



**Convention on the
Rights of the Child**

Distr.
GENERAL

CRC/C/SR.1391
30 January 2009

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session

SUMMARY RECORD (PARTIAL)* OF THE 1391st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 26 January 2009, at 3 p.m.

Chairperson: Ms. ORTIZ (Vice-Chairperson)

CONTENTS

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Maldives under the Optional Protocol on the sale of children, child prostitution and child pornography (continued)

Initial report of the Maldives under the Optional Protocol on the involvement of children in armed conflict (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of the Maldives under the Optional Protocol on the sale of children, child prostitution and child pornography (continued) (CRC/C/OPSC/MDV/1, CRC/C/OPSC/MDV/Q/1 and Add.1)

Initial report of the Maldives under the Optional Protocol on the involvement of children in armed conflict (continued) (CRC/C/OPAC/MDV/1, CRC/C/OPAC/MDV/Q/1 and Add.1)

1. At the invitation of the Chairperson, the members of the delegation of the Maldives resumed their places at the Committee table.
2. The CHAIRPERSON invited the delegation of the Maldives to respond to the questions posed at the previous meeting on the report submitted under the Optional Protocol on the sale of children, child prostitution and child pornography.
3. Ms. JAMEEL (Maldives) said that the work done for the rehabilitation of children had in the past been very general in nature, and had focused more on victims of abuse and other forms of sexual exploitation than on the victims of trafficking and child prostitution. However, any child who was subjected to trafficking or prostitution and was referred to the Ministry of Health and Family would be offered psychological counselling, family reintegration assistance and medical and educational assistance. The role of the police in rehabilitation was generally limited to cooperating with social workers during the investigation of cases, removing children from situations of danger and placing them in a safe environment. The police provided protection for both victims and the social workers who addressed victims' needs. The police also made available logistic support for those working with such children.
4. Responding to a question by Ms. Aidoo, she said that while there were no programmes designed to raise awareness specifically of the Optional Protocols, training programmes for stakeholders, including parent groups and non-governmental organizations (NGOs), did address the Convention on the Rights of the Child, and referred to the existence and purposes of both Optional Protocols. The mandate for the monitoring of international adoption and the supervision of foster care had been given to the Department of Child and Family Protection. However, regulations and institutional procedures were lacking; there was currently too much reliance on the institutional memory of staff in conducting such activities.
5. Mr. MOHAMED (Maldives) said that the Government was in the final stages of accession to the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization (ILO), and that the Maldives was currently increasing its participation in ILO activities.
6. Ms. JAMEEL (Maldives) said that the Government was in the process of establishing a special drug enforcement unit, and planned to increase the amount of resources devoted to drug rehabilitation services, with a separate unit for children. There was a lack of professional staff to deal with the many aspects of the drug problem, including rehabilitation, social work, law enforcement and the judiciary, owing inter alia to the delay required for proper training, the brain drain and the relatively low attractiveness of many of the posts in those fields.

7. The CHAIRPERSON asked whether it would be useful for the Committee to recommend the training of more social workers.
8. Ms. JAMEEL (Maldives) said that while there were sufficient numbers of social workers, the enormity of the issues faced, coupled with the logistical challenges of covering the archipelago and the competing priorities and demands faced by staff both professionally and personally, had made it difficult to meet requirements consistently. The new Government had agreed to a request to increase funding for the training of social workers. It would be useful for the country to receive technical assistance in the field of awareness-raising and information on the Optional Protocols so that it could properly integrate such activities into existing efforts to make the Convention known.
9. The CHAIRPERSON asked whether the National Council for the Protection of the Rights of the Child was still functioning.
10. Ms. JAMEEL (Maldives) said that the National Council for the Protection of the Rights of the Child was a policy group, which had in the past informed the relevant government ministries on specific child protection matters, and played an advisory role. The Council also played a role in the implementation of international treaties to which the Maldives had acceded. It had been duly informed of the Committee's concluding observations following consideration of the Maldives' previous periodic report, and had recommended the adoption of an action plan to implement the Committee's recommendations. The new Government had not yet engaged in a dialogue with the National Council, but would soon do so.
11. Ms. VUCKOVIC-SAHOVIC asked whether the members of the delegation that had appeared before the Committee during consideration of the country's previous periodic reports on the implementation of the Convention were still in government service.
12. Ms. LEE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) asked whether the National Council helped to draw up government policy related to children, how it coordinated its work with the government ministries concerned, and whether the composition of the National Council was likely to change.
13. The CHAIRPERSON asked if the new Government had adopted any programmes to combat corruption and impunity.
14. Ms. JAMEEL (Maldives) said that the composition of the National Council was likely to change. Specifically, it would be desirable for representatives of the Judicial Service Commission and the Attorney General's Office to be included. The National Council also included the relevant government ministries, such as the Ministries of Education, Planning and National Development, and Health and Family, as well as representatives of the family courts and the children's courts. While its composition was likely to change, its mandate would probably remain largely the same. The delegation that had presented the Maldives' previous periodic report under the Convention had been political in nature, whereas the delegation currently before the Committee was more technical. With the change of government, all the people who had presented the previous report had left their jobs in public service, but many kept

very close relations with government staff. For example, the former head of delegation had stated her intention to set up an NGO to work for children's rights. She maintained contact with her former colleagues, and played an unofficial advisory role.

15. Ms. AIDOO noting that Ms. Jameel held a post of permanent secretary and was thus quite high-placed in the hierarchy of the Ministry of Health and Family, said that the body working for children's rights should ideally have a strategic position of importance, and should therefore be set up as a separate institution. Failing that, the staff of the Ministry should take whatever substantive measures were necessary to ensure that children's rights were given due consideration.

16. Ms. JAMEEL (Maldives) said that she did indeed hold a post of responsibility in the Ministry of Health and Family, and that she had played a major part in deciding on the composition of the delegation. Before leaving the Maldives, she had informed the President that the delegation would be frank in its approach and would acknowledge negative aspects of the situation. She had told the Vice-President that the Committee's concluding observations should be discussed in cabinet, and its recommendations officially distributed to all government ministries. The Vice-President, who had worked in the United Nations system, should be well aware of the importance given to the rights of women and children at the international level. She believed he should not have supported the elimination of the Ministry of Gender, and she had underscored the importance of having a separate structure for gender and children's issues. Women and children after all constituted two-thirds of the population.

17. The delegation had made arrangements to ensure that the discussion of the country's reports submitted under the Optional Protocols would be covered in the evening news. There was an anti-corruption board that functioned effectively, and the Auditor-General, who under the Constitution worked independently, carried out investigations to combat corruption in the country.

18. The CHAIRPERSON invited the delegation to turn to the questions posed at the morning meeting concerning the Optional Protocol on the involvement of children in armed conflict.

19. Ms. JAMEEL (Maldives) said that there was a feeling in the Maldives that the Optional Protocol on the involvement of children in armed conflict was of little relevance to the country. The Maldives had never experienced any kind of armed conflict. However, the question had been raised as to whether the remit of the Optional Protocol should cover street violence, and politically motivated acts in particular. The Committee could perhaps provide some guidance on that question.

20. Only a few NGOs had consistently worked with the Government in the field of children's rights. Sometimes the Government provided funding and requested that NGOs implement specific programmes that had been agreed upon beforehand. While the NGOs had the power and legitimacy to serve as civil society organizations, they often lacked operational capacity, and had to turn to government agencies for technical support.

21. Mr. MANNAN YOOSUF (Maldives) said that there was very little likelihood that arms would fall into the hands of children, as firearms were strictly controlled in the Maldives. Legally, no one was allowed to carry a firearm without authorization, and only the armed forces

and the police had such authorization. The law on child protection had been amended in 2002, outlawing service in the military by children. As soon as the law had entered into force, the contracts of the 14 children who had then been serving in the military had been terminated; they had subsequently been given the opportunity once they reached the age of 18 to rejoin their units without having to be interviewed. The army and police regulations clearly prohibited the recruitment for any purpose of minors by those forces. The Maldives Defence Institute for Training and Education had three schools, and provided programmes at three levels: basic training, advanced military training and a programme for officers and non-commissioned officers. While the Optional Protocol itself was not specifically covered in the curriculum used for basic training, there were study units on international humanitarian law and military law.

22. Ms. JAMEEL (Maldives) said that under the Human Rights Commission Act, the National Human Rights Commission had jurisdiction over the armed forces. The military services were obliged to provide any information that the Commission requested.

23. Ms. VUCKOVIC-SAHOVIC said that the International Committee of the Red Cross had published an excellent analysis of the definition of armed groups. That study could be of use to the Government when it made decisions about the applicability of the Optional Protocol.

24. Ms. RAAFIU (Maldives) said that although there was no mechanism in place to deal with children involved in gangs or armed conflict, during the political turbulence in 2008 there had been some involvement by children, and a hotline had been established to receive calls from parents and children. Persons recruited for employment or service in the military had to produce proof that they were of age; that was done by presenting not only their birth certificate, but also an identity card, without which they would not be recruited.

25. Mr. ASHRAF (Maldives) said that, while it was not impossible for children involved in armed conflict to enter the Maldives, the country had only one international airport and there had to date been no such cases of entry, even by boat.

26. Mr. PARFITT asked whether, if asylum-seeking or refugee children did arrive in the Maldives, any services were in place for their rehabilitation and whether they would be treated in the same way as other children needing protection, in accordance with the Optional Protocol.

27. Ms. AIDOO said that, although the country was peaceful, it was not far from areas of conflict, and she asked how children in the Maldives were protected and prepared in that regard. Furthermore, gang violence, related to drugs or to religious groups, was increasing. Were children taught about human rights, peace and non-violence in school and outside, in order to maintain the peace and stability the country enjoyed, while also making children aware of the situation in other countries?

28. Ms. LEE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the Committee had highlighted the problems associated with birth registration in its concluding observations of 2007 and she would like to know whether that issue had an impact on the implementation of the Optional Protocols.

29. Mr. ASHRAF (Maldives) said that, although the Maldives had not signed any treaties on asylum, in the unlikely event that asylum-seeking children arrived in the country, legislation had been passed in 2007 allowing immigration authorities to give them passage.

30. The CHAIRPERSON asked how officials would know whether to allow in children in need so that they could be protected, given that the Optional Protocol had not been disseminated. She asked what was being done to disseminate the Optional Protocol and how officials were being prepared for such an event.

31. Ms. JAMEEL (Maldives) said that, while officials were not specifically prepared, it was likely that they would contact the Department of Child and Family Protection, which was well known in the Maldives as a place to obtain information and services. The country would extend any protection it was able to offer to children until they could be sent back to their families.

32. Mr. POLLAR (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether arms were produced in the Maldives for export or whether they passed through the country on the way to places where children might be involved in armed conflict.

33. Mr. MOHAMED (Maldives) said that, although the Maldives were located in a turbulent region, the country itself was peaceful. There had been only one case where armed mercenaries had come to the islands in 1988, but no children had been involved. Arms were not produced in the Maldives. It was possible that the country was used to smuggle drugs or even to traffic people, but there had been no cases involving arms. If the country were used for such a purpose, action would be taken in concert with the other countries involved to address the issue.

34. The CHAIRPERSON asked whether there was any legislation to punish the crimes proscribed by the Optional Protocol, for example, recruiting a minor into the armed forces. Was there specific legislation to punish the production or trafficking of arms?

35. Ms. JAMEEL (Maldives) said that under the legislation on contraband items the production, distribution, sale or possession of arms was an offence. The consequences of recruiting someone under 18 into the armed forces were not overtly stated in legislation. It was assumed that people would comply with the laws on recruitment. Minors from the age of 16 could be recruited to administrative posts in the civil service with parental consent. Few children continued their education after the age of 16 and domestic legislation allowed them to seek employment from that age, while clearly specifying areas in which children could not be employed, such as the armed forces or the police, or jobs involving shift-work or could be hazardous to their health or well-being. Employment under the age of 16 was prohibited and it was up to the judge in the case to decide on appropriate punishment. Defiance of any legislation was punishable under domestic law.

36. The CHAIRPERSON asked for further details about military schools, including who controlled them, their relationship with the Ministry of Education, the type of education they provided, from what age students could attend and whether peace education or the Optional Protocols were covered in the curriculum.

37. Ms. JAMEEL (Maldives) said that peace education was not yet taught in schools. Discussions were under way as to whether civic education should be taught; however some feared that it would overburden the curriculum.
38. Mr. YOOSUF (Maldives) said that the curriculum of the military schools and the budget for military training were set by the Ministry of Defence and National Security. Only recruits of the national defence forces, who had to be at least 18 years old before signing up, could attend the military schools.
39. Mr. CITARELLA said that the Optional Protocol had not been widely disseminated in the Maldives and asked whether it was known in the Ministry of Defence and National Security and in the military schools.
40. Mr. POLLAR (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) asked whether a foreigner residing in the Maldives, who had committed a crime under the Convention outside the Maldives, such as trying to recruit children into an armed group, could be prosecuted under Maldivian law.
41. Mr. KOTRANE, noting that the Maldives were not party to the Rome Statute of the International Criminal Court, asked whether war criminals who had committed an offence against a child under 15 years old could be prosecuted in the country.
42. Mr. FILALI requested confirmation that there were no cadet schools in the Maldives and asked for information about the country's extradition practices; for example, did they extradite nationals for crimes committed under the Optional Protocol?
43. Mr. MOHAMED (Maldives) said that the Maldives had extradition agreements with Pakistan and Sri Lanka. There had been no cases of any other country requesting the extradition of a Maldivian national. As Maldivian legislation was at an early stage, any such request would be dealt with on a case-by-case basis.
44. The CHAIRPERSON asked whether there were women in the military and whether the country was prepared to receive children who were the victims of armed conflicts or who had been involved in armed groups, if they did arrive.
45. Mr. FILALI asked whether recruits could sign up before their 18th birthday and undergo some of the preliminary formalities, such as a medical examination. If so, and they failed to go through those registration procedures, would they be subject to military or civil law?
46. Ms. JAMEEL (Maldives) said that such a situation could not occur because recruits had to be 18 years old in order to sign up. Women did serve in the military. With regard to providing assistance, under domestic legislation visas could be issued for humanitarian purposes at the discretion of the immigration authorities. With that visa, individuals could be granted legal entry to the country and could then be provided with assistance. The rights of any child within Maldivian jurisdiction would be respected until that child could be transported back to his or her country of origin. That situation had never occurred, but, hypothetically, that was how it would be dealt with.

47. Mr. MOHAMED (Maldives) said that the Maldives were not easily accessible. There had been cases of adults being abandoned at sea and they had been treated as humanely as possible before being repatriated, but none of the cases had involved children. It was difficult to apply the situations suggested by the Committee to the Maldives because such situations simply did not arise.

48. The CHAIRPERSON said that the Optional Protocols were born of the need to increase the protection measures contained in the Convention. It was good that the Maldives did not encounter the problems under discussion, but as a party to the Optional Protocol the country should be prepared for them. She requested information on how the report had been drafted, as not many countries ever utilized the reporting procedure to raise the awareness of the authorities responsible for implementing the Optional Protocols. Had the reporting process been participatory and had the State party encountered any specific difficulties?

49. Ms. JAMEEL (Maldives) said that various stakeholders had been involved in compiling the report. Difficulties had been encountered in the consultation process: some bodies had submitted their answers late, and others not at all. It had been a collaborative process to the extent possible, and although it had not been easy, it had been useful.

50. Ms. LEE (Country Rapporteur for the Optional Protocol on the sale of children, child prostitution and child pornography) said that the discussion with the delegation had been candid, frank and, hopefully, thought-provoking. She wished the Government well for the changes it was making and was convinced that it was aware of the Committee's concerns. The head of the delegation, in particular, seemed committed to achieving results. There were two major constraints on the Government: limited financial resources and the geography of the Maldives. She recommended that a more holistic approach based on children's rights should be adopted with regard to the implementation and evaluation of programmes relating to the Optional Protocol on the sale of children, child prostitution and child pornography. She urged the Maldives to ratify other relevant international treaties and to establish a focal point in the Government with responsibility for the Optional Protocol.

51. She also recommended that a comprehensive national plan of action should be established in addition to the existing sectoral plans. An independent monitoring body should be set up with adequate financial and human resources to monitor the Government's plans and policies. The crimes proscribed by the Optional Protocol should be covered explicitly in domestic legislation. Civil society needed to be empowered because it could provide continuity on an issue, even when there were changes of government. It was important to increase awareness of the Optional Protocol and, in addition to the news conference on the meeting, she hoped to see the Committee's concluding observations widely disseminated. She sent her best wishes to the children of the Maldives.

52. Mr. POLLAR (Country Rapporteur for the Optional Protocol on the involvement of children in armed conflict) thanked the delegation for the frank dialogue that had taken place. Rather than waiting for a conflict to erupt before taking action with regard to the Optional Protocol on the involvement of children in armed conflict, it would be better if provisions were

already in place. Given the peaceful situation in the Maldives, the Committee encouraged the country to continue as it had been doing, to carry out a periodic evaluation to confirm that it was still on the right track, to ensure that its legislation was in order and to disseminate the Optional Protocol. He sent his greetings to the children of the Maldives.

53. Ms. JAMEEL (Maldives) said that the questions raised had given the delegation food for thought, even though it had not been able to answer them all. The discussion had shed light on the types of questions to raise with the military and the importance of accelerating the legal reforms that were under way. The Maldives would be signing a workplan with various United Nations agencies. She thanked the members of the Committee for the interactive discussion and for conveying their good wishes to the children of the Maldives.

54. The CHAIRPERSON said that it was important to prepare legislation on the Convention and the Optional Protocols as soon as possible. Children and adolescents were most vulnerable to the crimes proscribed by the Optional Protocols. However, they should not be seen merely as victims. Recalling article 12 of the Convention, she highlighted that the participation of children was important in overcoming the problems they faced and that they should be seen as an integral part of the country that the Government was trying to build.

55. The delegation of the Maldives withdrew.

The public part of the meeting rose at 4.30 p.m.