that every child has the right to be protected from any work that may hinder the child’s education, detriment the health, physical, psychological or spiritual or social development of the child. The section further stipulates that engaging any child below the age of 16 years in work is prohibited except in connection with trainings associated with education. Where the child is partaking in the family’s business, the child’s consent should be sought, and such an engagement will only be permissible where the work does not negatively impact the education, health, physical, psychological or spiritual or social development of the child.

186. The General Regulation on Child Rights Protection published on the Government Gazette on 24 August 2020, further details out the type of activities and the monitoring duties of the Labour Relations Authority (“LRA”). In that regard, Section 10 of the Regulation details out the type of work where involvement or engagement of children is absolutely prohibited.

187. Since 2017, LRA has conducted a total of 975 inspections, during which 7 issues of child labour were identified. All these were cases whereby the employers had not kept proper documentation of children under the age of 18 in employment in connection with educations or training. Unavailability of labour inspection trainings particularly related to child labour locally has been a prevalent obstacle for LRA. Resource constraints that impacted trainings and inspections were further exacerbated by the imposition of travel restrictions in 2020 and 2021 due to the COVID-19 pandemic.

Administration of juvenile justice

188. Section 74-1 of the newly enacted JJA prohibits the imposition of death penalty for crimes committed before the age of 18. This section also prohibits death penalty of offenders for murders committed while they were minors. The Act entails and establishes a completely overhauled system for children in conflict with the law, where they are afforded enhanced rights and protections and makes provision to prioritise rehabilitation for children in conflict with the law. The law also addresses children at risk of offending. CRPA and the JJA raise the age of criminal responsibility to 15 years.

189. As addressed in this report, the JJA prescribes distinct rules to be adhered when a child is accused of having committed a *hudood* offence. The Act stipulates mandatory safeguards for prosecution and the court to impose prior to prosecution and conviction of a child accused of committing a *hudood* offence. The Act also emphasizes that the adjudication must proceed with the utmost respect to the dignity and emotions of the child. Particularly in cases of unlawful sexual intercourse, the Act expressly states that the courts shall not compel the child to speak repeatedly of the events of the offence and that the child shall not be questioned or spoken to in a manner that might shame or intimidate the child.

190. In relation to flogging, Government notes that flogging cannot be abolished without preceding domestic legislation from the People’s Majlis, or wider public consultation on the

issue. The move towards a new position must be constitutional and must reflect the wishes of the Maldivian people. Nevertheless, where a child is accused of an offence that may warrant flogging or any other *hudood* punishment, authorities will be obliged to ensure that the safeguards stipulated in Chapter 16 of the JJA are satisfied.

191. Section 30 of the JJA ensures that detention is used as a last resort and for the shortest time possible. Chapter 8 of this Act further encompasses comprehensive diversion plans to children in conflict with the law with an aim to reintegrate them into the society. Section 35 of this Act directs to give foremost priority to Diversion Plans instead of pressing charges against children in conflict with the law, in all stages of juvenile justice. In addition, this Act mandates to have specialized officers to address children in conflict with the law and the use of specialized State Prosecutors for children and a particular unit of probation and correctional officers. The Maldives Correctional Service (“MCS”) has since developed a plan to monitor cases and develop progress reports that will be submitted to relevant authorities that decide on alternative options for those incarcerated or obligated to complete certain programmes.

192. The MCS ensures that all juveniles are housed separately from adult inmates and are separated during escorts and when required medical assistance. The Maldives has recently undertaken a project to translate the Nelson Mandela Rules United Nations Standard Minimum Rules for the Treatment of Prisoners into the local language. It is a primary aim of the Government, to train and sensitize officers to the Nelson Mandela Rules, and ensure that by the end of 2021, all detention facilities are operated by Nelson Mandela Rules certified officers.

193. A Training of Trainers programme module for the officers developed by DJJ and UNODC has been completed. Likewise, educational programme modules and deliverance procedures for children in conflict with the law have been developed by MOE. While the health service legislation and regulation mandate universal access to healthcare, detention facilities are equipped to provide basic health services. Facilities have also been established to provide counselling services, exercise and leisure activities for the children in detention. Progress is underway to develop modern and child friendly infrastructure to house children detained as a last resort measure. The government acknowledges persisting challenges in infrastructure and trained human capital. To that end, Maldives continues to effectively engage with multilateral partners to realise full implementation of the JJA and enhance service provision within the juvenile justice system.

194. As the JJA mandates specialized judges to hear cases concerning children in conflict with the law, with the commencement of the Act, specific trainings were conducted for judges to sensitise them on recognized international standards when dealing with children, and to equip them with the necessary skills required to adjudicate cases concerning vulnerable children.

Follow-up to the Committee’s previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

195. Child prostitution and child pornography are criminalised in the Special Provisions Act on Child Sex Offenders. The Anti-Human Trafficking Act was amended on 28 April 2021, to introduce Section 14 which states that transferring, moving a child cross border or internally, harbouring such a child or engaging such a child in labour with the intent of exploitation would constitute child trafficking. Exploitation is defined to include among other things, forced marriages and forced sexual activities. Trafficked children are provided special protection under the Anti-Human Trafficking Act, and victims of sexual abuse will not be charged under the law.

Follow-up to the Committee’s previous concluding observations and recommendations on the Optional Protocol on the involvement of children in armed conflict

196. The government of Maldives acknowledges the emerging issue of violent extremism and radicalization. This is an issue of national concern, and a number of significant steps are being implemented to prevent its spread in Maldivian communities. Utmost priority is given to ensure enhanced awareness in the community through open dialogue on the moderate practices of Islam and achieve a whole of society approach to defeat violent extremism. The NCTC has devised a National Plan on countering violent extremism and terrorism, which identifies a plethora of activities to be implemented across all the sectors. The President in 2019, established sub-committee of the National Security Council to coordinate counter-terrorism efforts amongst lead stakeholders.

X. Ratification of the Optional Protocol on a communications procedure

197. On 27 September 2019, Maldives ratified the CRC Optional Protocol on a communications procedure.

XI. Ratification of international human rights instruments

198. With regard to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, currently acceding to the Convention presents a challenge to the Maldives, in terms of the resources available. However, the Government is confident that the Maldivian legal framework affords adequate protection, and ensures the provision of fundamental rights and basic necessities to all migrant workers within our jurisdiction.

199. Concerning other core human rights treaties, Maldives is not in a position to ratify the Second Optional Protocol to the ICCPR because the abolition of the death penalty will require wider consensus and a legislation from the Parliament seeking to amend the Constitution.

200. On 23 December 2020, Maldives has acceded to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. In relation to the International Convention for the Protection of All Persons from Enforced Disappearance, Maldives is in the final stages of ratification. Parliament approval for the ratification has been sought, and domestic legislation is being drafted to incorporate the Convention safeguards in Maldivian law. Work is also underway to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

Conclusion

201. The Government of Maldives is pleased to note the remarkable progress made in the protection of child rights during this reporting period. Enactment of the CRPA and the JJA are results of almost a decade’s deliberations. The enactment of these legislation and formulation of additional regulations and guidelines as mandated under the Act, have further bolstered the rights of children in the Maldives.

202. It is an undeniable fact that the entire social protection system of Maldives is faced with a critical deficiency of resources. These deficiencies impact the quality of implementation of the laws. The child rights protection system requires trained human capital, more infrastructural resources, enhancement in the technical know-how and sustained policies and plans. The Government to this end has embarked on a plan to identify the human resource needs within the child rights protection system, and to devise a mechanism in partnership with local education institutions to train and develop human capital. The increment in the State budget allocation is another step evident of the Government’s intention to further social protection in the Maldives.

203. The Government of Maldives assures the Committee, of the unwavering commitment to maintain and enhance the efforts in ensuring the protection and promotion of child rights in the Maldives.
