



Convention on the Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fiftieth session 12 – 30 January 2009

WRITTEN REPLIES BY THE GOVERNMENT OF THE MALDIVES TO THE LIST OF ISSUES (CRC/C/OPSC/MDV/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF MALDIVES SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/MDV/1)

[Replies received on 5 January 2009]

List of issues regarding implementation of the Optional Protocol on the sale of children, child prostitution and child pornography

Please provide disaggregated data (including by sex, age, urban/rural area) for years 2005, 2006 and 2007 on:

(a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators;

(b) The number of child victims provided with recovery assistance and compensation as defined in article 9.3 and 9.4 of the Optional Protocol.

Children abused in 2005

	Male	Female
Jan - Apr	11	29
May - Aug	5	13
Sep - Dec	21	26
Total	37	68

2006	Sept –Dec 2006			Male	Female
	Male	Female			
Jan - Apr	16	34	Emotional Abuse	1	0
May - Aug	20	46	Physical Abuse	2	3
Total	36	80	Sexual Abuse	2	15
Neglect	10	8			

Jan – Apr 2007

	Male	Female
Emotional Abuse	1	0
Physical Abuse	7	5
Sexual Abuse	5	25
Neglect	15	9
Total	28	39

Jan – Aug 2007

(National)

	Male	Female
Emotional Abuse	11	2

Physical Abuse	9	7
Sexual Abuse	6	37
Total	26	46

Sep – Dec 2007

(CFPS)

	Male	Female
Sexual Abuse	1	23
Physical Abuse	10	5
Neglect	10	2
Total	21	30

Cases reported to Ministry of Health and Family are classified as Child abuse cases and not specifically child prostitution, child pornography or sale of children.

Please update the Committee on measures taken to establish an effective system of data collection on violation of provisions of the protocol through a unified child abuse database

Concept paper on the database has been developed, SSR Identified, project management team established. Stakeholders agreed that this project will be initiated with the establishment of the database for Family and Child Protection Unit (FCPU)/Maldives Police Services which is expected to be completed by the first quarter of 2009, and then the project will be expanded to Ministry of Health and Family, Department of Justice and Department of Penitentiary and Rehabilitation Services.

Please inform the Committee whether the National Plan of Action for the Well-being of the Maldivian Child 2001-2010 (CRC/MDV/CO/3, paras. 14-15) takes into account the Optional Protocol and which measures have been undertaken in this regard. Furthermore, the State party report, paragraph 5, indicates the intention of developing a specific action plan in relation to areas covered by the Optional Protocol. Please inform the Committee of progress made in this regard.

Please provide further details regarding the role played by the Human Rights Commission of the Maldives in monitoring implementation of the provisions of the Optional Protocol and whether the Commission has the mandate to receive complaints from, or on behalf, of the children on violations of the Optional Protocol.

The Human Rights Commission of the Maldives conducts regular meetings with the Ministry of Health and Family which is the government- appointed focal point for - and the government body responsible for the implementation of - the Convention on the Rights of the Child and its two Optional Protocols. The purpose of these meetings is to review efforts by the Ministry of Health and Family to implement the CRC and its two Optional Protocols. These meetings are a way of encouraging and monitoring the successful implementation of the CRC and its two Optional Protocols.

Efforts are under way by the Commission to establish a monitoring mechanism which would require the Ministry of Health and Family to periodically report to the Commission on their efforts to implement the CRC and its two Optional Protocols.

The Commission also prepares parallel reports to the State reports to individual treaty bodies and in this way has prepared reports on two of the Optional Protocols of the Convention on the Rights of the Child as well. Information for these reports were obtained from meetings the Commission held with relevant governmental and non-governmental parties involved in the protection of the Rights of the Child such as the Ministry of Health and Family, Maldives Police Services, Ministry of Education and non-governmental organizations CARE society and Society for Health Education.

The Commission does have the mandate to receive complaints from, or on behalf of, children on violations of the Optional Protocol. According to article 21 (a) of the Human Rights Commission Act (Law 6/2006) the Human Rights Commission of the Maldives possesses the following power in undertaking its responsibilities: "When a person or an organization or a representative acting on their behalf files a complaint alleging infringement of human rights ... the Commission shall inquire into the matter".

While the Optional Protocol is not named specifically, article 21 of the Act sufficiently provides for such instances when a complaint is made regarding the violation of the Optional Protocol.

Please provide further information on initiatives taken by the State party to prevent child sex tourism. Has the State party taken any measures to disseminate the Code of Conduct developed by the World Tourism Organization on the protection of children from sexual exploitation in travel and tourism?

Development of tourism in the Maldives has been carried out in such a way that tourist resorts and hotels are located away from the local residential areas such as inhabited islands (one island-one resort).

The third Tourism Master Plan reflects the developments related to tourism in the Maldives, hence reviewing of laws and regulations

is in progress. Under this Master Plan, reviewing of laws and regulations in collaboration with relevant stakeholders will be carried out in 2009.

Please update the Committee on the process of amending Penal Code (State Party report, para. 25) in order to include the provisions of the Optional Protocol.

The drafted Penal Code bill is currently under review by the Penal Code Review Committee of the Peoples Majilis.

Please clarify whether under the current Penal Code allows for the criminalization of minors who have been the victims of child prostitution.

Although article 2 (a) of the regulation on juvenile crime review, investigation and just sentencing stipulates that those under the age of 18 years shall be considered children, Article 5 of the same stipulates that those between the ages of 10 and 15 years shall be made responsible for criminal action, which includes sexual intercourse (Zina).

Please inform the committee of the social reintegration assistance as well as physical and psychosocial recovery measures available for the victims of offences covered by the Optional Protocol and the State budget allocations earmarked for this purpose.

Please indicate whether special training, particularly legal and psychosocial, is provided to professionals who may come into contact with the child victims of the offences under the Optional Protocol.
