



Report on the

Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict

**Prepared by: Human Rights Commission of the Maldives
Maldives**

22nd September 2008

Table of Content

1.0 Summary of Introduction.....	3
2.0 Measures adopted by the State to implement the provisions of the Optional Protocol.....	4
A) Measures to ensure that armed forces members under 18 do not take part in direct hostilities (article 1), compulsory recruitment (article 2) and voluntary recruitment (article 3).....	4
B) Armed groups distinct from armed forces of the States (article 4).....	4
C) Implementation and enforcement of the Optional Protocol (article 6)...	6
• Activities to sensitise the public.....	6
• National Action Plan.....	6
• Legal measures for effective implementation.....	6
• Planning, Monitoring and Research Section.....	7
D) Measures for prevention, rehabilitation and social reintegration (article 7).....	7
3.0 Concluding Comments.....	8

1.0 Summary of Introduction

This report was prepared in line with the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, which was ratified by the Maldives on 29th December 2004. To prepare the report, HRCM consulted with the relevant stakeholders, including the government authorities and the NGO's that were consulted during the formulation of the state report. Furthermore, this report emphasizes on some of the Commission's concerns regarding certain matters referred in the state report as well as new issues which have surfaced since the submission of the state report in September 2007.

Maldives has traditionally been a very peaceful nation with little or no armed conflicts in its recent history. There are no reported organised armed groups in the Maldives; however recent years have shown an increase in recognized gangs, particularly within the capital island and an increase in street violence. **In Maldives, the extent of the children's involvement in armed conflict is within the restraints of gang violence, and therefore the concerns raised in this report concentrates on the involvement of children in violent conflicts relating to gang and street violence.** Although there has been no reported cases of use of firearms, other more localized forms of weapons such as knives, cutters, swords and metal rods have been used in street violence. The Commission finds it equally concerning the growth of extreme religious groups in the Maldives and the recruitment of children into these sects and the increasing use of drug among young children which is often related to gang violence.

Even though most of the concerns addressed in the optional protocol may not be applicable to the Maldives as yet, relevant legislations need to be in place in order to ensure that the rights of the child are protected from involvement in armed conflicts.

2.0 Measures adopted by the State to implement the provisions of the Optional Protocol

A) Measures to ensure that armed forces members under 18 do not take part in direct hostilities (article 1), compulsory recruitment (article 2) and voluntary recruitment (article 3)

Since ratifying the convention on the rights of the child, and in order to align national legislations with the Convention, the State raised the minimum age of recruitment to armed forces from 16 to 18 years of age in November 2002. Furthermore, in the same year, the state ceased compulsory recruitment into the armed force as well as prohibited the temporary recruitment of persons under 18 into the armed forces. Prior to 2002, voluntary recruitment was open to persons under the age of 18 with parental consent. However in raising the minimum age of recruitment to 18 years, this practice has now been abandoned.

Maldives National Defence Force further elaborates that in addition to the recruits being at least 18 years of age, they have to undergo several examinations in order to determine emotional maturity in managing the responsibilities of such an occupation.

B) Armed groups distinct from armed forces of the State (article 4)

As cited in the state report, there are no specific provisions in domestic law that prohibits the recruitment of minors in to armed groups. While there are no armed groups as defined in the optional protocol operating in the country as yet, there has been a tremendous increase in the use of weapons by minors in incidents of gang and religious violence in recent year as indicated in the statistics below. This commission believes it is important that legislature addressing the issue of minor involvement in armed group be developed. One notable such case occurred in October 2007, there was standoff between the National Defense force and religious extremist group in AA.Himandhoo island in which children were actively involved and the use of non-firearm weapons such as metal rods were used against the National Armed Force.

There is a need for research on the exact involvement of children in religious groups as well as gangs and drug-abuse related violent activities for better understanding of the current situation.

The Commission finds it important to conduct ground level research into the involvement of children in these groups as well as drug use.

	2002	2003	2004	2005	2006	2007	2008 – up to Aug
Use of sharp weapons	0	3	18	8	15	55	28
Use of other weapons	7	15	0	8	45	28	45
Violence without the use of weapons	69	55	25	29	58	77	23
Robbery involving children (no weapons used)	4	32	22	22	9	32	6
Robbery involving children (weapons used)	0	1	1	4	1	1	2

Cases reported to Maldives Police Service where children under 18 years involved in violence

The table above illustrates the number of cases of violence involving children reported to the Maldives Police Services since 2002. It shows that the use of sharp weapons in violent incidences has increased considerably since 2006. Furthermore it should be noted that reported cases up to August of this year exceed the total number of cases in 2006. Thus, there appears a need for greater understanding into the course of the increase in violence, in order to effectively rehabilitate the children involved in violent conflicts.

C) Implementation and enforcement of the Optional Protocol (article 6)

To implement and enforce the optional protocol, government has taken several measures under the following areas.

- **Activities to sensitize the public** – the Commission notes that the State is carrying out valuable activities such as special awareness building programmes through local media in order to sensitize the general public on child rights under the Convention on the Rights of the Child. These activities also focus on the changing political climate and emphasize discouragement of the use of children in political movements. However this Commission encourages that these activities to be made more specific, emphasising on the use of children in violent conflicts and for political gains. Furthermore these activities need to be conducted as ongoing series of programmes.
- **National Action Plan** – the state report states that the Seventh National Development Plan gives priority for the development of institutional framework and the establishment of a multidisciplinary protection system for children. However, little work has been done to effectively implement this project. The NGOs that were consulted in preparation of this report identified that this activity was crucial for the effective implementation of the Protocol, and further expressed their interest in contributing to the systems, particularly in cases where their expertise may be used by the State.
- **Legal measures for effective implementation-** This Commission acknowledges that the State has rules pertaining to use of children in national armed force and laws prohibit using children in any job which is incompatible with their age or which could have detrimental impact on their health or mental development. However, more effort is needed to incorporate laws that criminalise the recruitment of children into armed conflicts. Furthermore, the judicial system needs to be made a more child-friendly environment where the court systems are better equipped to deal with the special needs of child victims and trials of children who commit offences.

The chapter 2 section 35 (a) of the newly ratified Constitution states that children in any manner shall be free from unsuited social and economic exploitation and no person shall obtain undue benefit from their labour. The section include instances of sexual abuse or discrimination in any manner but, significantly, leaves out any mention of child involvement in political activities. This Commission believes that considering the high level of political activities within the country today, it is important to prevent the misuse of children in such activities and any violence that may emerge from such circumstances and the domestic legislature should reflect this need.

- **Planning, Monitoring and Research Section-** This Commission commends the important work being carried out by the State in upholding their commitment under the Conventions on the Rights of the Child and its Optional Protocol. In order for the institutions to carry out their obligations in a more effective and efficient manner, the capacity of the institutions need to be developed further.

D) Measures for prevention, rehabilitation and social reintegration (article 7)

During the consultation, all parties unanimously agreed that greater attention needs to be in place to socially reintegrate children caught in armed conflict situations. Thus far, there are limited mechanisms to reintegrate the victims. Discussions with the Maldives Police Services indicated that initial work has been conducted to set up the first rehabilitation center in the capital island, however they also reported the implementation of this project is behind its schedule. Furthermore, they also noted that introducing a rehabilitation centre just in the capital city would cause substantial difficulties in transporting children and their families from other regions and thus this Commission recommends the introduction of regional rehabilitation centers throughout the country.

3.0) Concluding Comments

- This Commission recommends that relevant State institutions conduct ongoing awareness raising programmes in areas such as the use of children in armed violence
- Develop a referral system that would incorporate and fully utilize the capacity of relevant NGO's and streamline the issues of children being involved in violence.
- Incorporate laws that would criminalise the recruitment of children in armed groups or other violent activities
- Judicial system needs to be made a more child-friendly environment where the court systems are better equipped to deal with the special needs of child victims and children who commit offences.
- Expedite the establishment of the children's rehabilitation center in the capital island.
- Introduce regional rehabilitation centers throughout the country for children caught in armed conflicts.