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## Convention on the Rights of the Child

COMMITTEE ON THE RIGHTS OF THE CHILD Fiftieth session 12-30 January 2009

**WRITTEN REPLIES BY THE GOVERNMENT OF THE MALDIVES CONCERNING THE LIST OF ISSUES ( CRC/C/OPAC/MDV/Q/1 ) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE MALDIVES UNDER ARTICLE 8, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE INVOLVEMENT OF CHILDREN IN ARMED CONFLICT (CRC/C/OPAC/MDV/1) \***

[Replies received on 5 January 2009]

**List of issues regarding the implementation of the**

**Optional Protocol on the involvement of children in armed conflict**

**Please provide information regarding the penalties which can be applied upon breach of the provisions in section 12 of the Rules pertaining to the Maldivian Public Services in relation to child recruitment.**

**Please provide information whether the State party can assume extraterritorial jurisdiction over the war crime of conscripting or enlisting children under the age of 15 into the armed forces or using them to participate actively in hostilities.**

Criminalization of child recruitment by any group is required by the Optional Protocol and is essential if the State is to require extra-territorial jurisdiction over the recruitment of children. States parties are required to establish national and a certain level of extra-territorial jurisdiction allowing for the prosecution of crimes under the OPAC, even if committed outside their territory.

According to Law No. 9/91 (law on the protection of the rights of children) children above the age of 16 were considered as adults. Subsequently, amendments were made to the above-mentioned law, stating that the age for the end of adolescence should be considered to be 18 years of age. Therefore those who were recruited to the military before Law No. 9/91 was amended and who were under the age of 18 then were given notice that they were removed from their job from the date that the amendments came into existence; they were given the chance to join the service again when they reach the age of 18.

In this regard, 14 employees who were under the age of 18 were given notice. All of them were male.

In brief, the Maldives National Defence Force (MNDF) never recruited anyone beyond the age of 18 from the date of amendment of the Law No. 9/91. MNDF never violated Law No. 9/91. Maldives has no armed groups. The only armed personnel authorized in Maldives are the MNDF and the police.

**Please provide disaggregated data (including by sex, age and country of origin) covering the years 2005, 2006 and 2007 on the number of unaccompanied asylum-seekers and migrant children coming to the Maldives from areas affected by armed conflict. Furthermore, please provide information on the procedures available to identify children who have been involved in armed conflict, in order to provide them with physical and psychological measures.**

The Ministry of Foreign Affairs is unable to provide disaggregated data on the number of unaccompanied asylum-seekers and migrant children coming to the Maldives from areas affected by armed conflict. It is also unable to provide information on the procedures available to identify children who have been involved in armed conflict, in order to provide them with physical and psychological support measures.

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