

Child participation in the Maldives: *An Assessment of Knowledge*



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1. Executive summary

For these are all our children. We will all profit by, or pay for, whatever they become.
– James Baldiwn

This report is an assessment of how much the newly democratic Maldivian State and society knows of children’s rights to participation as enshrined in the United Nations Convention on the Rights of the Child (UNCRC). The Maldives became a signatory to the convention in 1990, the transition to democracy followed 18 years later in 2008. How much has the rights enshrined in the Convention been realised in the intervening years? More to the point of this study, how much knowledge of the rights has the Maldivian State acquired in those years, and how much awareness has been created amongst the general public since the treaty was signed? Has the knowledge increased since the transition to democracy? Have new mechanisms of participatory governance that is the hallmark of democracy made Maldivian society more aware of its obligations to children?

This study provides some answers to these questions by reviewing policy documents that were introduced in the years before transition to democracy, and the new mechanisms and policies that have been introduced since. The report shows there are very few policy and legislative mechanisms that formally require children’s participation in decisions that affect their lives. There is no stand-alone State institution with a mandate for working towards the realisation of children’s rights. Nor is there an independent institution such as a Children’s Ombudsman that works towards assuring their rights. The 2008 Constitution itself lacks a provision for such mechanisms, and so does the Law on the Protection of the Rights of the Child (91/9). Interviews with State officials show that while many are not fully cognisant of the philosophical underpinnings of children’s rights to participation enshrined in Article 12 and other participatory rights extended to children in the UNCRC, there are many who are. These officials are keen to consult and include children in the decision-making processes that affect children’s lives, and on many instances, do so. However, without such consultations with children adopted as formal policy, it is difficult to measure their implementation. Lack of standardised procedures also means that such inclusive mechanisms are often *ad hoc* and arbitrary.

The policy review also shows that new laws being drafted since the transition to democracy in areas that specifically target children such as the Juvenile Justice Bill and the Minimum Standards at Institutions of Alternative Care, for example, are progressive and measure up to international standards expected of modern democracies. However, for several reasons—such as lack of resources, lack of political will, a dearth of qualified professionals, and deliberate obstruction through political partisanship—stand in the way of their ratification and/or implementation. The report reveals wide gaps in various areas between policy and legislative instruments and their realisation in praxis.

Using up-to-date methodologies for measuring participation developed and applied by the Council of Europe in 2011 as a guide, this study also assesses knowledge of children’s rights to participation among children and other stakeholders. The report contains findings from focus groups with a total of fifteen children aged between 10-18, sub-divided into three groups of

children in secondary school, children in primary school, and children with special needs in secondary school. The methodology applied in the focus groups is an adaptation of the ‘Kaleidoscope of Experience’ developed and recently piloted in Finland by Council of Europe experts, based on UN Committee’s General Comment No.12 on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC).

In addition to the focus group consultations with children, the report also includes interviews with children in alternative care at two different such facilities—Maafushi Education and Training Centre for Children and the Correctional Training Centre for Children on Feydhoo Finolhu. Results of consultations with staff at these two centres, as well as at the Kudakudhinge Hiyaa (Children’s Shelter) at Villingili are also included in the report. Additionally, results of consultative meetings with stakeholders in various State institutions as well as with parents/teachers are also included in this report. The interviews with children and staff at the alternative care institutions were conducted at the facilities themselves, and involved observation of the institutions as well as of children within those environments.

Consultations with children reveal that there are certain areas, particularly within informal structures such as family, where children are happy about the level of participatory opportunities. However, the discussions also reveal that lack of awareness and knowledge of the importance of children’s participation is most marked among professionals such as teachers, coaches, and other such figures who are expected to know most about these rights of children. Discussions with parents/teachers reveal that a large number of adults still retain the attitude towards children that they should be seen and not heard. Such individuals maintain a belief that ‘adults know best’ what is good for children, and continue to hold the opinion that children are not capable of knowing what is good for them and, therefore, need not be consulted.

Overall conclusions can be drawn from the findings of this study that there is insufficient knowledge among the general Maldivian public as well as among decision-makers at the national level of the rationale and thinking behind the UNCRC and the rights of participation that it provides to children. The UNCRC envisages children as subjects of the rights that are enshrined in its various provisions, and recognises them as having the capacity to partake fully in the decision-making processes that affect their lives at every level—from family to community to the local and national level. This study recommends that a concerted effort be made by the State and its independent institutions as well as by civil society organisations to push for a radical change in the traditional thinking which dominates Maldivian perceptions of children: children should be seen and not heard. If children are not heard today, who will speak for the Maldivian democracy tomorrow?

2. The UNCRC and children's right to participate

The UN Convention on the Rights of the Child (UNCRC) acknowledges children's social and economic rights and the principle that childhood is a period of entitlement to special protection. Instead of regarding children simply as recipients of adult protection, the UNCRC also recognises that children are subjects of those rights and that having those rights means that children have a right to be heard. This recognition of children as subjects of the rights is expressed either explicitly or implicitly in a number of articles in the Convention:

Article 5 gives children the right to direction and guidance according to their evolving capacities;

Article 9 gives children the right to make their views known in any decision to separate them from their families;

Article 12 gives children the right to express their views and that the views be taken seriously;

Article 13 gives children the right to freedom of expression;

Article 14 gives children the right to freedom of conscience, thought and religion¹;

Article 15 gives children the right to freedom of association;

Article 16 gives children the right to privacy;

Article 17 gives children the right to information; and

Article 29 gives children the right to education that promotes respect for human rights and democracy.

Article 12 forms the core of these rights, insisting as it does on the 'visibility' of children in their own right. 'Implementing the right involves a profound and radical reconsideration of the status of children in most societies and the nature of adult/child relationships.'¹ It radically challenges the traditional assumption that children should be seen and not heard, and requires adults to listen to children, to take their views seriously, and to recognise the value of children's own experiences, views and concerns in the making of decisions that affect their lives.

Affecting these changes in how adults think about children does not mean that adults are absolved of their responsibilities towards children, nor does it mean that children should be left alone to fight for their rights. Rather, what is asked for by the Convention is that adults 'learn

¹ Gerison Lansdown, "Promoting children's participation in democratic decision-making", Innocenti Research Centre (UNICEF 2001), 1

to work more closely with children to help them articulate their lives, to develop strategies for change and exercise their rights.’²

Article 12 of the UN Convention on the Rights of the Child

1. States Parties shall assure to the child who is capable of forming his or her views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or appropriate body, in a manner consistent with the procedural rules of national law.

As becomes clear from discussions with adults conducted for this report, many adults mistakenly assume that providing children with these rights means giving them the right to autonomy or bestowing on them complete control over all decisions that affect their lives whatever the consequences maybe.

Children’s right to participation enshrined in the UNCRC recognises:

All children are capable expressing a view not matter how young they are and even if they cannot express those views through speech;

Adults need to provide children with the opportunity and the encouragement to express these rights freely;

These rights extend to all actions and decisions that affect children’s lives whether within the family, school, the wider community or at the national political level;

It is not sufficient to simply listen to children’s views, the right extends to having their views taken seriously; and that

Weight must be given to children’s needs that reflect their level of understanding of the issues involved.

Evidence abounds in all societies across the world that actions detrimental to the wellbeing of children have often been taken by adults who think they know best and believe they are acting in the best interests of the child. World history is replete with examples of such well-intended actions that ended up having tragic consequences such as the evacuation of children in Britain

² Ibid.

during the Second World War³ and the commission of children into workhouses in nineteenth century Europe.⁴

Well-intentioned actions with disastrous consequences, underpinned by the belief that adults know best, continue today. In many countries, for example, the law automatically decides which parent a child should go to when they divorce, or decisions are taken to remove children from the streets by detaining them at an institution. Research has shown that adults in positions of power over children can and do often exploit and abuse that power to the detriment of children; parents' rights are often prioritised over that of children; and children's interests are often disregarded in public policy.⁵ These are failures that arise from the prevailing belief that adults have a superior knowledge of what is best for children and that listening to children is, therefore, a waste of time and energy.

Arguments against children's participation

Children lack the competence or experience to participate
Children must learn to take responsibility before they can be granted rights
Giving children rights to be heard will take away their childhood
It will lead to lack of respect of parents

Arguments for children's participation

It leads to better decisions
It strengthens a commitment to, and understanding of, democracy
It protects children better
It is a fundamental human right

This study is an assessment of the existing knowledge of children's rights to participation in the nascent Maldivian democracy, and the resulting attitudes towards the provision and realisation of those rights among children and adult decision-makers in Maldivian society.

³ David Prest, "Evacuees in World War Two – the True Story", *History*, BBC, February 17, 2011, accessed http://www.bbc.co.uk/history/british/britain_wwtwo/evacuees_01.shtml on November 20, 2011.

⁴ David Roberts, "how cruel was the Victorian poor law?" *Historical Journal*, 6, 97-107

⁵ Gerison Lansdown, *op.cit*

3. Methodology

The assessment of how much knowledge the Maldives (State and society) possesses of children's right to participation was conducted in two stages: a desk review of existing policy and legal mechanisms related to children's participation complemented by interviews with stakeholders; and focus group discussions with children complemented by a consultative meeting with parents and teachers.

Focus group discussions were held on 1 November 2011 with a total of fifteen children divided into three separate categories: children in secondary school; children in primary school; and secondary school children with special needs. The initial plan was to hold the discussions in five separate groups: children in primary school; children in leadership roles in secondary school; children in secondary school; children with special needs (primary school); and children with special needs (secondary school). However, turnout on the day of the meetings was low, and the two groups of secondary students were merged into one. Only secondary school students in the special needs group attended, therefore, focus group discussions planned with primary school children with special needs were cancelled.

There were six children in Group One (secondary school children); four children in Group Two (primary school children); and five children in Group Three (children with special needs). The focus group format was based on an adaptation of the 'Kaleidoscope of Experience', a tool developed for a similar, larger scale study on child participation in Finland conducted by the Council of Europe (See Outcome of Focus Groups for a more detailed explanation of the tool, and Appendix I and II for full details of its application and questions asked).

The Council of Europe-led pilot study in Finland was carried out in September 2010 on child participation in Finland, the results of which were published in 2011⁶. The research design for the Finnish project was based on the Council of Europe policy review framework on child and youth participation 2010-2011, which is itself adapted from the UN Committee's General Comment No.12 on the implementation of the right of the child to be heard in Article 12 of the UN Convention on the Rights of the Child (UNCRC)⁷.

Children in the three groups talked about their experiences in the designated focus areas of family; education; play; children in alternative care; children in situations of violence; and children in public life, media and general society. Group three, comprised of five children with special needs, participated in the discussions with the assistance of two carers/teachers who helped explain the questions to them and assisted the focus group mediator in conducting the discussions. All the groups were asked a similar set of questions including general queries about how much knowledge they have of the UNCRC in general and about their right to participate in particular. Specific questions about their opportunities to participate in decisions that affect their lives in the various focus areas were also put to them (See Appendix II for the full list of questions asked of each group). They were also asked to share their feelings about such

⁶ Council of Europe, "Child and youth participation in Finland", 2011, accessed on 12 October 2011, http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf

⁷ UN Committee on the Rights of the Child, "General Comment No. 12: The right of the child to be heard", (UN 2009), accessed on 13 October 2011, <http://www.coe.int/t/dg3/children/participation/CRC-C-GC-12.pdf>

opportunities and to recommend ways in which their participation can be improved. At the end of the sessions each group made a brief presentation of their own findings and recommendations to all the groups. They were also asked to provide feedback on the focus group discussions.

General discussions were also held with a group of teachers and parents from various schools to assess their knowledge of children's right to participation. The meeting was held immediately after the children's focus group discussions where similar questions – based on the said focus areas – were put to them. Findings from this meeting is included in the section 'Outcome of meeting with parents/teachers' and in 'General Attitudes Towards Children's Participation'.

To assess knowledge of and mechanisms for participation available to children in different forms of alternative care, visits were made to the three such institutions currently operating in the Maldives: the Education and Training Centre for Children (ETCC) on the island of Feydhoo Finolhu; the *Kudakudhinge Hiya* [Children's Shelter] on the island of Villingili; and the correctional facility on the island of Feydhoo Finolhu. Consultative interviews were conducted with senior officials at all three institutes and individual interviews were also conducted with various children at the facilities in Maafushi and Feydhoo Finolhu during these visits. Questions were asked of the children relating to their right to participation in the institutions as well as about their own knowledge of the right.

Limitations and weaknesses

All the children who participated in the focus groups are from schools based in the capital island of Male', meaning that the findings are not necessarily representative of the situation in the whole country. Schools based in different islands are likely to have less awareness and knowledge of children's right to participate as enshrined in the UNCRC as educational standards are generally regarded as lower in other islands than it is in Male'. This cannot, however, be stated as a fact in the absence of empirical data. Human rights and other advocacy groups often visit outer islands to raise awareness and may have, thus, enhanced a particular school or island community's knowledge of the UNCRC to higher levels than at some schools or other relevant institutions in Male'. For a more accurate picture of how much the Maldives as a nation knows of children's right to participate, therefore, further studies need to be undertaken that include children and other stakeholders and institutions based outside of Male'.

Furthermore, based on the discussions during focus groups, it can be surmised that a majority of the students who did participate in the focus groups on 1 November 2011 were all high-achievers rather than average students. That is to say, when invitations were sent out to the schools seeking children for participation in the focus groups, schools cherry-picked students from among high-achievers rather than make random selections. Any future such study should clearly state that the selection should be random so as to ensure that views of the average student can be sought and their levels of knowledge of the right to participate assessed. This would provide a more accurate picture that can be seen as representing the country more widely than does the findings of this report.

Despite these shortcomings which make the findings less generalisable than is desired from such a study, the policy review, consultative meetings and the focus groups with children yielded some valuable and original information that provides a clear snapshot of the levels of knowledge which the nascent democracy of the Maldives possesses of children's right to participation as enshrined in the UNCRC. Furthermore, it can be seen as providing some clear guidelines for future research into the area of children's participation, and also as providing insight into where institutions of State and society in general needs to take most urgent actions in order to ensure

that Maldivian children are not deprived of the rights they are assured as citizens of a State Party to the Convention on the Rights of the Child.

4. Legal and policy review

“We are only now beginning to seek adult participation in our decision-making processes...how can we have a culture of children’s participation?”

– Government official

The extent to which children’s rights are enshrined within a country’s legislative framework reveals, to a large extent, how children are perceived within that society. The 2008 Constitution of the Maldives recognises that children must be afforded special protection in the event of their parents’ marital breakdown; and also outline several other areas in which children need special protection such as against sexual and other abuses; discrimination; and social and economic exploitation (Article 35). Education is also recognised as a right, and the State undertakes to provide free secondary and primary education to all children (Article 36).

However, the Constitution does not specifically recognise children’s right to participation in socio-political and other decisions that affect their lives directly. In fact, children’s right to participate in the processes of such decision-making is explicitly provided for in only a very small number of legislative or policy instruments relevant to the lives of children. Remarkably, the Law on the Protection of the Rights of the Child (Law No:9/91) itself does not contain any provision that *requires* authorities to seek the participation of children in such processes.

This review assesses legislative and policy documents/structures related to Maldivian children to verify the level at which children’s right to participate is recognised in them, and in the general attitude towards children in various institutions that deal with children. The review focuses on child and youth participation in the following areas:

- **Family**
- **Education (including primary school)**
- **Play, recreation and sports**
- **Judicial and administrative proceedings**
- **Alternative care**
- **In situations of violence**
- **Public life, civil society and the media**

The focus areas have been adapted from the UN Committee’s General Comment No. 12 on the implementation of Article 12 of the UN Convention on the Rights of the Child (UNCRC)⁸.

The review also comprises stakeholder interviews that provide some insights into how informed and aware they are of the rights of children to participate in decisions that stakeholders are

⁸ UN Committee on the Rights of the Child, “General Comment No.12: The right of the child to be heard”, CRC/C/GC/12, July 20, 2009, accessed on 25 October 2011, <http://www.unhcr.org/refworld/docid/4ac562c52.html>

making on their behalf. Findings and extracts from these interviews are also included in this section as part of the Desk Review.

Institutional Overview

There is no independent institution such as a Children’s Ombudsman that monitors the welfare of children and ensures that children are represented and their voices heard in society. Neither is there a stand-alone State body mandated with the protection and assurance of children’s rights as enshrined in the UNCRC.

There are various key institutions that play important roles in the decision-making processes that affect the daily lives of Maldivian children. These include the Department of Gender and Family Protection Services at the Ministry of Health and Family, the Child Protection Unit run by the Maldives Police Services, and the Juvenile Justice Unit (JJU) run by the Ministry of Home Affairs. The Ministry of Education, being in charge of the school system nationwide, also plays an important role in deciding how a large part of children’s daily lives are lived.

There is, however, no specific State body charged with coordinating the various efforts of these separate departments; and for monitoring the welfare of children and the provision of their rights.

The Department of Gender and Family Protection Services at the Ministry of Health and Family appears to be the foremost authority with the broadest of mandates in this regard. It is, however, only a small Department within an institution overwhelmingly focused on the provision of health and social services⁹. The Department itself is in charge of the following:

- (a) State care facility for the vulnerable
 - 1. Facility for people with special needs, Guraidhoo Island, Kaafu Atoll
- (b) State care facility for children
 - 1. Kudakudhinge Hiyaa, Villingili Island
- (c) Family and children’s service centres (Various atolls)¹⁰

Within thirteen specific tasks designated to the Gender and Family Protection Services, the protection of children’s rights gets only a cursory mention, and such references are invariably bundled in with the rights of other vulnerable groups in society:

To protect children *and* women *and* people with special needs *and* children’s rights; *and* to establish gender equality; *and* to foster healthy family relations; *and* to create the right skills and capacity for child-rearing *and* to create awareness among the society of these skills (Task seven of 13)¹¹. [own emphasis]

Task number Nine is more particularly geared towards the protection of rights, but again, children are not the specific focus of the task:

⁹ “Mandate of the Ministry of Health and Family”, Ministry of Health and Family, accessed at: <http://www.health.gov.mv/PDF/mandate.pdf> on 7 December 2011

¹⁰ Ibid, 3

¹¹ Ibid, 8

To protect the rights of women and children, senior citizens and people with special needs; and to work with other relevant authorities to find solutions to problems (emergency issues) that obstruct these rights (Task nine of 13).¹²

Tasks 12 and 13 also mention children in the context of working towards their protection along with that of the family and other vulnerable groups.

Such lumping together of children and their rights with other ‘vulnerable groups’ in society reinforces the general perception of children as no more than another segment of society that needs protection. The recognition UNCRC affords to children as not just vulnerable beings but also as citizens with their own rights who have valuable contributions to make to the development of society is not present within this policy document.

That there is no such recognition of children by what appears to be the foremost state authority assigned to assure children’s rights is further confirmed in the Department’s Task No. 10. Having included children in Task Seven and Nine (as discussed above) within vulnerable groups of society, Task 10—which commits to increasing the participation of such groups ‘in the political, economic and social development of the Maldives’—*excludes* children from such groups¹³. This deliberate exclusion of children from participatory mechanisms meant even for vulnerable groups, in which they are normally included, reveals the extent to which children’s participatory rights remain formally unrecognised, if not wholly unknown, in the Maldives.

Furthermore, the vagueness of the Department’s mandate regarding children’s rights manifests itself as a broad lack of focus in all matters of the State concerning children. It means there is no State authority to co-ordinate efforts for the realisation and assurance of the rights enshrined in the UNCRC, and thus children at large—not just their views and opinions—are very often neglected or pushed to the bottom of the State priorities list. It also means that there is no overall State body with the oversight or responsibility to ensure State institutions and others are not violating children’s rights.

The Gender and Family Department, for example, coordinates all the various Family and Children’s Service units based in the atolls, and is also in charge of the alternative care institution, *Kudakudhin ge Hiyaa* [Children’s Shelter] on the island of Villingili. Although not specifically mentioned as part of its mandate, and as shall be seen later in the report, its Children’s Service units in the atolls are also involved in the detention of children at the Maafushi Education and Training Centre, run by the Ministry of Education and the Maldives Police Service. It does not, however, appear to have any influence over the detention of children at the institution in Feydhoo Finolhu apart from having a representative in the Juvenile Justice Coordination Committee which decides on the commission of children to the institution and their release from it.

The broadness of the Department’s mandate has created a high level of vagueness in defining its role as well as the limits of its authority. The Children’s Department of the Health Ministry is itself not satisfied with the current *status quo*, and key officials agreed that a clearer mandate would facilitate the process of not just children’s participation but also a more integrated approach towards realising all rights afforded to children in the UNCRC.

¹² Ibid

¹³ Ibid

Ministry officials, at least at the top-level, are fully aware of State obligations under the UNCRC. The Deputy Minister of Health and Family, for instance, was pleased with the recent decision by the Maldives to join South Asia Initiative to End Violence Against Children (SAIEVEC). The organisation's activities show that it values the participation of children in key decisions that would shape both the children's, and the organisation's, future. A section of its website is dedicated to children¹⁴, and it has also already held technical consultations among children of the eight member states on issues related to children's participation and their other rights¹⁵. The Ministry is confident that membership of the organisation would motivate the establishment of similar participatory mechanisms for children in the Maldives.

Ministry officials referred to several occasions during which children were consulted at various locations across the country in the processes of drafting regulations, policies and other documents. Such involvement, however, is not written policy and is, therefore, instigated by the Ministry on an *ad hoc* basis. Ministry officials agreed that a written policy, which requires children's participation as part of key decision-making processes of the Children's Department, would contribute substantially towards creating a culture in which children's participation is sought and valued as standard procedure in the formulation and implementation of legislative and policy matters that affect children's lives.

Without a written policy, it is also difficult to measure how much importance the Ministry, and specifically its Children's Department, accords to children's participation as guaranteed by the UNCRC. Indeed, as of yet the Ministry has not made any effort to measure, or study, the level of children's participation in the making of key decisions that affect their lives be it within the Ministry or in general society in a standardised manner.

Legislative and policy instruments

The 2008 Constitution of the Maldives, while recognising that children need special care and protection, does not make any specific provisions to facilitate their right to participate in decision-making processes that affect their lives. Similarly, no references are made to the right to participation in the Law on the Protection of Children's Rights (9/91), enacted especially for the purpose of implementing the UNCRC. Its only provision for children's participation is in Article 7, which stipulates that special programmes 'providing useful information and guidance to children shall be included in television and radio programmes.' [As discussed later in the report, this provision remains unfulfilled.]

The Law, as it stands, overwhelmingly focuses on measures to protect children while marginalising the 'positive' rights enshrined in the Convention—such as children's right to be heard, their right to information and their right to participation in the media as well as other political and social affairs of the country. This report now considers legislative and policy instruments originating from, or related to, the focus areas of children's participation highlighted earlier.

¹⁴ SAIEVEC, "Child Friendly SAIEVEC", Accessed at: <http://saievac.info/index.php?page=content&id=50> on 15 November 2011

¹⁵ SAIEVEC, "Child participation-SAIEVEC Technical Consultation", 25 September 2011, accessed at: <http://saievac.info/index.php?page=eventdetails&cid=13> on 15 November 2011

Family

The key legislative instrument in this focus area is the Family Law (4/2000), which regulates marriages, divorces and child custody matters. In keeping with Islamic principles, the Law states that from the age of seven, children's views should be taken into account in custody rulings. Until then, courts retain the authority to award a child's custody to whichever party it sees as serving 'the best interests of the child' (Article 40). Article 44 of the same law, however, discriminates between children on the basis of their gender—a clear violation of UNCRC as well as of Article 24 of the Law on Protection of the Rights of the Child (9/91) which stipulates that all children 'shall be treated equally and humanely'.

The Family Law, in contrast, states that 'if the person who has custody of the child so applies', the Court can order the child to remain in the said person's custody until the child is 'nine years old *if a boy*; and until the child is eleven years old, *if a girl*' [own emphasis]. While it is commendable that there is an explicit legal requirement for children's views to be taken into consideration, it is unfortunate that the said law should blatantly discriminate between children on the basis of their gender.

Until children reach the age of 18, their legal guardianship as well as that of their property, is awarded to the child's father. Where the chief legal guardian of the child is deceased, Courts retain the authority to decide who should be appointed to the role. While the law states that the courts should consider 'the best interests of the child' in making the decision, it does not contain any provisions that require the courts to take the child's views into account, whatever age they may be at the time of the decision. The Family Court maintains that court officials give due consideration to provide as much information to children as possible in cases that involve them. Efforts are also made to provide a child-friendly environment during hearings. It is also normal practice for court officials to visit children at their homes, to ensure they are safe and also to make them more comfortable in expressing their opinions during court hearings.

While these efforts are commendable, the fact that none of the mechanisms are written down and formally adopted as part of the court's official procedures makes it difficult to assess how uniformly they are applied or how effective they are in practice.

The lack of a written policy also means that there are no mechanisms according to which court procedures can be accurately assessed for their child-friendliness. It also means that there is no set procedure for identifying whether the practices are standard or implemented on an *ad hoc* basis, according to the personal preferences and beliefs of a particular court official. As in the case of Health Ministry, the lack of written standards of operation is hindering, if not participation itself then at least, the accurate assessment of the levels of such participation.

Education

Article 36 of the Constitution of 2008 stipulates that everyone has the right to education without discrimination of any kind. The Constitution also makes it an imperative of the parents and the State to provide children with primary and secondary education and also provides that higher education shall be generally accessible to all citizens.

Currently there is no special provision that constitutes an education law in the Maldives¹⁶. However, an Education Act has been in the draft stages since 2009. If and when passed, the Act

¹⁶ UNESCO, "World Data on Education: Maldives", VII Ed. 2010/11, 7th Ed., July 2011, accessed <http://unesdoc.unesco.org/images/0021/002113/211307e.pdf> on November 20, 2011

will 'establish a strong legal framework for the provision of education from preschool to higher education' and will make provisions for education to be compulsory.

There are, however, no formal mechanisms for children's participation provided for in the Education Bill as it stands. Children do have a say in the formation and implementation of education policy through their membership in the recently established School Boards, and also through the participatory mechanisms introduced in the form of leadership posts allocated to students elected to School Councils. Children are elected to these posts through voting mechanisms. These mechanisms differ from school to school and, from the findings in the focus groups, are regarded as more democratic and participatory in secondary schools than in primary schools.

Each School Board reserves one place for the captain of the school, along with the School Principal, School Administrator, two members of the Ministry of Education and the vice-president of the Parent Teacher Association, a parent and a teacher. The role of the School Captain is to 'share the feelings of students.'¹⁷ Responsibilities of the School Board include designing and monitoring the strategic plan of the school, advising the formation of the annual budget; overseeing school expenses; passing and monitoring of large investments; participating in curriculum design at the national level; passing regulations related to staff; providing advice on the appointment of the school principal; and publicising school objectives to the general public¹⁸.

Given the gravity of the responsibilities of the school boards, the inclusion of the School Captain as a member of the board is a positive step towards ensuring that children's opinions and views are taken into consideration in formulating and implementing policies related to their education. Discussions with children during the focus groups sessions, however, indicate that there are gaps between policy and reality as discussed later in this report.

Education Ministry officials also confirmed that children's views were invited and their opinions sought in the ongoing process for designing a new national curriculum. The National Curriculum Framework, according to its current Draft, aims to instil in students values of participation and citizenship, providing them with an understanding of their role in a democratic society and guiding them on 'how to actively participate in a democratic society.'¹⁹ One of the eight principles upon which all decision making processes of the curriculum is based include empowerment of students to attain their maximum potential, and personal excellence through the provision of a learning environment that encourages their active participation²⁰.

Furthermore, the new curriculum also aims to foster children's civic engagement and participation in wider public life by encouraging them and guiding them to be active citizens at all levels of their communities. Students will also be encouraged to 'participate in social activities that have real value in the world' as well as to participate in group processes that teach

¹⁷ Ministry of Education, "School Board Policy", (2009) accessed <http://www.moe.gov.mv/v3/moe/media/197.pdf> on November 21, 2011

¹⁸ Ibid.

¹⁹ "The National Curriculum Framework [Draft]", National Curriculum Reform, Educational Development Centre, accessed <http://nationalcurriculumreform.blogspot.com/p/draft-curriculum-framework.html>, November 19, 2011

²⁰ Principle Five, "The National Curriculum Framework [Draft]", National Curriculum Reform, Educational Development Centre, accessed <http://nationalcurriculumreform.blogspot.com/p/draft-curriculum-framework.html>, November 19, 2011

them about their worlds. The goal is to ensure that children become ‘full participating citizens in society.’²¹

While these plans promise increased participation of children in education, and also in wider society, substantial gaps exist between policy and praxis as is discussed later.

The Ministry of Education is concerned with the remarkably long period of time it is taking for the Majlis [Parliament] to pass the Education Bill (three years and counting, 2009-2011) which has meant delays in implementing many positive changes the new legislation promises. Once passed, the Education Act will make education compulsory for children, providing the Ministry with the legislative basis needed for developing mechanisms that would give it the authority to take legal action against parents who refuse or neglect to send their children to school. Such mechanisms do not currently exist.

In a consultative meeting, Deputy Minister of Education Dr Abdulla Nazeer expressed concern that an increasing number of parents are refusing to send children to school claiming it to be against their religious beliefs to do so. Dr Nazeer estimated there are roughly 400 children in the Maldives currently who are being withheld from attending school by their parents due to such beliefs.

There is no tracking system at the moment that allows the Ministry to monitor nationwide school attendance of children and, without the proper legislative mechanisms, it is difficult to implement and ensure the functioning of such a system. The Ministry has made many efforts to increase awareness among parents and to impress upon them the importance of education and schooling for children’s development, and to make parents aware that each child has a fundamental right to education.

The Ministry does not feel, however, that it gets necessary support from other stakeholder institutions and organisations. One of the sectors the Ministry has found particularly unhelpful in this regard is the media. Over-commercialisation has meant that broadcasters, including the state broadcaster, charges exorbitant fees even to air public service announcements and messages that would help increase society’s general awareness of the importance of education.

Judicial and administrative proceedings

The Juvenile Justice Bill, which like the Education Bill, has now been in the drafting stages for many years, is intended to enable the Maldives to fulfil its obligations as a State Party to the Convention on the Rights of the Child and other related international treaties and conventions. It aims to establish a juvenile justice system based on international norms and principles, which is wholly separate from the criminal justice system for adults. Once ratified, it will become the key piece of legislation in this focus area.

Unlike most other instruments of law related to children, the Juvenile Justice Bill specifically states that if any legal power is exercised over the child, detailed information regarding the said power should be provided to the child in a manner s/he would understand (Article 5 (a).5). The Bill also stipulates that should a child be charged with any crime, s/he should have access to information regarding the case ‘and also the opportunity to participate’ in the proceedings (Article 7 (b)). Article 14 states that if legal action is being taken against a child, s/he should have access to legal representation and ‘translation’ services.

²¹ “The National Curriculum Framework [Draft]”, Ibid.

Furthermore, Article 19 (c) related to children held at a detention centre states that children should be consulted and allowed to participate in decisions that affect their lives according to the child's age and development, especially in matters related to: projects conducted at the detention centre where the child is being held; maintaining relations with the child's family; and the child's health and education. It also states that information relating to projects planned for the child's future should be shared with the child.

Chapter 5 of the Bill, which governs the procedures for bringing criminal charges against a minor, also provides mechanisms for children's participation. It stipulates that any file involving a child offender sent to the Prosecutor General should include a report on the child's social circumstances. Article 17 (c) 5 requires that the report include proposals for reforming the child's behaviour 'made by the child, the child's parents or guardians'. Article 17 (d) states that the child can be privy to the contents of the report on the child's social circumstances.

Article 23 of the Bill also stresses that at every stage of a child's involvement with the law, priority should be given to diverting the child away from the criminal justice system and to dealing with the child *within* the community. The 'System of Diversion', which is proposed as an alternative to detention, also provides room for children's participation in that it requires children in conflict with the law to be given the opportunity for reform according to a regime agreed between the child and his/her guardian (Article 24(a)2).

Additionally, Article 25(b) 2 requires the child's signature on the Diversion Plan prepared for the child as an alternative to detention. The Plan should provide details of all the actions required of the child, and should clearly state the date on which the Plan would be deemed complete (Article 25(b) 5).

An additional opportunity for children's participation also arises if and when a magistrate/judge decides to direct the child towards the Diversion System while the case is being heard at court. 'However, such a decision can be taken by the judge with the consent of the child or that of the child's guardian' (Article 28(a)).

Children's participation is also implicit in the Bill's provisions that allow judges the discretion to pass a deferred or suspended sentence on child offenders (Article 28(b) 1,2). Both types of sentences require the child to agree to particular conditions and forms of behaviour in exchange for the deferral or suspension of the sentence. Article 28(e) also emphasises the need to 'release the child as soon as possible' from detention and to, as much as possible, carry out all reform activity without holding the child in any form of detention.

If a child is being enrolled in the Diversion System, Article 30(b) of the Bill requires that the child be informed 'verbally and in writing' of his/her duties as well as rights. Should a Diversion Order be changed or cancelled, Article 31(d) provides the child with the right to appeal such a decision.

As previously mentioned, despite its progressive nature and potential for affecting positive change, the Bill remains in limbo at the Majlis.

Alternative care

It should be noted at the outset that when it comes to children in conflict with the law that need to be put into alternative care, there are no facilities anywhere in the country for girls. This is a

form of gender discrimination at the State level that should not be occurring, and which the State should address as a matter of urgency.

The Minimum Standards at Alternative Care Institutions for Children is the overarching legal mechanism that governs matters related to children in alternative care. It is one of the most progressive child-related legal instruments passed in the country so far. It provides, along with support for other children's rights, several provisions that explicitly facilitate and encourage children's participation in decisions that affect their lives. The Regulations require, for example, that the institution's policy and standards of operation be written down (Article 2 (a)), and should include:

- Vision and goals of the institution;
- State obligations under the UNCRC, other international treaties, and the Law on protection of children's rights (9/91);
- Details of a complaints mechanism available for children at the institution;
- Whether or not children can be held at the institution in an emergency situation, and the policy of doing so.

Article 2 (a)3 requires each establishment to set up a mechanism through which children can make complaints. Article 2 (d) also provides that a copy of the mission statement be made available to 'every child who is enrolled at the centre, in a language appropriate to the child's age and development.'

Additional mechanisms for children's participation provided for in the regulations include the requirement that:

- All institutions must explain in detail to all children prior to their enrolment – in a manner appropriate to the child's age and development – the institution's hopes and plans for the child and the assistance that the child can expect from each staff (Article 3(b));
- A Behaviour Modification Plan to be prepared for each child and that *a copy of the Plan be provided to each child* (Article 5(a)) [own emphasis];
- A case-worker assigned to each child meets with the child at least once a week to discuss any concerns regarding the his/her progress (Article 6(c));
- The Behaviour Modification Plan is subject to review every three months (Article 7(a), and that children should be included in every stage of the review process (Article 7 (b));
- Detailed records be kept of any changes made to the Behaviour Modification Plan and that these changes be shared with staff and the child (Article 7(c));
- With regards to children's privacy, it should be explained to children that in case of a threat to the health, life of any other danger to a child or staff member, information relating to such a matter could no longer be regarded as confidential (Article 9 (c));

- Staff in charge of caring for very young children and children with special needs should be properly trained in such matters, and should also be given guidance on how to carry out such duties with the consent of the child concerned (Article 9 (e));
- When buying clothes for children, the child should have the right to choose the clothes they want to wear (Article 10(d));
- Children should have the means to communicate with their families and others who play important roles in their lives; a clear policy for such communication should be established; and any limitations to or monitoring of such communications between children and their families should be clearly made known to the children concerned (Article 13. (a)-(c));
- Children should have access to a special room at the institution where they can meet with their families, and the room should be child-friendly (Article 14(c));
- Children's views and opinions regarding visits from their families should be noted and recorded in the child's file (Article 14(b));
- The institutions should provide education and training to children, and it should take into account the children's capabilities and interests when deciding the availability of such programmes (Article 15(a));
- In order to provide children with access to information [a right enshrined in Article 17 of the UNCRC], the institution should assist children with using the Internet and in reading newspapers, journals and other literature (Article 15 (a));
- The daily schedule should include a dedicated time for children's play and leisure. Children should be allowed to use this time to participate in planned activities as well as unplanned activities (Article 16 (a.1));
- During the time allocated for unplanned leisure activities, children should have the choice of doing what they want, or of not doing anything at all should they so choose (Article 16 (a.2));
- Children should be encouraged to participate in planning and carrying out activities to celebrate birthdays as well as national and religious occasions (Article 16 (c));
- Staff should work *with* the children to find solutions to problems that arise among children [own emphasis] (Article 17 (c));
- If a child wants a specific member of staff to be appointed for discussing their personal safety with, the views of the child should be taken into account (Article 18 (d));
- Children's schedules should be flexible and open to discussion and change. To teach responsibility, children should be included in the process of making such decisions (Article 19(c));

- Children should be informed of their rights and responsibilities in the institution (Article 19(d));
- Children should be encouraged to lead a healthy lifestyle, and should be given information on nutritious foods, sports and other such activities in addition to encouraging their participation in such activities (Article 23 (d));
- Children should be given information on health, and they should be given the opportunity to discuss issues related to: 1. HIV/Aids, 2. Narcotics, 3. Importance of self-confidence in dealing with bullying (Article 23 (e));
- If the child expresses the wish to be accompanied by a member of staff during a medical consultation and/or the wish to be seen by a doctor of the same gender, such wishes should be given due consideration (Article 23 (f));
- A complaints mechanism should be established, and children should be given information on the mechanism in a manner that is suitable to their age and development (Article 34 (a));
- The complaints mechanism should be [among other things] open to all forms of complaints from all children and their families; children, staff, parents and all members of children’s families should have the right to file complaints—no matter how big or how small; all its procedures should be made clearly known to all concerned; and should include provisions to protect the child from being adversely affected as a result of the complaint (Article 35 (a));
- The institution should have an anti bullying policy and it should be made known to both children and staff (Article 39(a));
- The effectiveness of the policy should be regularly assessed in consultation with staff and children alike (Article 39 (c)).

These provisions, as mentioned at the outset, make the Minimum Standards the most progressive of all existing legislative instruments related to children in terms of the opportunities that it provides for their participation. However, many of its provisions are yet to be put into practice—mostly due to lack of financial resources and manpower but also due to lack of political will and a prevailing culture that does not accord sufficient importance to children’s participation.

The gaps that exist between the regulations and its application become evident later in the report both in the outcomes of meetings with stakeholders and also from discussions with children in alternative care.

Children’s participation and the media

Article 17 of the UNCRC makes it incumbent that:

States Parties recognise the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity

of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- a. Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of Article 29;
- b. Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- c. Encourage the production and dissemination of children's books;
- d. Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- e. Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her wellbeing, bearing in mind the provisions of Article 13 and 18.

In existing policy and legislative instruments related to children and media in the Maldives today, the focus is almost exclusively on the last of the above provisions (Article 17 (e)). That is, on developing appropriate guidelines to protect children from information and material that may harm children. Other duties enshrined in the above Article such as encouraging media to provide children with information and material that would be socially and culturally beneficial to them has, to a large extent, has been ignored in existing legislative instruments—including those enacted following the transition to democracy, and those that are now being drafted.

Children were not consulted, for example, in the process of drafting the Broadcasting Regulations currently underway. Neither does the Regulations contain any provisions that make it obligatory for broadcasters to designate a particular percentage of their content to children's programming, as is common practice in most liberal democracies across the world today²². It does ban any content that violates the rights and dignity of children (Article 30(f))²³, and also marks the watershed hour as 9:00pm, stipulating that content broadcast between 6:00am to 9:00pm be suitable to persons of all ages (Article 32)²⁴.

Nor does the draft Regulations, currently open to comments from the general public, contain any provisions that make it obligatory upon the media to provide children with opportunities to participate in the media. The Broadcasting Act 2010, which underpins the new Regulations, is similarly lacking in focus on children. While there are strict regulations governing the type and percentage of local content that should be included in the material broadcast by any licensee, these do not include guidance on what children's share of this content should be. The only

²² For an analysis of regulations in various democracies that require broadcasters to designate particular percentages of their content to children's programming, see: Jack Blumenau, 'Children's media regulations: a report into state provisions for the protection and promotion of home-grown children's media, (London: Save Kid's TV April 2011), accessed <http://www.savekidstv.org.uk/wp-content/uploads/2011/05/SKTV-competitor-territory-research-post-final-updated-24.4.11.pdf>, November 12, 2011

²³ Maldives Broadcasting Commission, "Broadcasting Regulations (First Draft)", October 31, 2011, Accessed on November 20, 2011, <http://www.broadcom.org.mv/dh/images/upload/1.%20Broadcast%20Regulation.pdf>, 20

²⁴ *Ibid.*, 21

stipulations regarding children in the Act is that ‘nothing should be broadcast that violates any rights of the child’²⁵ and that all content should be clearly classified and rated according to their suitability to particular age groups²⁶.

Similarly, the Broadcasting License Agreement also emphasises the protection of children from harmful content while ignoring the State’s obligation to encourage children’s representation and participation in the media. The only substantial references to children in the Agreement, for example, is in the section related to Advertising Rules and Regulations where several clauses seek to prevent harm to children caused by advertising²⁷.

This ethos of emphasising the need to prevent children from harmful effects of the media while ignoring its potential for being a positive force in children’s lives and their development is also evident in the Broadcasting Commission’s regulations aimed specifically at children. For instance, the Commission is currently engaged in the process of drafting Guidelines for the Protection of Children in Broadcasting. As the title suggests, the Guidelines are for protecting children from harmful effects of the media—there are no similar guidelines for children’s *participation* and inclusion in the media, the formulation of which is made incumbent upon the State Party by Article 17 of the UNCRC.

Furthermore, as it currently stands, the draft Guidelines has the potential to *impede* rather than encourage the development of children as active citizens engaged in the social and political affairs of the country as is envisaged by the UNCRC. This potential is most specifically contained in Article 3 (b) of the Guidelines which prohibits the inclusion of ‘any political content, directly or indirectly’ in programmes aimed at children²⁸.

Such a prohibition assumes that children—no matter what age and stage of development they are in—do not have the capacity to constructively and positively engage in the political, social and civil affairs of the country. Such an assumption is contrary to the philosophical underpinnings of the UNCRC, which envisions children as subjects of the rights it provides and encourages children’s participation in public life as active citizens with their own views and opinions.

Rather than prohibit political content, the Guidelines should be aimed at including such content aimed at children in accordance with the capabilities and development of children of various age groups.

Encouragement of children’s participation in the media is also absent from the only legislative instrument that deals with the print media sector – the Print Media Act (47/78). The legislation was enacted in 1978—thirty years prior to the Maldives’ transition to democracy in 2008, and twelve years before the Maldives signed the UNCRC in 1990. It has not been amended or formally reviewed since. Despite the UNCRC requirement that States Parties shall ‘encourage the production and dissemination of children’s books’ (Article 17(c)), the only

²⁵ Broadcasting Act 16/2010, Maldives Broadcasting Commission, accessed <http://www.broadcom.org.mv/dh/images/upload/16-2010.pdf> November 20, 2011

²⁶ Ibid.

²⁷ Broadcasting License Agreement, Department of Information, p.103 Accessed at: <http://www.maldivesinfo.gov.mv/home/upload/downloads/Broadcast%20agreement.pdf> on 3 August 2011

²⁸ Maldives Broadcasting Commission, “Guidelines for the Protection of Children in Broadcasting (First Draft), October 31, 2011, accessed <http://www.broadcom.org.mv/dh/images/upload/11.%20Children%20Guideline.pdf> on November 22, 2011

reference to children in the Act is the statement that children's magazines and other such materials published by and circulated within academic circles are exempt from the law²⁹.

Recognition of the importance of children's participation in the media is also absent from mechanisms of self regulation such as the Maldivian Media Code of Ethics recently adopted by the Maldives Media Council. Like all other media-related regulations, the Code of Ethics also focuses on the protection of children from the harmful influences of the media.

In publishing news and information about children, their dignity and rights will be protected. No information that will reveal the identity of children who are the victims of physical, mental or sexual abuse or children who perpetrate such acts on others will be published in the media³⁰.

Similarly, the Broadcasting Commission's Code of Ethics³¹, currently in the draft stages, also focuses on the protection of children from media's harmful influences and contains no provisions that encourage the participation of children or the State Party's obligations to provide children with access to information in a manner commensurate with their development.

The only provisions that require the State to provide children with access to and participation in the media is Article 7 of the Law on the Protection of the Rights of Children (9/91):

Special programmes providing useful information and guidance to children shall be included in television and radio programmes. Such programmes must not contain any material verbal or pictorial, which may adversely influence the morals of behaviour of children³².

Consultative meetings with members of media regulatory bodies revealed mixed attitudes towards children's participation. The Maldives Broadcasting Commission admitted that children were not included in the exhaustive consultations with stakeholders undertaken in the drafting of the new broadcasting regulations discussed above. This implies that the Broadcasting Commission does not view children as stakeholders in the media, and/or does not regard children's views and opinions as relevant or important to shaping the future of Maldivian media.

Members of the Commission, however, stated they recognise the importance of not just protecting children from the harmful influences of the media but also the importance of their participation. They also expressed concern that there is currently no public service broadcaster in the country, and were of the opinion that without such a service it would not be possible to have a media that pays appropriate and adequate attention to children and their rights.

They identified unacceptably high levels of commercialisation and politicisation of the media as the key factors in the current neglect of children's programming, and suggested that unless more funding is made available to the production of children's content, the situation cannot be

²⁹ *Print Media Law 47/78* (Male': Maldives Government, 1978), 1. Accessed online at: <http://www.mvlaw.gov.mv/pdf/ganoon/chapterII/47-78.pdf> on 30 July 2011

³⁰ Article 18, *Maldivian Media Code of Ethics*, Maldives Media Council

³¹ Code of Ethics (First Draft), Maldives Broadcasting Commission, accessed <http://www.broadcom.org.mv/dh/images/upload/3.%20Code%20of%20Ethics%20FINAL.pdf>, on November 20, 2011

³² Article 7, Protection of the Rights of Children Act 9/91

remedied. The Broadcasting Commission is of the opinion that the introduction of regulatory mechanisms that make it compulsory for broadcasting licensees to dedicate a percentage of their content to children's programming maybe viewed as micro-management and interference in editorial policy—allegations which the Broadcasting Commission is keen to avoid.

Members of the Media Council showed more recognition of the importance of children's participation in the media than did the Broadcasting Commission. The Media Council has been involved in setting up Media Clubs in schools across the country to provide children with platforms in which they can discuss social and political issues that affect their lives. The purpose of these clubs is to encourage children's participation as active citizens fully engaged in the Maldivian democracy. Members of the Media Clubs would discuss issues of concern to them, prepare papers and articles on those issues, and would directly lobby parliamentarians and other political and social leaders in the country in order to ensure their views and opinions are represented and included in decision-making processes at the local and national levels.

These activities by the Media Council, however, are not receiving adequate support from other institutions involved in the process, or from the society in general. The Education Ministry, for example, is reluctant to allow the Media Council to allow Media Clubs to become fora for political debate and discussions. Their rationale is that introduction of political issues will be damaging to the children. These 'allegations' against the Education Ministry by the Media Council is not without foundation as suggested by findings from the children's focus groups where children expressed unhappiness about how strictly schools regulate their participation in political discussions and activities inside and outside of the classroom.

The Media Council feels that the Education Ministry is exerting too much control over what sort of activities the Council can and cannot engage the children in. If there is to be discussion among students on issues related to democracy and other social and political affairs, the Education Ministry wants to be the only authority with the power to dictate the content and shape of such discussions.

There is resistance from the Education Ministry, for example, to the Media Council's proposition that the clubs be named 'Media and Democracy Clubs.' This is a resistance and attitude shared by Parent Teacher Associations as well, according to the consultative discussions with the Media Council. What drives this attitude is a widespread belief among parents, teachers and society in general that democracy itself is about dirty partisan politics—something from which, were it true, they would understandably want to protect their children from.

The Media Council is also of the opinion that instead of working together towards the common goal of fostering children's participation in the media, various stakeholders are overprotective of their own mandates as well as their allocated budgets. As an exposition of this proposition, members of the Media Council provided the following scenario:

If the Human Rights Commission, for instance, has the mandate to ensure that children's rights are protected; and they have a particular budget to spend on implementing various projects towards realisation of children's rights, it would make sense for the Human Rights Commission to allocate their designated budget for the realisation of children's rights to participation in the media to a body such as the Media Council. This would ensure that the Human Rights Commission gets a competent body to carry out the necessary work, and that their task of ensuring children's rights was adequately carried out.

What happens, instead, is that the Human Rights Commission would see it as a failure on its part if it were to delegate the task to another independent body such as the Media Council. Paying another independent institution to do what they see as a job they have been assigned to do themselves is, mistakenly, seen as a failure on its part and also a misappropriation of the budget it has been allocated. Some of the most successful projects for children, the Media Council said, have been conducted when different organisations and institutions collaborate for the same goal and share their expertise and financial resources.

As an example, the Media Council pointed to its work with UNICEF on the drafting of a Code of Ethics and regulations governing children and the media.

Legislative instruments not specifically geared towards the media but contain references to its conduct and behaviour with regard to children include the Juvenile Justice Bill, also currently in the draft stages. Article 12 (a) of the Bill stipulates that the media should actively participate in preventing children from becoming involved in criminal activities and in efforts for the successful rehabilitation and reintegration of child offenders into society. The same article also requires the media to exercise high standards of professionalism, and to refrain from bias, in any and all coverage of children in conflict with the law. The Bill also requires that the best interest of the child should be the main – and only – consideration in all media coverage involving children in conflict with the law (Article 12 (b)). Article 12 (c) describes biased, sensationalist or misrepresentative media coverage of children in conflict with the law as a violation of children's rights.

5. Child Focus Group Meeting Outcomes

“Up until Grade Six I felt kinda [sic] sad and angry. But from Grade Seven to now I just don’t care and don’t listen myself.”

- Child Focus Group Participant

Fifteen children aged between ten and eighteen met on 1 November 2011 to discuss their right to participation in decisions that affect their lives. A programme for the day had been prepared in advance, based on an adaptation of the ‘Kaleidoscope of Experience’ method developed for use in a 2011 children’s participation study conducted in Finland by the Council of Europe (See Appendix I & II).

Children were first given a brief introduction to the UNCRC with specific focus on Article 12 (for a snapshot of the presentation, see Appendix III). Asked about their knowledge of the Convention, and Article 12 in particular, children responded they were vaguely aware of the existence of the UNCRC but were not familiar with its various Articles and the specific rights they provided for. They were also informed of the purpose and objectives of the focus groups, invited to express their views freely, and were given assurances of confidentiality.

The children were divided into three focus groups, each of which was assigned a facilitator from the Human Rights Commission. The group comprising children with special needs also included two carers/teachers who accompanied them to help them express their views. Several of the children communicated through sign language.

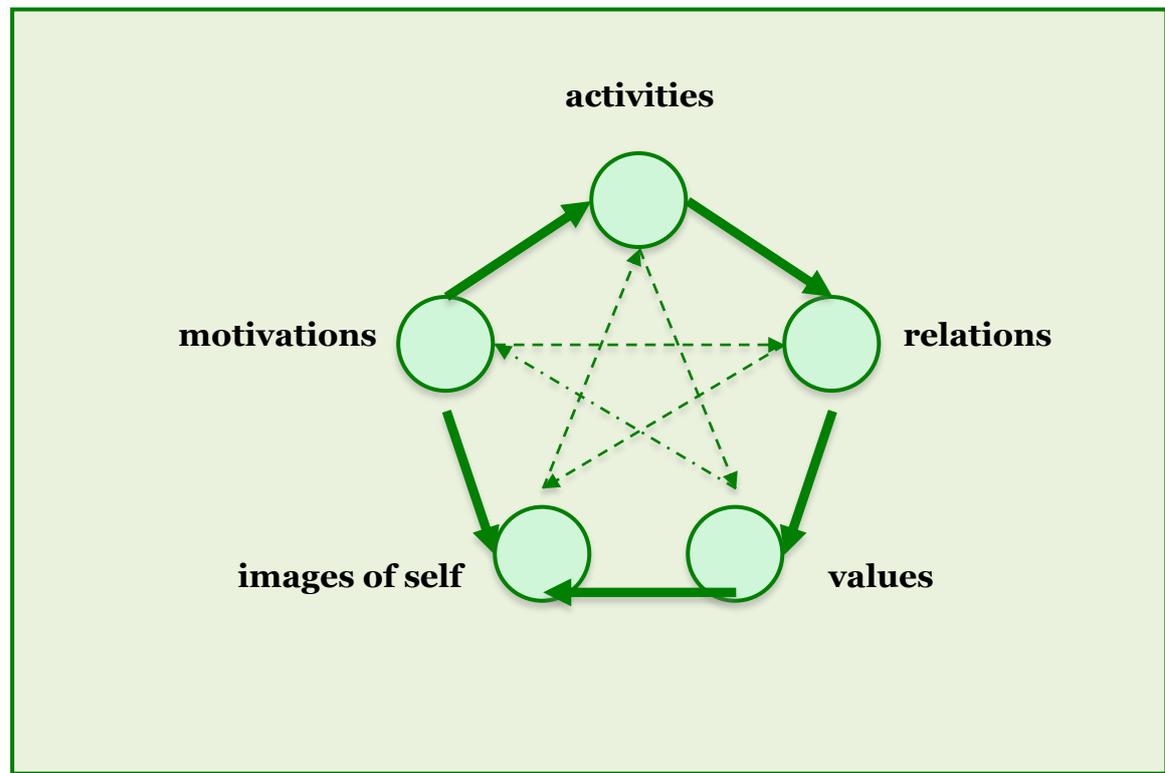
Children in each group were asked to introduce themselves to each other, after which they carried out the tasks assigned under the ‘Kaleidoscope of Experience’. The first task was to list the activities they engaged in on a daily basis, followed by writing down a list of people involved in each of those activities. In compiling this list, participants were asked to underline the people whom they felt did not listen to them in making decisions that affected their lives.

Their next task was to write down the reasons why they thought the said people did not listen to them, followed by a list of their suggestions as to how the situation might be remedied. They were then asked to write down how they felt when adults failed to listen to them and failed to take their views into consideration.

Once the tasks were over, facilitators held discussions with children in each group, guided by pre-determined set of questions centred on each of the focus areas highlighted earlier (See Appendix II for full list of questions). Although the questions were set prior to the focus group meetings, facilitators were flexible in asking them, allowing children the widest possible leeway for expressing their views within the scope of the study. On completion of the discussions, each group presented their views to all the children present, expressing their opinions on the extent to which they feel they are given the opportunity to participate in decision-making processes that affect their lives.

The 'Kaleidoscope of Experience', developed as part of a child participation study piloted in Finland by the Council of Europe earlier this year (2011), was used as the grid of analysis. The diagram below replicated below shows the Kaleidoscope and its application, as it appeared in the Council of Europe study in Finland³³.

The analysis in this section is thus structured according to the elements of the kaleidoscope – activities, relations, values, images of self and motivations.



The Kaleidoscope of Experience as a grid of analysis³⁴

Activities

Things children do on a daily basis

Children were asked to write down the activities they engaged in on a daily basis in school and at home. They were also asked to list their interests and hobbies. All the activities were listed in a sheet of green coloured paper. They included the following:

³³ Council of Europe, "Child and youth participation in Finland", 2011, accessed on 12 October 2011, http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf

³⁴ Created by Daniel Stoecklin, Council of Europe Review Team Member, Ibid., 32

School: extra-curricular activities: oratory competitions, school clubs, Girl Guides, Boy Scouts, Little Mermaids, singing, inter-school competitions, Qur'an competitions, dancing,

Home: watching television, hobbies (see below), eating, sewing, ironing and other chores,

Hobbies: singing, reading, drawing, crossword puzzles, painting, watching movies,

Music: composing, singing, school band,

Internet: Facebook, chatting, computer games, graphics and web design

Sports: football, volleyball, netball, athletics, swimming

Leisure: picnics with families, travel abroad, drives with family,

Participation activities: leadership posts in schools—prefects, school board, organising school assemblies, meetings, sharing information, wield influence, attend functions, planning, having a say in school activities, run school clubs.

The Kaleidoscope was designed such that children would reflect on a wide range of activities rather than simply listing 'participation activities'. The rationale behind the invitation to include as many activities as possible was to prevent them from forgetting other activities, which 'would have prevented them from seeing the main outcome in the next stage (relations) in which they discover a direct relationship between participation and proximity.'³⁵

Relations

People with whom children interact regularly in their activities

Children were next asked to list the people with whom they were in contact with during these activities. This was done on a sheet of yellow paper. They were also asked to underline the people they felt did not listen to them or did not take their views into account.

School: teachers, coaches, physical education instructors, school nurses, classmates, friends, academic coordinators, other staff

Home: parents, siblings, extended family, friends, neighbours, tutors

Hobbies and interests: teachers, coaches, family, other amateurs, friends, staff

Internet: social network friends, computer gamers, friends

Health: family, doctors, nurses

Participatory activities: prefects, junior leaders, teachers, principles, schoolmates, other students

An analysis of the range of people with whom children and young people come into contact with show that those who most often fail to listen to them are professionals most expected to know children's right to participation and would, therefore, be most expected to respect and

³⁵ Ibid., 33

facilitate this right. Several children, for instance, listed various teachers, sports coaches and doctors as failing to listen to them.

Strikingly, the application of the kaleidoscope in Finland, where children's right to participation is more widely known and respected than it is in the nascent Maldivian democracy, yielded the same pattern³⁶: that is, professionals listen to children less than those with whom children have personal contacts.

None of the children listed youth workers or local governance figures in the various areas of Male' as coming into contact with them, let alone listening to them. The absence of such figures from children's lives reveals a wide gap in opportunities for children to participate in decisions that affect their lives out of school and within the larger community.

With regard to persons involved in children's lives within the areas of sports, leisure activities and interests, children did say some of them do listen while others were emphatic that such figures do not listen to them at all.

Among those who do listen to children and take their views seriously were those with whom the children had personal relationships such as parents, family, friends and neighbours. Several children also listed healthcare professionals in schools as being among adults who listen to them and take their views seriously.

These findings match the results generated from the use of the Kaleidoscope in the Council of Europe study – that there is a direct link between participation and proximity, especially in activities carried out within informal structures. A valid conclusion can thus be drawn: people who are professionally expected to listen to children do so less than people with whom the children have personal relationships.

Values

Reasons why children think adults do not listen to them

The third task set by the Kaleidoscope was for the children to list, on a blue sheet of paper, the reasons why they think adults do not listen to their views. They provided a wide range of reasons from 'they think I am too young to understand', to 'not believing in us', 'them feeling they are the boss' and 'because they don't care about us'. Several children also pointed out that adults find their opinions silly or too disorganised to be taken into account.

The Council of Europe study, the findings of which were again very similar in this regard, posited several explanations for such a relationship between adults and children: adults lack the time, resources or skills to listen to children; preconceptions exist about children and their capacity for knowledge; suspicion that emphasising children's right to participate may erode their authority; and a reluctance to change established practices and interests³⁷.

³⁶ Ibid., 33-34

³⁷ Ibid., 34-35

Based on what the children in the focus groups had to say, the same factors are as applicable in a Maldivian context. For instance, one of the children listed as the reason s/he thinks a particular person does not listen is:

Because she thinks that activities won't be organised if [children's] ideas were involved', suggesting that—as it appears to children—teachers see incorporating children's views and opinions as disruptive rather than beneficial.

Another student said:

Sometimes while taking big decisions at the school, the leading teachers ask school Posts [informal term referring to children in school leadership posts], but, even though the decision affects all students, the school does not ask for our opinions. Maybe because they think it is easier to make decisions with a little group, or just within school's senior members.

Reluctance to change established practices and interests was also present in the reasons children gave for why, in their view, some adults do not listen to them. Referring to School Heads, one student said:

They go on defending some policies that were carried out before. They do not want new ideas.

Some of the most commonly expressed views about teachers who do not listen were that they were 'too busy', 'too stressed' and 'too angry' to welcome discussion and suggestions from children. One student, for example, said:

Some teachers just don't care about our views, about our thoughts and questions, but not all of them. They just ignore us. When they enter the class [...] they are [already] stressed out.

Some students with special needs also expressed similar sentiments, describing teachers as 'angry' and unable to understand them. Some such students proffered the explanation that the teacher's anger may be arising from the fact that s/he cannot do sign language properly.

It is particularly interesting that many students felt teachers were either angry or stressed given that it tallies with information from teachers themselves who spoke often of the heavy workload they have to endure due to shortage of resources (as is discussed in the section on outcomes of the meeting with parents/teachers).

The Council of Europe study proposed that 'values or rationales of people who do not listen to children are probably linked to the question of professional status and expectations'. It thus posited the hypothesis that hierarchy is an explanatory factor, which stops professionals from being more participatory. The professional are:

[T]rapped in a double-bind relationship where they have to prove and establish their authority and expertise in a given field while at the same time being asked to listen to children as if they knew more than them. Adults therefore tend to resolve this double injunction to the detriment of children: they do not listen to them very

much because they are afraid this would be interpreted in the professional sphere as proof of incompetence.³⁸

In contrast, those who do not have such a relationship with children are not encumbered by such considerations of status and can, therefore, afford to listen to children more.

This hypothesis is applicable in a Maldivian context, as can be seen from the comments made by children discussed above. Further support for its applicability can also be seen in the views and opinions of parents/teachers discussed later in this report.

These hindrances to children's participation is compounded by a lack of knowledge and awareness among such figures of authority in the Maldives, as is also discussed later.

³⁸ Council of Europe, "Child and youth participation in Finland", 2011, accessed on 12 October 2011, http://www.coe.int/t/dg3/children/participation/PolicyReview_en.pdf, 35

Images of Self

How children feel when they are not listened to

The children were then asked to express their feelings, on a white sheet of paper, when adults fail to listen to their views and opinions. A whole gamut of emotions was described, ranging from sad, bored, unsatisfied, angry, revengeful, annoyed and frustrated to vexed, incensed and irritated.

One child said it makes her 'feel smaller than I am', while many described feeling like they were 'not important'. 'I feel unsatisfied and I also feel that I am not that important', was how one of the children put it.

Children also expressed negative feelings about the adults themselves, describing those who refuse to listen as 'stupid and inconsiderate.' Some also felt whatever stress teachers were under, it was not 'a valid reason' for not listening to children. Another child described the refusal by some adults to take their views into consideration as a violation of their rights, not simply their rights as children, but as citizens proper.

We feel that we don't have any rights to speak, and we don't have freedom of expression. If we consider this from a constitutional point of view, we are losing some rights given by Article 27 of the Constitution.

The poor self-images—such as feeling unimportant, stupid or 'small'—children develop when adults fail to listen to children need to be given serious consideration.

Recommendations for adults

Children's views on how to make things better

The next task set for children using the Kaleidoscope was to suggest ways in which they think the *status quo* could be changed so that space can be created in which adults would be more accommodating of children's right to participation.

Once again, the results were wide ranging from the suggestion that coaches should be better paid so they would be more accommodating of children's opinions to: 'Tell[ing] them off myself (I want to, but I can't, I am too small)'.

Ideally, what most children would like to see happen is for adults to 'realise that they should not always consider their decisions as the best' and to 'involve ideas of students' in making their decisions. As one child stated:

I want to make them understand that involving me or getting opinions from me can make things better. I want some sort of opinion from me [to be taken into account] in every activity I participate.

Children also highlighted the need for teachers and other adults to be more aware of the fact that being heard and being allowed to participate in decisions that affect their lives are parts of a

child's fundamental rights. If adults and children alike had more knowledge of children's rights, it was felt, the situation would improve.

Some children felt that some schools were already offering opportunities for participation through school councils that 'welcome their [children's] creative ideas on organising different activities and how the policies should be carried out'. They also highlighted as positive developments the opportunity to vote provided by the councils, and described it as a means to 'practise and taste the real feel of a real democratic environment as Maldives is practising it'.

Children also offered practical solutions to the issue of 'stressed out' teachers, highlighting once again the degree to which children are being affected by such persons.

The school management can take action about the classes which stress the teachers out and then only can the teachers be free of stress.

Motivations

Findings from focus group discussions with children

The rest of the focus group involved discussion of the outcomes of the exercises involving the Kaleidoscope. The discussions were held among members of the three separate groups into which the children were divided at the start of the day. Facilitators from the Human Rights Commission guided the discussions along by putting pre-set questions (See Appendix II) that explored issues related to children's participation in the areas of focus: family, education, out of school activities, children in situations of violence, public life and civil society, and the media. Questions relating to the area of judicial and administrative proceedings—one of the focus areas included in the rest of the study—were excluded from the focus group discussions. And, questions relating to children in situations of violence were kept to the bare minimum, seeking answers only to questions of whether children had been informed of/were aware of where and from whom they could seek help if they found themselves in such a situation.

Family

All children who attended were happy with opportunities for participation afforded to them within their family environments. Most children were also satisfied that their parents discussed with them their wishes and feelings when large decisions affecting their lives were being taken—such as choice of schools when changing from primary to secondary levels or choosing which academic stream to enrol in when they begin secondary school. Some children were of the view that the consultation process was '50/50 – sometimes they ask, sometimes they do not. Sometimes, even if they ask, they do not seem to really listen.'

Healthcare sector

This is one of the areas in which several children expressed dissatisfaction with the level of participation offered to them. Many felt that doctors do not care to explain to them, in a language they understand, their diagnoses or prescriptions. There also appeared to be a consensus among several children, especially among older children, that they were treated far better by doctors when they travelled abroad for medical care.

Several mentioned that doctors in the Maldives appeared rushed in comparison with doctors they consult abroad, and did not have time for explanations. Some expressed the view that even within the Maldives, they feel more included in the procedures when they consult an expatriate doctor. One child said, for example, that:

Foreign doctors are better than Maldivians. They seem to give it their all, and are dedicated. They address the patients themselves, talk directly to the patients. Maldivian doctors always seem to be in a rush, as if they had got water in their noses and are about to drown. Not saying that all Maldivian doctors are bad—this is the general impression.

Another child recounted his own negative experience: ‘I have a phobia of needles, but when I was a child they never asked me or told me when they stuck a needle in me.’ Other children, however, had a better impression of doctors and the health sector: ‘If the doctor fails to tell me, I ask. When I ask, they do tell.’

In presenting their views as a group, children in the secondary school focus group had this to say on the subject of being provided with appropriate information by doctors and other healthcare professionals:

In the discussions within our group, what we found is that if we go to a Maldivian doctor, we don’t really know what is going on. One time they will give us an injection, the next time they will ask us to do a blood test. Without knowing what is really going on, we go from one section [of the healthcare system] to another, doing what they ask us to do.

Younger children (in primary school), however, had a positive opinion of doctors and the health sector.

When we go to the doctor, the doctor does their check-up and tell the patient, even if it is a child, they tell you why you are sick. They tell us we have eaten something with germs in it or something like that. Doctors explain to us, and doctors and nurses tell us not to panic when something happens.

Children with special needs, too, had a generally positive opinion of their experiences with the health sector. They feel that doctors and nurses do give them information they need. However, sometimes they cannot understand what the doctor is saying [due to their need for sign language] and require parents to explain to them what the doctor had said.

Play/Recreation

This is the area in which children felt they had the least opportunity to participate. One of the main issues they highlighted is the unavailability of space for children to play.

We have no space for sports. We’ll have to abroad for it, or maybe in some islands. Or maybe on top of someone’s terrace.

Many were unhappy that the few community sports centres that exist are always taken up by adults. Keen football players among the children expressed frustration that oftentimes they have to hang about football grounds, waiting for adults to vacate the plot. More often than not, they end up not getting a chance.

‘This is also the reason,’ one child felt, ‘we are not allowed to go to play sports very often.’ Parents are worried about children having to hang around on the streets, waiting for some free space, and fear they may get involved in some sort of trouble or form friendships that maybe detrimental to their behaviour.

In the Maldives, especially in Male’, there are very few activities that target young people. [...] In schools when they are introducing new activities and such, they do not really consult with children that much, they do not provide us the opportunity to express our views when they are making up rules for the activities either. There is very little consultation especially when it comes to children with special needs – we don’t think there is even a dedicated place for children with special needs to play.

None of the children, young or old, have ever been consulted by youth workers, community or national sports events organisers about what sort of sports and play facilities they would like to have made available to them. Young children also confirmed that neither city councils nor any other local government authority or sports body has consulted them about the playgrounds in their neighbourhoods or what sort of play equipment they would like at such a facility.

None of the children with special needs felt their views had been taken into account when sports events were organised by local authorities. One of the children, however, said he had been given many opportunities for participation by people in his neighbourhood who invite him to join annual sports competitions in the area. Several children, who themselves did not have special needs, also expressed dissatisfaction about the lack of opportunities that children who do have special needs are afforded.

There isn’t much for such children. There should be separate training available for such children. What really happens is that it is very difficult for children with special needs and ‘children who are normal’ to train together sometimes. There are some children who get angry with special needs children during training. I haven’t heard them being shouted at, but different children have different personalities and some children do get angry. If something is said in anger, these children get very upset.

Additionally, children also feel they do not get adequate opportunities for participation in sports once they are in secondary school. ‘Teachers only teach. There is no P.E [Physical Education]. We are in the classroom always’, one child noted.

Opportunities for participating in sports only arise in the event of a national or inter-school tournament. Children find this frustrating. ‘If we had the opportunity to decide, we would have some sort of sports. Even if it is after school’, another remarked.

Education

None of the children felt that they were being given sufficient information at school on their own rights and on human rights in general. The only subject in which students reported having lessons in human rights was Islamic Studies.

In the Islamic Studies text book, there's one lesson – three pages – on the subject. That's it.

In one of the schools, however, children are given a handbook about their rights. Mostly, however, whatever knowledge children have on the Convention on the Rights of the Child is gained from occasional programmes on television, or from fora and meetings outside of the classroom – which are only accessible to a limited number of children.

This experience was shared by children with special needs who were also of the opinion that there is insufficient teaching and/or instruction on the UNCRC provided to them.

Children are emphatic that more lessons on democracy, human rights and active citizenship should be included in their curricula. Any information the children have about democratic values and citizen participation have been gained outside of the classrooms and from their own interest. Children also reported that democracy itself is seen by schools as 'a [party]political issue' and teachers are not allowed to speak of politics in the classroom.

When we ask about issues that are talked about in the Majlis [parliament], we don't really get an explanation. Also, if we become unruly and loud in the class, we are seen as "becoming the Majlis".

This information from the children is important when taken together with findings from interviews with the Media Council, as well as from the outcomes of meetings with parents/teachers that suggest that the very concept of democracy has become so politicised that it is impossible to discuss it without being accused of engaging in political partisanship.

Children, who are yet to form such preconceptions of their own, feel that such an attitude is depriving them of valuable lessons and skills that would allow them to participate in society more fully at present, and in the future.

It is important that we know these things [concept and values of democracy] when we leave school. This [not being aware of them] is the main reason for the problems that the youth face today. We don't really understand democracy. A lot of students shout 'freedom, freedom' in class without properly understanding what democracy is about.

On student surmised:

The freedom that we get in secondary school is being abused by some students because there is no guidance. Freedom should come with guidance.

Participatory mechanisms in schools

Many children feel that there is insufficient opportunity for participation in primary schools; but most agreed that once they moved to secondary school, 'things changed' for the better. 'In primary school [...] all the decisions seem to be made by the teachers.'

In primary school, if we say something it is 'nonsense'. We feel the difference a lot—'We have such freedom now!', that's how we feel when we get to secondary school. [...] Once you change from primary to secondary school you really feel the difference.

As an example, children compared their participation in the organisation of school activities at the primary school level with that of the secondary level.

When you come to secondary school it is the prefects who run most things; like the Assembly for instance. Make announcements, hoist the flag and other things. In primary school it is the supervisors who do all these things. Children only recite the Qur'an. In secondary school it is prefects who run the whole ceremony.

Another student remarked that it was only after he joined primary school that he has had the opportunity to participate in a forum such as the focus group. 'In primary school it didn't seem as if I even existed.'

Children with special needs were happy with the level of consultations with them when teachers plan their lessons. They reported, however, that they have not been consulted at all in matters relating to school policies or the curriculum. Nor are they sufficiently consulted or their views sought in matters related to extra-curricular activities in schools.

Broadly speaking, children in secondary school feel that their views are being taken into consideration. They are satisfied with the mechanisms for electing students to leadership positions because it is done through student votes.

However, these findings should be treated with some caution—as previously mentioned, a majority of the students who attended the focus groups were themselves in leadership positions or were high achievers in school. Had there been more students within the groups who were more average, the findings may well be different. Even within the groups that attended, for example, there were some who found an unacceptable distance between them and the students in leadership roles.

I am a prefect, but I have not yet got the opportunity to speak to the Captain. It is only in the second term that I found out who the Captain is!

Given that the School Captain is the figure representing all students at the School Board, such a distance between her and other students suggest that the views of students in general may not be too well represented. This minimises children's opportunities to participate.

Primary school students also expressed dissatisfaction that only students in higher Grades can vote for the post of the School Captain.

...[T]he School Captain can influence the whole school. So, I believe that all the students should be given the chance to vote.

Extra-curricular activities in schools

Many children, as mentioned in the previous section dealing with sports/play, are unhappy with how few opportunities they have for play in school.

Another issue that arose is related to opportunities for participating in other extra-curricular activities organised by the school such as celebratory events to mark special occasions.

There was marked unhappiness, especially among primary school children, that their views are not being taken into account in planning school concerts or fairs. They felt that teachers and the school management do not take seriously the ideas they suggest for stalls at the fair, for example. 'We come up with ideas but they never act on them. They do it the way they want.'

Public life & civil society

There is no student organisation in the Maldives to represent children's views and to represent their interests at local and national levels. Many students expressed the view that this limits opportunities for their participation in decisions that affect their lives.

Children with special needs felt a similar dissatisfaction with how few the opportunities were for them to participate in various activities of the society at large. They are aware that youth organisations exist, but do not have the opportunity to participate in them. None of the children with special needs present at the focus group discussions had ever been consulted about any such activities by any organisation at the local or national level.

Furthermore, students also feel that schools are far too strict on the issue of children's participation in civil society organisations and other such institutions and activities. One student noted that:

At the back of the Report Book is a rule saying that if the student is participating in activities planned by the public, they should get permission from school before involving themselves.

One student noted that their school administration recently sent a circular to all parents stating that children could only participate in civil society and other public activities with prior permission from the school.

If we participate in such activities without permission from the school, the regulation is that we are suspended for a week. So it is completely banned.

According to one student:

We are only able to participate in activities that the schools permit us to participate in. We should be able to participate in public activities, like it is

possible [for children] to do in foreign countries. That's how we will be able to develop our skills.

The media

Many children felt that they are not represented in the media. This was especially the case with children with special needs. Deaf children in particular are not represented in the media at all. The children suggested that this should change:

...[B]ecause they cannot hear, it is important the media provides them with information...they are keen to know more about things. Also, things cannot be done the way that the children want unless their views are sought, and taken into account. The children also believe that things that are most beneficial to them are things that have been planned and implemented according to how they want them to be done.³⁹

Secondary school children, too, agreed that there was only limited representation of their views in the media. Once again, the findings may have been different had there been more 'average' students within the group – these results may have been tempered by the fact that there present in the focus groups were children who presented the very few children's television programmes currently broadcast on Maldivian television. Even so, children were broadly unhappy with the level of representation in the media.

Yes, there is a Youth TV channel but it is not functioning at its full potential. It provides only entertainment—we don't think this should be the case.

It is very important that channels like this provide information to youth about the opportunities they have – we think this is very important. Media influence is very powerful, and I think that things can only get better if the media begins to think differently, and if they adopt a better form of thinking. We think that all these issues are important, and that we have a right to make ourselves heard. It is by listening to us that things can be improved for us.

These views of the children are compatible with the findings in the policy review section which showed that there are very few legislative and policy mechanisms aimed at involving and representing children in the media.

Children felt that they were not asked about what they would like to see on television or hear on the radio. They also said they were willing and keen to provide their opinions and views were media organisation to ask them. 'If they ask', one child said, 'I will say what I have to say.' Another added that he felt it important that children's views were sought by the media because 'these things affect our lives.'

Returning to the discussion on the dedicated youth channel on MNBC One [the state broadcaster], one child observed:

³⁹ Remarks made at the presentation following the focus group discussions. The presentation by children with special needs was made by the facilitator from the Human Rights Commission (with one of the children), hence the third person speech.

[W] can't say that it's very good, the way it currently functions. It's okay as an entertainment channel. But there is no information on it that's relevant to children. It's mostly entertainment. It does not work that hard for youth entertainment. Even if it is sports, it's all foreign stuff. It is very rarely that there is local stuff--it's always adults on, if there is local stuff.

Children in situations of violence

None of the children could immediately recall the national Child Helpline number. All the children, however, knew vaguely that such a number existed. They were also all aware that violence against children is a crime and that laws exist which deal with such offences. What the younger children seem to understand when asked about children in situations of violence was that it referred to fights that sometimes breakout between and amongst children—such as instances of bullying.

Some of the older children said they were aware of violence against children in the context of sexual and other forms of violence. Their knowledge was gained mostly from media reports. Others said they had attended the occasional seminar held at school or another special event where they had heard such matters being discussed. The child helpline number, however, is not often publicised, nor are children very well informed of where and to whom they should turn to help if they found themselves, or their contemporaries, in such a situation.

There was a general consensus among students, however, that school counsellors were people they could turn to for help, and were persons with whom they could speak with in confidence.

Before the end of the day's discussions, the focus group comprising secondary level students were able to correctly recall the Child Helpline number.

Feedback

All children who attended the discussions said they were happy at having been given the opportunity to participate in such a forum.

Before they left, as a final task, they were asked to provide one-word descriptions of how they felt about taking part in the discussions. They were provided with various coloured pieces of paper on which to do so. These pieces of paper were then pasted onto a flip-chart so all attendees could see what others thought of the day's activities and discussions.

Some reviews were longer:

Excellent
Enjoyable
Informative
Educational
Social
Marvellous
Cool
Amazing
Happy
Proud
Creative
Interesting
Interactive

‘This went very well! x10’

‘I’ve got new friends!’

‘I got new friends’

‘Really satisfied with this discussion’

‘We are very happy we came here. There should be events like this more often’

‘We are very happy. We hope you share the results with us’

‘We are very happy that you met with us like this. We hope that you share the results with us’

‘Freezing to oblivion >:([a reference to room temperature]’

6. Parent/Teacher Discussion Outcomes

On the same day as the focus group discussions with children, 1 November 2011, teachers and

“Even though we have come here to have a little listen, we don’t believe that there is any such thing called human rights here [in the Maldives]. This is the truth.”

- Parent

parents from various primary and secondary schools in Male’ and its surrounding districts accepted the invitation from the Human Rights Commission to participate in a round of discussions related to children’s right to participation. The discussions began with a very brief introduction to Article 12 of the UNCRC.

Like the children themselves, parents and teachers said they were largely unaware of the children’s rights to participation and only vaguely knew of the Convention on the Rights of the Child. They requested that more detailed presentations be made available to them on the Convention. This was, however, not possible on the date; and parents and teachers were—as previously planned—guided through discussions on the various focus areas to assess how much children’s right to participation figured in their daily interactions with children.

Education

Many parents and teachers were unaware of the children’s right to participation as enshrined in the UNCRC. Several were of the opinion that children cannot make any meaningful contribution at the policy level until they were in higher secondary school (Grades 10, 11 and 12). Asked about seeking children’s participation in the process of developing the national curriculum, for example, one parent said there was no point in asking a child their opinion until *after* they have completed a given school year year:

[I]f you are seeking children’s views [on the curriculum] then it should only be this: once they completed a year, they can be asked how it was for them. [...] Even this, in my opinion, can only be asked of students who are, at the minimum, in Grade 10. When the same syllabus is being continued in Grade Eight, Nine and Ten, it is only when the child is finishing Grade 10 that she will even begin to feel that ‘had this been this way, we would have been able to get a better score.

In other words, the only valuable contribution that a child can make in decisions that affect their lives would be in the form of a critique or review *after* adults have made and implemented the decision. The principle of seeking children’s views and involving them at a level appropriate to their age and development is absent from the thinking of many adults. Asked about consultation with children in this manner, the same parent replied:

I don’t believe this can be done with students below Grade Ten level. I don’t think so. Children may have views in Grade Seven and Eight. That is quite something altogether [...]

There was also a widely held assumption that ‘teachers know’ what is best for children without having to ask or consult the children themselves. One parent, who was an ex-teacher, for example, explained that when she was a teacher,

We always attempted to plan things in such a way that the topics we select are compatible with children's interests [...]. Even though we do not sit the children down and ask them, teachers know very well what children's interests are. *Teachers know* [emphasis in original speech].

In further discussions, the same person clarified that this knowledge comes from having talked to children at various points during school 'even if we do not say directly that today we are talking to you so that we can get your views in developing the curriculum'. Despite the clarification, the general attitude of several parents/teachers present at the meeting was that children did not have much to contribute in the planning stages either because children were not mature enough, or because teachers/parents had superior knowledge of what was best for children.

Several teachers were of the opinion that 'observation' of children and their behaviour and discussion among teachers of the results of their observations is sufficient consideration of children's views in making decisions about what is best for children.

In all schools every year we prepare a scheme. When we change the schemes every year, we make the changes on the basis of observations we make of children and their behaviours. Changing the dates according to the new calendar year is not the only changes that we make to it. Every year, we consider the previous year. For example Grade One or Two, we look at what problems we encountered in Grade One...we consider what we saw by observing children in school and we consider the information we got from parents...that's how we make the changes. So I think that we do seek opinions and views in making the changes; and I do feel that it is an important thing to do.

Several teachers, however, do consult children when creating lesson plans and accommodate their wishes and views in conducting classes. Support for this position was found to some extent in the findings from the focus group discussions with children.

Extra-curricular activities

When asked about whether they consult with children in deciding what sort of extra-curricular activities children would like to be involved in, many teachers appeared to be under the impression that such a discussion always comes down to correcting children's mistaken beliefs about where their true talents lie.

Children, several teachers said, often think they are good at a particular activity when they are not. Consulting with children, therefore, means letting them know that they cannot always participate in every activity they may wish to.

The discussions also revealed that, increasingly, parents are coercing children into participating in various extra-curricular activities they are not necessarily interested in. This arises due to an intensely competitive culture that now dominates Maldivian children's school experience. From the time that a parent enrolls their child in Grade One, for a majority of parents, the focus is almost entirely on ensuring the child is a high-achiever, that they complete their school years as the School Captain or in another leadership role. With this ultimate goal in mind, they push children to get involved in extra-curricular activities of all sorts that they may not be necessarily interested in.

Teachers were of the opinion that parents are responsible for the vast majority of cases where children's views about which activity they want to participate in is disregarded in the pursuit of academic excellence or point-scoring for leadership roles. Asked if they did not think it necessary or possible to prioritise children's views in making decisions about their choice of extra-curricular activities, one teacher explained:

You can. It should be possible. But, parent's views are too strongly imposed on children. Even when it comes to the academic, this is also the case: sometimes there are instances where children score 92, 93, 95 and above. But parents want 100. Sometimes they cry for a 100. I talk to parents sometimes, saying that 93 is very good – but the parents still scold their children a lot for the 'low' score, for not getting a 100. All they want is 100 – one-zero-zero – to be on the report card. When they get 99, parents want the extra one mark to make it a 100. They say, "Oh, come one, what's wrong with making it a hundred?"

Participants in the discussion also expressed the view that there is a distinct lack of knowledge and awareness among many parents of bringing up children in a culture that prioritises their views and needs.

Children's views *should* be sought...every child is different, there are big differences. Therefore, we need parental awareness and also changes within the system in order to do things in ways that seek and respect children's views. We *must* seek children's views, and we *should* be able to do so. I sit here and talk like this today, but tomorrow, if my child does not bring an A-Grade home, I will be saying, you *could* have done it...this is what happens, this is how things go.

The underlying reason for the intensity of parents' focus on high academic achievement above all else, it emerged from the discussions, is the dearth of opportunities for further study available to students once they leave the Maldivian school system. The Maldivian National University was established less than a year ago. Opportunities for undergraduate study and beyond are therefore extremely limited. All school leavers have to compete for the small number of scholarships made available annually through various government and foreign-aid scholarship schemes. It is only the top achievers who make the cut.

This makes parents push children more and more towards bringing home only top grades in all subjects to the detriment of their overall wellbeing and happiness. When combined with the lack of awareness about children's rights and the importance of children's development in avenues other than the academic, it creates an environment in which children's views and opinions become inconsequential when compared to what parents consider is in the 'best interests of the child'.

Nationwide, the way the system is, it is aimed at the cream—the top five percent. There is no culture of teaching children who are at the intermediate/average level to be proud of their achievements; and of providing them with opportunities that match their levels of success. Neither parents nor children have been taught to appreciate these students and their achievements. Therefore every parent is very concerned about what happens to their child after school – are they going to stop at this [leaving school]? Is this it for the child?

On the issue of consulting children and seeking their views in the organisation of celebratory and other events such as school fairs and in marking special occasions such as Children's Day

activities, both teachers and parents' views corresponded with the views expressed by children—that children's opinions are not taken seriously.

According to parents/teachers, when consulted on such matters, children tend to make suggestions that are impractical. The view is that children are incapable of grasping the intricacies of the financial and other matters that are part of organising such an event, making their involvement rather pointless.

It can [...] be that sometimes children may give ideas --- children are very broadminded because they watch TV and things. They don't have any financial considerations when they make their suggestions but in the PTA, we discuss what the budget is and what restrictions it places on things. Children do not think about the budget. Nor do they think about the space available [...]. If we throw in children's ideas into this, the costs will be much higher.

There was also confusion among parents/teachers between the right to participation and merely assigning tasks and duties to children in the planning or organisation of activities.

We don't consult children in the organisation of such activities, but we carry out these events with their participation. For example, there are some things we delegate to prefects when we organise them. [...] On some occasions—like Children's Day—we ask their opinion.

As discussed earlier, it emerged during children's focus groups that several children felt excluded from the organisation of such events by the school. Some parents and teachers displayed a somewhat confrontational attitude when these findings were put to them:

Children cannot really say that we ignore *all* their suggestions. How do all the children know every idea that has been proposed? They say this because their own personal view may not have been put into action; they then generalise and say nobody's opinion has been considered. But, their ideas are *probably* considered. [own emphasis]

Sports

Parents and teachers concurred with the children that one of the biggest obstructions to children's enjoyment to their right to play is the lack of designated play areas for children. Children may express an interest in a particular sport, but parents could not grant their wishes because the State has failed to provide facilities. They highlighted the fact that there is only one indoor sports venue in Male' and noted, as did the children, that all the courts in the venue were almost always reserved and occupied by adults. 'Even if we are willing to pay [the facilities are currently free], we cannot get the space for our children. So they have to go without.'

Other participants said it also happens sometimes that parents' own attitudes or feelings towards a particular sport become a hindrance towards children's participation. This is particularly the case with swimming since a recent tragedy (in September 2011) in which four

children and a principal drowned while on a school trip⁴⁰. A vast number of parents appear to have developed a fear of allowing their children to participate in swimming lessons arranged by schools since.

Teachers highlighted that despite the extra safety measures introduced in the aftermath of the tragedy, parents are refusing to let their children take swimming lessons despite many children wanting to do so. This particular situation is a stark example of parents' wishes or feelings overriding not just the best interest of the child but also what interests the child.

Several participants in the meeting also appeared to have difficulty in grasping the concept—as expressed in the UNCRC—that children's views can be listened to and taken seriously even if they are not always acted upon. Asked about their opinion on this concept one parent, for instance, replied: 'Is that it? Consultation is enough? Even if nothing comes of it?'

Parents also confirmed what the children said about them never being consulted by local authorities about play areas for children. Interestingly, parents were of the belief that what was worse than the children not being consulted about children's play areas was that they themselves had not been consulted: 'Leaving aside children's participation, where is ours?'

This again echoes the same sentiments as the remarks above – that seeking and taking seriously children's views in the manner intended by the UNCRC is not a concept widely understood among Maldivian adults of today.

Healthcare sector

Healthcare emerged as the focus area that, in the parents' opinion, provided the least opportunities for children's participation. Many parents expressed the same opinion as several of the children in the focus groups that it was better to seek treatment abroad than it is to get seen to locally. While it may be the case that parents and teachers have all had the same negative experiences with Maldivian doctors, it should also be borne in mind that children maybe echoing the opinions of their parents in this regard. This is especially likely considering the strength of the negative feelings about the health sector among some parents.

Even if we have a bad case of constipation, we have to leave the country and seek help abroad. Even children are far happier when we go abroad. For example, even if we go to a local doctor, they are very rude.

Despite the sentiments to the contrary expressed by some children, many parents were emphatic that healthcare professionals do not provide children with information regarding their medical conditions in a language they would understand.

Even if a patient asks a question, it is only very rarely, a very small number of doctors, would consider answering it. They will examine the patient, and then will keep writing and writing without speaking. After all the writing, if a patient asks them something, they will reply: Stay quiet, I am writing now. What is meant by this is – do not disturb me, don't ask me anything.

⁴⁰ JJ Robinson and Ahmed Nazeer, "Four children and principal drown in school excursion", *Minivan News*, September 10, 2011, accessed on November 22, 2011, <http://minivannews.com/society/four-students-and-principal-drown-on-school-excursion-25331>

Rather than ask doctors, one parent said, children now turn to self-diagnosis on the Internet. None of the parents expressed any concern that this itself is an activity fraught with many potential dangers.

Participants in the discussion also highlighted an increasing trend among an increasing number of parents nationwide who are refusing to vaccinate their children. They raised concerns that authorities are not paying proper attention to the situation, and are not taking necessary steps to prevent this.

Children in situations of violence

None of the parents/teachers who attended the discussion were aware of the national Child Helpline number, and had not informed their children of it. Many parents, however, noted that they provide children with phone numbers—their own and that of other family members—they should call in case of emergency.

We have to trust ourselves. We can't trust other people. I am the one who needs to look after my child, not someone else.

Some parents appeared somewhat floored when the facilitator highlighted that, more often than not, violence against children is committed by someone with whom children have a personal relationship, or are known to children. This lack of awareness among parents and adults about types of violence committed against children, typical profiles of perpetrators, and how to help children in such situations hinders children's accessibility to information—a right enshrined in the UNCRC, and one that complements and facilitates their right to participate.

Parents were also sceptical about any beneficial outcomes of reporting such matters to the police. There was agreement among several members of the group that making a complaint about a child being abused would only create problems for the adult who reported it than solutions for the child victim.

Children in alternative care

If parents and teachers are little aware of children's right to participation as enshrined in the UNCRC, they appear even less aware—or less willing to accommodate—the rights of children who are from a dysfunctional background, are in conflict with the law, or have been institutionalised. One parent, for example, complained about children at the *Kudakudhinge Hiyaa* [Children's Shelter] in Villingili attending the island's school. They were, she said, a disruptive influence on the 'normal' children at school.

The children who are being brought to *Hiyaa* are, without a doubt, children who are coming from a situation that is not normal, they are from a very different situation. Their thinking and everything is very different from normal children. Now, very often---this has been going on for five years---[...] these children attend the same school as normal children. [...] Their presence causes a lot of difficulties for teachers.

The parent recounted that she, along with other parents, had complained to both the Education Ministry and the Ministry of Health and Family, doggedly pursuing their complaints against a

particularly disruptive child from the Hiyaa being allowed to attend ‘normal’ school. The child had smashed windows at the school office and had been violent towards the teacher.

There are counsellors for these children, there are carers. But where is the care? [...] My point is that when such a child joins normal schools, they should be at a level where they can do so without disrupting other children.

Another member of the discussion group raised similar concerns about disruptive children attending the school in HulhuMale’. Children who are expelled from Majeediya School and Aminiya School (two main secondary schools based in Male’) are being enrolled at the HulhuMale’ School.

Now, when this happens, what happens to the rights of the children in our school? We don’t want this student to come to school and run around around after our children with a knife. We try very hard to keep such children out of our school but Education [Ministry] forces us to have them because the child’s education cannot be stopped. That child’s right to an education appears to be a higher right than that of all other children. If we look at the other side, we have to ask: where are the rights of all the other children?

Media/Public life

Parents and teachers, like the children themselves are dissatisfied with the media content available for children.

There is nothing on television for children. This is because people in responsible positions in the media are not carrying out their responsibilities properly. In every media, whether TV or radio, they are bound to carry a certain percentage of educational programmes. They are not doing their jobs.

As discussed earlier in the desk review section, there are no regulations that require broadcasters to dedicate any percentage of their programming to children’s content.

Many parents were also in agreement that the general content aired on television is unsuitable for children. They expressed unhappiness with the language used in much of the media content available on all platforms—books, television programmes, song lyrics—which are often unsuitable for children’s consumption.

There is not much entertainment in the Maldives, and there is not much room to play in Male’. So whenever children are not in school, children have to be kept and looked after in our sitting rooms. In this situation, the safest place for them is MNBC One, or VTV or some channel—what are they being exposed to? Programmes for adults, or Dhivehi songs. From costumes to everything else, it is difficult to open your eyes and even look at them.

Parents are also grappling with new problems posed by children’s use of the Internet and its various social media platforms. Like parents across the world, social networking sites such as Facebook have created new issues of children’s privacy and safety that both parents and children have to adjust to. Maldives has highest level of Internet penetration in the South Asian region,

and as of June 2011, had over a 100,000 registered Facebook users (27. 2 percent of the population)⁴¹.

Parents are finding it difficult to regulate and monitor children's usage of Facebook and other social networking sites – made especially difficult by the fact that a majority of parents are unaware of the dangers that unrestricted access to such sites put the children in. Parents who attempt to restrict their children's use of such sites are, therefore, seen by children as lacking in trust because all their friends have been given unfettered access by most parents. Several parents expressed the need for creating awareness among parents about the Internet and its potential to put children in positions in danger if given unrestricted access.

Parents' opinion and views of children's involvement in civil society and media content are related. As discussed in earlier sections, parents as well as the education system at large, are reluctant to allow children to participate in any activity that is in any way associated with politics. Discussions with parents/teachers suggest that live coverage of debates at the Majlis [Parliament] has been partially responsible for this unfortunate state of affairs.

One child I know [...] has spoken about the televised Majlis debates and often said that if that's how they behave in the Majlis, why cannot we behave the same way in class? Why can't we shout at each other? That's what they do in the Majlis.

Another parent responded:

That' democracy they say, don't they?

These perceived links between dirty partisan politics, which has dominated the first three years of democratic transition, has had a substantial negative impact on children's participation in civil society. The most potent displays of these party-political conflicts have taken place in the Majlis where Members have been known to use filthy language and have also broken into physical fights on several occasions.

Television stations have broadcast these debates live on television throughout the day, when young children would have been watching. One of the most negative affects of the behaviour of the MPs, beamed into homes across the country, has been that it is copied and emulated by children and society in general.

According to one participant in the discussions, there have been occasions when parents have told their children to hit back if they are themselves hit: "That's what they do in the Majlis." As discussed in the Outcomes of Children's Focus Groups, teachers have been known to accuse children behaving badly in class of 'behaving like Majlis'. Children's interest in getting involved in civil society activities that have not been sponsored by or pre-approved by schools themselves is frowned upon by parents and banned by some schools as a result.

⁴¹ The Internet Coaching Library, "Internet World Stats: Usage and Population Statistics", accessed, <http://www.internetworldstats.com/asia.htm>, November 22, 2011

7. Children in alternative care

“There is neither a mission nor a vision in this place.”

– Member of staff at ETCC

Maafushi Education and Training Centre for Children

The Education and Training Centre for Children (ETCC) run by the Ministry of Education is located on the island of Maafushi, an inhabited island near the capital Male'. There are currently 52 children at the Centre. They have been sent there by parents, in collaboration with the Ministry of Health and Family and the Maldives Police Service, who feel they are not in a position to look after the children themselves. The children are from various different islands across the country, including from the capital island of Male'. None of the children have committed a crime and, as a matter of policy, children with a history of substance abuse are not admitted to the centre.

The Centre is supervised by Ahmed Shakeeb, who is a native of the island of Maafushi, and has worked at the centre for over a decade. He was adamant that staff at the Centre has children's best interests at heart, and do their utmost to provide children with the educational as well as vocational training and other life skills that would enable them to rejoin society as productive members of their communities.

There are acute staff shortages at the Centre, however, creating major impediments to the achievement of the centre's goals and mission. And, although staff attempt to provide an atmosphere of inclusiveness and participation, this is not always possible due to staff shortages.

Interviews with members of staff also revealed that staff do listen to the children on a daily basis, and that attempts are made to include children's views in planning activities and lessons. Children lead the daily Assembly at the start of the day, and staff talk to children about their needs regularly. It is difficult, however, to independently verify the level of children's participation in the making of decisions that affect their lives at the Centre as there are no formal policies and mechanisms that require and seek such participation.

The General Rules for Students held at the Centre, which contains a total of 21 Articles, for instance, contains no requirements that stipulate children's participation in decision-making processes. The only provision in the Rules that suggest that children have a right to express themselves with regard to their lives at the centre is the final Article (21) which states 'Children are free to meet with members of staff any time they wish to do so.' (Article 21.1). The Rules also state that the Centre should make arrangements for children to maintain telephone contact with their families 'according to policy'.

Other than that, none of the Rules provide any written guidance to children on the rights they have at the centre, nor do they provide children with any explanations of how and to whom

they may complain or express their views regarding the facility, members of staff, or any other concern they may have.

Interviews with staff

Staff members at the Centre are overworked and underpaid. There is a total of 38 staff currently at the centre. Over half of them (55 percent) are maintenance staff (laundry, cleaning, etc) that have no direct contact with the children and are not involved with looking after them. Most of the 17 members of staff who do have direct contact with children are teachers and trainers—there are no dedicated caseworkers or carers to look after children.

Although a majority of children at the Centre are from highly dysfunctional family backgrounds and/or are at the Centre because they have no family to look after them, there is only one Counsellor to listen to and provide guidance for any emotional and mental health issues the children may have.

The lack of caseworkers has meant that teachers and trainers have to look after the children as well as educate and train them. Recent budget cuts have lowered the threshold for how much Over Time staff can claim, leading to a situation where teachers and trainers have had to do come up with rather ingenious ways of ensuring that children are looked after at all times without having to work for free.

Previously the centre had run academic and vocational programmes simultaneously. Following the tightening of the budget, however, academic and vocational training programmes have been split up and are conducted in two separate eight-hour shifts. This has meant that if children are not engaged in academic programmes then they are involved in a vocational programme, enabling members of staff to ensure that children are under adult supervision at all times.

The situation, however, is less than ideal: teachers and vocational trainers are doubling up as carers just to make sure that children are not left alone. On top of the additional workload the staff are taking on, and given that they are not carers by profession, these members of staff cannot adequately fill the role of dedicated carers the children need and should be provided for them according to law. It has also meant that throughout the day—apart from designated short breaks—children are either engaged in an academic activity or a training programme. It has also left all members of staff tired, overworked and demoralised. It is because none of them have the heart to leave the children alone, and are thus taking on additional work for themselves, that children do not have to fend for themselves. This is not what the law requires nor what the UNCRC envisages.

The situation has also created conditions where the potential harm to children is considerable. There is, for example, only one instructor to teach children the work of welding—an activity that involves the use of dangerous tools. Without any backup, in the form of a second instructor or an assistant, both the lone instructor and the children are left highly vulnerable to the threat of a dangerous accident.

For staff at the Centre, 'it is not really a job, but life itself', as they are on call 24/7 even if they are not on actual duty.

The desperate shortage of staff has also meant that any child who can be sent back to their families are sent back for the entire duration of the end of the year school holidays. This,

according to some members of staff, causes many children to relapse back into old habits and behaviours that led to their detention in the first place, undoing the slow and often painful progress that they had made during their stay at the facility. ‘It means we often have to start all over again,’ one member of staff said.

Experiences of children at Maafushi

Children at Maafushi are not aware of their rights to participation, or of any other rights afforded to them by the UNCRC. None of them are properly informed of the reasons why they are at the Centre, nor are they given any clear indications as to why they have been detained, how long they can expect to be there, and what the procedures are for leaving. Many were left completely in the dark by their families about their intentions to send them Maafushi—some children only found out *en route* or once they arrived at the centre.

A 12-year-old boy who has now been at the centre for over a year said:

My sister brought me here. She told me that we were going to Male’. It was only when we were on the flight over that she said this is where we were coming.

He said he guessed from the name of the centre—still often referred to informally by its earlier name, *Islahiyya* [Reformatory]—what the place was about. He was not told anything about it beforehand. His family, who are from an island in the far north of the country, have not been to visit him since.

Asked if he knew how and when he would be able to leave, he said ‘when I am 18.’ He said there was a lot of bullying among the children, with the older and more boisterous children often picking on the younger and weaker detainees.

Another boy, 13 years of age, wanted the opportunity to speak specifically because he had a particular plea to make: ‘Please let me go’, he said. He had been sent to the centre by the Ministry of Family and the police who, he said, had persuaded his mother this was the best place for him. He himself had not been consulted nor told about the Centre, or why the adults thought it was the best place for him.

His 15-year-old brother, also detained at the centre, expressed the same wish to go home. He said he wanted to look after his mother who was sick—this being the reason that he was sent to the centre in the first place. As far as he knew, the adults in his life together with the Family Ministry made the decision to send him away because he had not been studying properly, and had been on the streets. He did not know anything about how he could leave the place before he was eighteen.

A 17-year-old boy with a speech impediment who has been at the centre for three years, said he had been sent to the centre because his parents divorced; and there was nobody at home to look after him. He gets bullied at the centre often by other boys who make fun of his speech impediment, and he often feels very sad. He is dreading his next birthday, when he turns eighteen when he would no longer be able to stay at the centre. He did not know where else he could go, and is hoping that he could get a job teaching Qur’an at the Centre once he is no longer a minor.

Kudakudhinge Hiyaa Children's Shelter

The Children's Shelter, Kudakudhinge Hiyaa on the island of Villingili currently houses 57 children aged between two months and twenty-one years. As a matter of policy, the Shelter is meant to host children until they are nine-years-old. The 21-year-old, a girl with special needs, is an exceptional case—she is there because there simply is nowhere else for her to go. This is not to say that all the rest of the children in the Shelter are under nine years of age—there are several children over the age of nine at the centre.

As is the case with the centre in Maafushi, acute staff shortages and an extremely limited budget is making the proper functioning of the centre extremely difficult. Currently between 35-40 percent of the Shelter's budget comes from charitable donations from individuals and businesses.

Restricted resources also mean that a wide gap exists between the reality of the centre and the government's Minimum Standards for Alternative Care Institutions discussed previously in the policy review section. The Minimum Standards demand that children of different age groups and different sexes be kept separate from each other. This is impossible at the Shelter, a four storey building where three floors comprise children's accommodation areas and one floor is given over to administrative space.

There are currently several adolescent children of both sexes being kept on the same floor, creating the very complications and problems that their separation is aimed to prevent. These problems are further compounded by the inadequate number of staff available to look after children.

The Minimum Standards require that there be a caseworker assigned to each child, and that there be properly trained and dedicated carers to look after the children. There are currently 57 children and only 27 care-workers employed at the Shelter. At any given period of time, several of them are on annual leave or maternity leave. Thus, there are currently only three care-workers on each floor, and each floor is home to roughly 20 children. The ratio of three staff to every twenty children makes it extremely difficult to deliver proper daily care to the children let alone ensure that all children are provided with mechanisms for participation that are so progressively laid out in the Minimum Standards.

Furthermore, none of the staff have had any proper training in childcare, except for short in-house or the job training programmes on childcare conducted by the children's NGO ARC [Advocating the Rights of Children]⁴²

A large number of carers are themselves very young, fresh out of school, and with no experience of looking after children except perhaps being around siblings or young relatives in a family environment. Older members of staff are similarly lacking in training, their only relevant experience being having brought up children of their own.

Management and staff at the Shelter would like, as a bare minimum, the opportunity to observe how such centres are run in other countries of the world so they can at least familiarise themselves with international best practice. Such an opportunity has never been provided since the Shelter was established in 2004 and formally inaugurated in 2006

⁴² Advocating the Rights of Children (ARC), <http://www.arc.org.mv/>

Currently there is not a single trained medical professional at the Shelter, meaning that in case of a medical emergency however major or minor, children have to be taken to a doctor at the Villingili health centre or in Male'. The lack of residential healthcare, combined with the lack of adequate space at the Shelter also means that the Minimum Standards' requirement that all children admitted at the Shelter be screened for infectious diseases and other medical conditions before being allowed to mix with other children is not being fulfilled.

The Shelter is home to many children who have been subjected to severe emotional and physical abuse as well as many who are suffering from mental issues related to abandonment. There is, however, no psychiatric help available for them at the Shelter. The children who are most seriously damaged psychologically have to be taken for counselling sessions with one of only two psychiatrists available on the capital island of Male'. The transfer of children from Villingili to Male' for each psychiatric or medical consultation presents a logistical nightmare for the short-staffed establishment.

This is further complicated by the fact that neither staff nor management at the Shelter can organise such visits to Male' without obtaining prior approval from the Children's Department of the Ministry of Health and Family, under the aegis of which the Shelter is run. The Children's Department itself is short staffed, many having recently left under the redundancy packages offered by the government in its bid to streamline the civil service and reduce the extraordinarily high amounts of the State budget spent on civil service salaries by the former regime. There is one member of staff at the Department assigned to deal with the Shelter. This means that responses to requests made by the Shelter is often slow, further hindering efforts by its staff to ensure the proper functioning of the Department.

The shortage of staff means that children's education, the proper provision of which is demanded by the Minimum Standards, is not being adequately provided to children. Several of the children attend the school on the island of Villingili—and as became evident from the discussions with the parents/teachers groups referred to above, their attendance has been fraught with problems both for the children and the larger island community itself.

Many of the children do not have the appropriate educational standards to join the school with other children of their age groups, meaning that they have to be 'home-schooled' within the Shelter to try and bring them up to speed and prepare them for joining school. The Shelter relies almost entirely on volunteers to provide children with the tuition they need for this purpose. Once again, the Shelter receives more help from ARC, the NGO, than from State institutions in recruiting volunteers.

If anything, state institutions are more of a hindrance than a help in this regard as there are excessive delays between a volunteer's expression of interest and the Children's Department's required approval of their applications.

Mechanisms for participation

Despite the explicit requirement in the Minimum Standards that all children should have various mechanisms through which they are consulted and their views taken seriously by institution of alternative care in the State, there are no formal such mechanisms at the Shelter.

Although staff at the Shelter invite children to freely discuss any concerns they may have, there is no standard procedure for children to lodge complaints against a member of staff, management, other children, or any other issue that may arise during their stay at the Shelter. And, despite the formal adoption of the Minimum Standards, the policy documents according to which the Shelter is run, compiled many years previously, have not yet been changed.

Efforts to draft new regulations compatible with the Standards are underway at the Department of Children in the Family Ministry but it is not known when they would be finalised. Staff at the Shelter have been told that both they and the children would have opportunities to provide their views and opinions on the drafts, and that results of these consultations would be taken into consideration in finalising the new policies. In the meantime, although Shelter staff are keen to introduce a complaints mechanism, and have raised the issue several times with the Department, it cannot be done.

Like in Maafushi, therefore, it is difficult to assess whether children's rights to participation are being afforded to them as is provided for by the UNCRC. Staff at the Shelter do consult with the children in organising special events and birthday celebrations, for example. However, whether children's views are taken seriously in making decisions that affect their lives in other matters is difficult to judge without there being any formal provisions or mechanisms that require and encourage such participation.

Staff at the Shelter are themselves excluded from important decisions affecting the lives of children they look after. They reported, for example, occasions when their opinions and views regarding whether or not a child was ready to leave the Shelter have been disregarded or overridden by the Department, often to the detriment of the child. In light of such occurrences, it is unlikely that children's views in such matters are given much consideration when the authorities are making final decisions on such matters.

Feydhoo Finolhu Correctional Training Centre for Children

The Correctional Training Centre for Children currently detains 19 children between 15 and 18 years of age. Established in August 2009 and officially opened in July 2010, the facility is located on the island of Feydhoo Finolhu, 20 minutes by boat from the capital Male'. The tiny island is uninhabited and the only structure on it is the detention facility itself. The facility is run jointly by the Juvenile Justice Unit (JJU) of the Ministry of Home Affairs and the Child Protection Unit of the Maldives Police Service.

The ethos behind the Juvenile Justice Unit is one of restorative justice rather than one of punishment. During consultative interviews, senior JJU and Home Ministry officials maintained that the focus on restorative justice has meant that children detained in the facility are provided with a formal learning environment where they are taught various academic subjects, so that they can return to school, or have better chances in the labour market when they are ready to return to society. They are also housed in relative comfort, and are provided with sports and leisure facilities during the day. There are no cells or other 'prison-like' facilities at the centre. The JJU is proud of the high success rate of the programme, and reports that more than 80 percent of children who went through the programme have not been known to return to antisocial behaviour or worse.

A visit to the facility confirmed that children are not held in cells as the JJU said, and that there is some form of education, training programmes and sports facilities provided for children at the facility. It also confirmed that children at the facility are cared for by members of the Child Protection Unit of the Maldives Police Service. There is, however, a fundamental problem with the facility that is above and beyond the conditions in which the children are being held: **none of the children who are at the facility have been charged with a crime, let alone convicted of one.**

The existence of the detention centre at Feydhoo Finolhu is not widely known to the general public. It also appears that among the few who are aware of it, most are under the impression that it is a remand facility for children awaiting sentencing for an offence they have been convicted of. The most recent Human Rights Report (2010) on the Maldives published by the State Department of the United States, for example, describes the facility thus:

Juvéniles awaiting sentencing are held in a juvenile correctional facility on Feydhoo Finolhu Island run by police under the Ministry of Home Affairs' jurisdiction.⁴³

This, however, is not the case. As confirmed by officers in charge of the facility, the children who have been detained at Feydhoo Finolhu have not been charged with an offence – they are being held at the centre because they have been identified by the police as dangerous to the wider society and to themselves; and because they are deemed to possess the *potential* for committing serious offences.

Given the situation, some serious questions arise as to the legal status of these young detainees. Although an investigation into the legality of the detention centre at Feydhoo Finolhu is beyond

⁴³ State Department, "2010 Human Rights Report: Maldives", Bureau of democracy, Human Rights, and Labour, April 8, 2011, accessed on November 19, 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/sca/154483.htm>

the cope of this study, it would be remiss of a study such as this— commissioned by the Human Rights Commission—not to highlight the issue even if summarily.

Feydhoo Finolhu detention centre and international law

Article 37 of the UNCRC, particularly Article 37 which states:

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Other UN instruments dealing with the deprivation of children's liberty include: United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1985); United Nations Rules for the Protection of Juveniles deprived of their Liberty (The Havana Rules, 1990); United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines', 1990); United Nations Guidelines on Justice in matters involving Child Victims and Witnesses of Crime (ECOSOC Res 2005/20, 2005); Guidance Note of the United Nations Secretary-General: United Nations Approach to Justice for Children (2008)

Administrative detention?

The status of the children detained at the centre in Feydhoo Finolhu can be regarded as children under administrative detention. While there is no internationally accepted comprehensive definition of administrative detention, a generally accepted description of administrative detentions provides that:

Detention is considered administrative detention if *de jure* and/or *de facto* it has been ordered by the executive and the power of the decision rests solely with the administrative or ministerial authority, even if a remedy *a posteriori* (after the event) does exist in the courts against such a decision. The courts are responsible only for considering the lawfulness of this decision and/or its proper enforcement and not for taking the decision itself (UN Doc. E/CN.4/sub.2/1989/27, para.17)

A study by the Child Protection Section of UNICEF published earlier this year, 'Administrative Detention of Children: A Global Report' (February 2011), states that administrative detention is recognised as legitimate under certain circumstances, provided that it ensures certain procedural guarantees. According to the study:

Some States use administrative detention to respond to criminal or anti-social behaviour particularly by children living and working on the streets and by children under the minimum age of responsibility, or to 'protect' groups of children who are without family care or are the victims of, or witnesses to a crime and who are deemed in need of protection (UNICEF 2011, 4).

The children detained in Feydhoo Finolhu fit into the first category of children who engage in anti-social behaviour. Further details on the profile of children who are typically put under administrative detention also broadly match those being held on the island of Feydhoo Finolhu:

Certain groups of children are particularly vulnerable to administrative detention in this context. These include children whose parents are poor, who come from separated families, whose parents are absent, deceased or unable to care for them [...]. The use of administrative detention in these circumstances is often aimed at children who are regarded by the public as a social 'nuisance' (UNICEF, *Ibid*).

The most common reasons the study identified as driving such decision by States that indulge in the practice is also applicable in the case of the Maldivian State's decision to detain these children at Feydhoo Finolhu:

Placing children in administrative detention rather than recognising that such children are in need of child protection services frequently indicates that **the State has a non-existent or poorly developed child protection system and is relying upon institutionalisation as a means of addressing family problems** (UNICEF, *Ibid*). [own emphasis]

Is detention at the Feydhoo Finolhu centre legal?

For administrative detention to be lawful, the decision to place a child in administrative detention must be made in accordance with a State's domestic law. The UN Human Rights Committee has stated that 'the principle of legality is violated if an individual is arrested on grounds which are not clearly established in domestic legislation' (UN. Doc. CCPR/C/60/D/702/1996, 1997, para 5.5)

At the top of the JJU's mandate and agenda is 'formulation of national policies regarding children who *come into conflict with the law*' [own emphasis]. The mandate also states as the purpose of the JJU as providing 'technical support and advice to the Detention centre established for *children who are sentenced to detention* [own emphasis].' The children detained at Feydhoo Finolhu are not juvenile offenders. The Beijing Rules for example, which JJU officials highlighted during interviews as one its guiding principles, (Article 2.2) provides the following definitions:

A juvenile is child or young person who, under the respective legal systems, can be dealt with *for an offence* in a manner which is different from an adult; [own emphasis]

An offence is any behaviour (act or omission) that is punishable by law under the respective legal systems;

A juvenile offender is a child or young person who is alleged to have committed or who has been *found to have committed* an offence. [own emphasis]

In light of this definition, and the stated purposes of the JJU, detaining children at Feydhoo Finolhu who have neither been sentenced nor charged with an offence, and are not formally in conflict with the law, the JJU can be seen as going beyond its mandate.

Article 37(b) of the UNCRC and other UN documents discussed above state that detention or imprisonment of a child shall be *in conformity with the law*. The Home Ministry's Regulations on Isolation of Children from Society for the Purposes of Reform was enacted in August 2010, exactly a year *after* the centre began operating unofficially and a month *after* it was officially opened. Meaning that whatever legal basis it has was formed after the event.

These *a posteriori* Regulations claim as their legislative basis Article 8 of the Law on the Protection of the Rights of the Child (9/91), which states:

Efforts must be made to discourage children from misbehaving and violating rules and regulations on the street and in public places. The Government must organise, in such manner as is possible at the time, the rehabilitation and upbringing of children who are not reformed by such efforts.

It should be noted that the Regulations also state that children should *not* be sent to the centre to serve a sentence, and that a child who is serving sentence should *not* be held at the centre. This stipulation directly contradicts JJU's mandate to deal specifically with juvenile offenders as discussed above.

The UN Human Rights Committee has also stated that the relevant law on the basis of which administrative detention is ordered must have adequate clarity and regulate the procedure for the administrative detention (UNICEF 2011, 7). Article 8 of the Law on the Protection of the Rights of the Child (9/91) cited above is vague and does not clarify what is meant by 'children who are not reformed by such efforts'. By what criteria are children to be judged as 'not reformed'? To what does 'such efforts' to reform the misbehaving children refer? What are the 'rules and regulations on the street and public streets' it refers to? What do initial efforts 'to discourage children from misbehaving' refer to?

These questions are left unanswered by the law, and nor are they answered by the Regulations on Isolation enacted on the basis of it. Apart from stating that the children who are detained at the centre should be 'children who have been formally cautioned by the police or another official authority' and 'whose parents or guardians have been advised' to look after the children properly, there are no clear guidelines that should be followed by the police or other authorities involved in making the decision to detain the child at the Centre (Article 15.a). The final decision to send a child to the detention centre, the Regulations state, 'will be taken by the Committee' [Juvenile Justice Coordination Committee].

According to the UN, if placing a child in administrative detention does not comply with domestic law, it will render the detention unlawful both in domestic and international law.

It is imperative, therefore, that the legality of the Feydhoo Finolhu detention centre be properly assessed and reviewed as a matter of urgency.

Domestic law, participation, and Feydhoo Finolhu

Children at Feydhoo Finolhu are cared for, guarded, and taught by police officers in plainclothes from the Child Protection Unit at the Maldives Police Service. Whereas the Home Ministry's Regulations on the Isolation of Children state that children should be detained at the Centre for a minimum of six months (Article 21.a), there is no maximum length of detention. Some children have stayed at the Centre for over a year. And none of the children have a clear indication as to when they will be allowed to leave the detention centre apart from being told that they will be released once the officers in charge and the JJU are satisfied with their progress.

Every word and action of the child—'Respect and Manner', 'Bad Mouth' to 'Hair Cut' and 'Neatness and Decency'—are assessed as 'good' or 'bad' and marks awarded or deducted accordingly. Children are told that they need to score very high if they want to leave the institution, but they are not made aware of how many marks exactly they have to earn before they are deemed qualified to leave. They live in anticipation or dread, depending on whether or not they have scored low or high on a particular day or week.

In addition to the incessant evaluation of their actions and disciplinary actions that can be taken against the children, officers in charge also have the power to hold the children in isolation. Despite being extremely forthcoming during consultative meetings about the children's schedules and other matters at the Centre, the officer in charge of operations on the day of the visit did not volunteer the information about holding children in isolation as a form of punishment. This suggests that officers know that holding children in isolation is against regulations and the ethos of the reforms being attempted of the juvenile justice system. Interviews with children, however, revealed that some children were held in isolation for over a week over an incident in which violence broke out at the centre.

A police officer is always present in the vicinity of where children are, and even accompany children to the toilet of which there is only one on the whole island.

Contrary to the requirement in the Minimum Standards at Alternative Care Institutions discussed earlier that children's daily schedules should include time in which children have a choice of doing nothing if they so choose (Article 16) and that there should be flexibility in their daily schedules and that children should be consulted in drawing up the said schedules (Article 19), every minute of every day of the children detained at Feydhoo Finolhu is strictly regimented. And, contrary to international instruments on the deprivation of children's liberty, which advise that there should be as little restriction to children's movements as possible, children on the island of Feydhoo Finolhu are confined to particular areas which they cannot leave. If they stray beyond, marks are deducted from for 'Being in a Restricted Area'.

The Minimum Standards also require that:

Staff in charge of caring for young children and children with special needs should be properly trained in such matters, and should also be given guidance on how to carry out such duties with the consent of the child concerned (Article 10.d)

The Home Ministry's own Regulations on Isolation demand that 'staff at the centre should be capable staff with training in children's reform.'

All staff at the facility in direct contact with the children are police officers. None of them are professionals trained in looking after children although they are with the Child Protection Unit of the Police Service and have received some in-house grounding on the basics of various aspects of children's rights.

Further, it states:

The institutions should provide education and training to children, and it should take into account the children's capabilities and interests when deciding the availability of such programmes (Article 15.a)

The Juvenile Justice Bill proposes that all education provided to a child deemed dangerous, or who has been charged with an offence, should be necessary and specifically tailored to the needs of the said child. Article 11.c makes it incumbent upon those responsible for holding a child in detention to ensure that the child's education is not interrupted as a result, and that such education should be appropriate to the child's age and development.

Children at Feydhoo Finolhu—no matter what age group they belong in or what capability they have—are taught together in one classroom. There have been vocational training programmes in different areas such as fire-fighting, electrical wiring and computer skills taught at the centre conducted for free by some businesses in Male'. All other classes--English Language, Mathematics, Positive Thinking and Art—are conducted by police officers. Police officers also provide 'counselling' as well as religious and a form of life-coaching referred to as 'Advice Talk' scheduled between 'Preparation for Lights Off' at 21:30-21:45, and 'Lights Off' at 22:00.

The level of education provided to children at institutions of alternative care is envisaged by the Minimum Standards and other legal and policy instruments to be a preparation for children to re-join the formal education system and/or to prepare them for reintegration into society. Judging from the official promotional literature on the Centre prepared by the police officers responsible for teaching the students, the standards of teaching—specifically in the English Language—are extremely low and would not be regarded as acceptable at any normal institute of learning in the country (See Appendix IV).

There are no regulations governing relationships between staff and children, which according to the Minimum Standards, and also the proposed Juvenile Justice Bill should always be kept strictly professional. The risks of not doing so include favouritism and abuse of power. That favouritism is already occurring, and is condoned at the centre as was confirmed during interviews with the officer in charge who spoke of how some officers have become 'virtual parents' of certain children they feel particularly sympathetic towards.

They [officers] feel sorry for some of the children, about how poor they are and how deprived. So they buy them [the particular child] toiletries and other necessities with their own money.

While it is entirely possible that such actions are wholly and solely motivated by sympathy, the potential for abuse in such behaviour is enormous. Especially in an environment where children are held in detention on an island with no other adults except those who are in charge of guarding them. Staff from the Juvenile Justice Centre can arrive at the island at any time for a review or for inspection. Apart from that, the children are left alone on the island with the officers with no civilian oversight.

In relation to specific and formal mechanisms for participation—they are virtually non-existent at the Centre. Given the strict disciplinary regime that governs all activities, children are not consulted about what their views and opinions are on anything. They are provided schedules and told to adhere to them. And, most importantly, there are no mechanisms for children to make a complaint about the centre, its facilities or its staff. Nor are there any review mechanisms made available to children, which they can use to comment on or evaluate the centre, its facilities, and staff.

Interviews with children at the centre revealed mixed feelings among them about the centre. Life appears to be harder for those who have been at the centre for the least amount of time – not having adjusted to the disciplinary regime and the severe restrictions of movement to which they are subjected. One detainee who had been at the centre for just over a month remained on the verge of tears throughout the discussion. He said he had committed a burglary (of what magnitude he did not specify), and that he had been sent to the island with the consent of his parents. [The latter is a requirement of the JJU policy in deciding to send children to the centre].

In relation to the procedures for deciding to send a child to the detention centre, the ultimate decision is made by the Juvenile Justice Coordination Committee comprised of a member from the Home Ministry, JJU, Police Service, Attorney General's Office, Department of Gender and Family Protection Service, Department of Penitentiary and Rehabilitation, and from a children's NGO. The initial step towards a child ending up at the Centre, however, is often taken by police officers after children come to their attention for various reasons. Before the decision to detain a child is made, s/he has to have been cautioned by officers at least once before, and prior advice has to have been given to parents/guardians to take steps to remedy the child's behaviour.

Discussions with children revealed that sometimes the decision to send a child to the detention centre is taken arbitrarily. One of the children said his brother was a close friend of a senior officer in charge of the facility, and that the arrangement to have him detained had been made after his brother requested it of the police officer. He admitted to truancy, to being on the streets and to engaging in anti-social behaviour that alienated him from his mother and his larger family. At the time of the interview he had been at the centre for five months, and feels himself a changed person now. 'I feel myself reborn here,' he said. He is achieving good scores in the training programmes, and for the first time in a long time, he said, he has managed to make his mother proud and happy.

Other children, however, were more ambivalent about being there. One said that he was frustrated and 'bored' about the strict daily regime. But, he said, 'There are rules to follow. What can you do, but follow them?'

8. Children's Participation: General Attitudes

Everything everyone says should be listened to. Everything that a child says should be listened to. If they come tomorrow and say: "Manma, I don't want to be a Muslim"; we have to listen to that too. A son may say, I want to marry a man"; we have to listen to that too. Why don't we just say we don't agree to some of the clauses in the Convention? Why do we have to think that if something is said by someone wearing *dhon dhavaadhu* [white paint, inferring white skin], then it must be good!

--Parent and teacher

The above quote goes a long way in summing up some of the prevailing attitudes towards children's rights among the general population in the Maldives: it is a 'Western concept' incompatible with the Maldivian culture and religion; adults know what is best for children; and it is silly to suggest that children should always be listened to.

Underpinning these perceptions, again as the above quote shows, is a lack of knowledge about the philosophy behind the UNCRC and its vision for children as subjects of the rights that it enshrines. The strong convictions of the person quoted above [a parent and a teacher], are based on ignorance of both the UNCRC and the particulars of Maldives' accession to the Treaty. The Maldives placed reservations to Article 14 and 21 upon signature twenty-one years ago:

1. Since the Islamic Shariah is one of the fundamental sources of Maldivian Law and since Islamic Shariah does not include the system of adoption among the ways and means for the protection and care of children contained in the Shariah, the Government of the Republic of Maldives expresses its reservation with respect to all the clauses and provisions relating to adoption in the said Convention on the Rights of the Child.
2. The Government of the Republic of Maldives expresses its reservation to paragraph 1 of the article 14 of the said Convention on the Rights of the Child, since the Constitution and the Laws of the Republic of Maldives stipulate that all Maldivians should be Muslims.

The suspicion with which the concept of children's rights as enshrined in the UNCRC is regarded is also evident from the following remarks by another parent:

I have something to say about human rights [...] when we talk about the rights of a particular group, like children's rights for example [...] it is expanded so much and becomes so big that it imposes itself on the rights of others. This is what happened with the rights of criminals as well. We need to think about this when we talk about rights [...] when we are building our own fence, we must not expand it so much that we knockdown the next person's fence along the way [...] this is not right.

The thinking behind this point of view, commonly shared, is that one person's right is always gained at the expense of another's, and that granting the rights of children would take away the

rights of parents. This view also underpinned statements of other parents/teachers, as seen from the remarks discussed earlier in which the speakers weighed the rights of ‘normal’ children in ‘normal’ schools against the rights of ‘abnormal’ children from ‘abnormal’ institutions such as Villingili Hiya. ‘Where are the rights of our children?’ one parent who was unhappy about the disruptive behaviour of a child from an alternative care institution attending a ‘normal’ school asked.

The view was also expressed (quoted previously) that children cannot form a viable opinion about something as important as the national curriculum until they are in Grades 10, 11 or 12. Even then, according to this mode of thinking, a child is only capable of giving a *review* of the sections of the curriculum she has completed in the school year gone—she is incapable of making a valuable contribution to the actual *creation* of such a document. This belief that somehow children’s thinking is inferior to that of adults fundamentally misunderstands the UNCRC and the principles of Article 12, and hinders its implementation. Research has shown that to reap the best rewards from children’s participation, children should be involved from the earliest possible stage of any initiative as ‘[i]f they are brought in at the last minute, they have no opportunity to shape or influence either the process or the outcomes’⁴⁴.

The exponential growth in extremist religious beliefs that accompanied the freedom of expression guaranteed by the transition to democratic governance has worked to strengthen the scepticism with which many regard children’s rights and other rights-based values. The person who suggested that the Maldivian State was pushing children’s rights as a concept because they are values espoused by those who ‘wear white paint’, in other words are white-skinned [the intended meaning being Westerner], clarified her position by posing these questions: ‘Is it Americans who should come here and get our rights for us? Is it people from the UK who know our rights?’ She had no knowledge of the fact that the United States is one of only two countries in the world that is yet to ratify the UNCRC.

The same person was also adamant that people who do not know the religion of Islam should not deign to speak of human rights to those who believe in Islam. What sort of rights that children have, how they should be treated, and the punishments that children should and should not be subjected to, according to this line of thinking, are clearly laid out in the Baqara Surah of the Qur’an. That, it was said, is all the guidance that Maldivians need in how best to treat their children: ‘Convention? What Convention? Everybody has to go read the Bagara carefully. Go home and read the translation.’ That, she said, should be sufficient and makes the UNCRC obsolete. None of the other participants disagreed or put a contrasting view across.

With regard to policymakers, some are fully cognisant of the philosophy and rationale behind the UNCRC and are keen to assure its cultivation nationwide. They are, however, impeded by those who remain ignorant of the Treaty and its aspirations, and by those who prioritise partisan politics over consolidation of democracy and the strengthening of democratic values. Extreme politicisation of the society in general, as much as the growth in extremism, informs Maldivian attitudes towards the UNCRC.

As discussed previously, the association of democracy with dirty partisan political confrontations has, for example, meant that parents, teachers and policymakers alike have taken steps towards preventing children from becoming involved in the country’s political and social

⁴⁴ Gerison Lansdown, “Promoting children’s participation in democratic decision-making”, Innocenti Research Centre (UNICEF 2001), 10

activities. Schools ban children from engaging in activities organised by the civil society and some even stake disciplinary action against students who do participate in such activities without prior permission from the school. The equation between party-political manoeuvrings and democracy has reached such a high level that both students and teachers are banned from discussing not just politics but the concept of democracy itself in schools during and after lessons. An example is the refusal of the Ministry of Education to allow the Media Council to set up media clubs in schools if they were to be named 'Media and Democracy Clubs'. The inclusion of the word Democracy in the title, it was felt, would stop parents from allowing children's participation in the clubs as if—as the Media Council put it—democracy is a dirty word that cannot be spoken in front of children.

Children themselves are unhappy with the situation. They want more, not less, involvement in democratic decision-making processes. Presentations by members of the focus group from secondary schools showed they are far more knowledgeable about the concept of democracy, and are excited about the transition to this new form of governance. They could not [initially] remember the national helpline for children in situations of violence but were able to easily name and quote sections of the Constitution that deal with freedom of expression and association. They expressed regret that there is no independent student's association in the Maldives so they can participate in democratic decision-making more fully, and were frustrated by the restrictions placed on them by schools and parents on freely associating with civil society organisations and movements. As articulated by one student:

When we look at civil society and public life, we note that there are no organisations that especially targets young people – as far as we know. However, internationally, this is not the case. We think that such organisations should exist in the Maldives too; it will be of benefit to children. In terms of local councils, we feel that their role should include providing us with information as well as providing us with activities. We regret that the way has not so far been paved for children to initiate and organise such activities for themselves.

In other words, prevailing misconceptions, preconceptions and prejudices that inform adult attitudes towards democracy, combined with similar views about children's rights, are preventing children from becoming active participants in the decision-making processes of the country.

9. Concluding Remarks & Recommendations

In the years since the Maldives became a signatory to the UNCRC, there have been many positive developments towards the protection of children, and towards the realisation of many of their rights such as the right to equality, special care, child-friendly justice and education. These developments have gained speed with the transition to democracy. Maldivian knowledge of children's right to participation, however, remains scant at most levels of society, especially in situations where relationships between children and adults are professional rather than personal.

Children's right to participation is not recognised in the Constitution and is explicitly provided for in only very few legal and policy instruments. Policymakers know of the United Nations Convention on the Rights of the Child, but this knowledge is mostly limited to the recognition that children need special protection. Children's right to participate in the decisions that affect their lives, and their status as subjects of these rights as envisioned by the UNCRC, however, is not similarly recognised or known. Children's knowledge of their rights is vague: many know of the existence of the Convention on the Rights of the Child but none have any substantial knowledge of its provisions. Neither the UNCRC nor any other instruments related to human rights and other democratic values are currently included in the school curricula, and are not being taught in schools.

The dominant view in the Maldivian society in general is that children should be seen and not heard. The over-emphasis on children's rights to special protection is the reason for, and also the result of, this lack of recognition of children as persons who have a right to—and are capable of—expressing their own views and opinions according to their levels of development in matters that affect their lives.

Institutional Framework

There is no stand-alone State institution with the mandate to assure children's rights as enshrined in the UNCRC or to co-ordinate and oversee various state institutions currently assigned with making and implementing various decisions and policies that affect the daily lives of children. This is a glaring omission to which can be attributed many of the wide gaps that exist between policy and praxis in State efforts to fulfil its obligations as a signatory to the UNCRC. It creates an authority vacuum whereby there is little oversight of the various projects run by the diverse group of institutions for the protection of children. It means that without such a State institution to lobby for and advocate children's rights, policies formulated often remain un-implemented, regulations remain unenforced and pending legislation remains in the Majlis archives for years.

The many problems arising from this lack of a dedicated stand-alone State body for children are further compounded by the lack of an independent body, such as a children's Ombudsman, to represent the views and opinions of children. Nor are there any institutions such as a Children's Parliament where children can debate issues that affect their lives and contribute their own ideas to the democratic decision-making processes in the country. The establishment of such institutions would go a long way in ensuring that children's views are heard, and it will also demonstrate that the State itself recognises children as subjects of the rights to participation as enshrined in the UNCRC.

Legal and Policy Mechanisms

There are very few legal instruments that acknowledge and provide for children's right to participation. Not even the Gender and Family Department, which appears to be the foremost State body dealing with children's affairs, has any policy or mechanism that requires children's participation. When such provisions do exist, there is often a wide gap between policy/legislation and praxis. There are several interlinked reasons for the existence of such a gap: lack of political will; lack of knowledge; and lack of resources. The lack of knowledge, or a proper understanding of the UNCRC's vision of children as subjects of the rights to participation which it enshrines means that policymakers are satisfied with formulating mechanisms for protecting children while ignoring children's rights to fully engage in the decision-making processes related to matters that affect their daily lives. This lack of knowledge, compounded by partisan political wrangling, means that legislation aimed at improving children's participation is regarded as low-priority and is often left languishing in parliamentary archives, waiting for MPs' attention. This has been the case with the Education Bill and the Juvenile Justice Bill, both of which have now been in the Parliament for years. Both, especially the Juvenile Justice Bill, have the potential to markedly increase the State's ability to fulfil its obligations to assure children's rights to participation.

These issues mean that during times of political upheaval and during times of austerity—both of which are being experienced in the Maldives at present—matters relating to children's rights as a whole become relatively unimportant. The result is that when budget-cuts are being made, such issues are often the first to get the chop, or to be ignored when the budget is drawn up. Several problems that arise in realising children's rights, including children's participation, are a direct result of a lack of funding: there is often insufficient financial resources to pay for enough teachers, trainers, care-workers and caseworkers; or there is insufficient funding to pay for their training.

As the focus group discussions revealed, the lack of sufficiently trained professionals is one of the biggest impediments to the provision of proper care to children both in educational and alternative care institutions. The discussions also revealed that teachers feel they are overworked and cannot often spare the time to attend to children's special needs—a feeling confirmed by children who pointed to teachers being 'stressed out' as one of the main reasons why they feel they are not listened to in schools.

Efforts have to be made to raise awareness among policymakers, legislators and politicians of the equal importance that the UNCRC accords to children's participation as it does to the protection of children. Without this fundamental understanding, future legislation will not give these rights of children their due attention, and without such legislation, it would be difficult to have mechanisms for children's participation written into law and adopted as a matter of policy.

Focus Areas:

Family

While children are generally satisfied with the opportunities they have for participation within their families and immediate personal relationships, efforts to create more awareness among parents about children's rights to participation will help tackle the prevailing culture of stressing academic excellence over children's overall happiness and wellbeing.

Education

There is a distinct lack of a proper understanding of the philosophical underpinnings of the UNCRC and its recognition of children as the subjects of the rights to participation it enshrines. In addition to their being insufficient lessons in the curricula to encourage the development of children as active citizens in the Maldivian democracy, there is also a fundamental misunderstanding of the concept of democracy itself. Arising from the intense politicisation of the whole society and the chaos of democratic transition, Maldivian understanding of democracy has come to be reduced to partisan political fighting. Instead of being home to institutions where such misconceptions are put to right, the Maldivian education system currently strengthens them by banning political discussions in classrooms rather than teaching students the true meaning and values of democracy.

The new national curriculum, currently in draft stages, includes plans for more lessons in democracy and active citizenship and would go a long way in increasing both teachers' and children's awareness of their rights and responsibilities. In addition to this, teachers and other professionals who are involved in looking after children on a day to day basis should be provided more training on the UNCRC with particular emphasis on the importance of children's participation. Efforts should also be made to remedy the current misconceptions regarding democracy among policymakers, teachers and parents who equate partisan political fighting with the very concept of democracy.

Healthcare

When it comes to matters regarding their health, children do not have access to information in a language they can understand, written in a manner commensurate with their development. Neither are there many facilities that are particularly child friendly at hospitals and other healthcare service centres. Creating awareness among doctors, nurses, and other healthcare professionals about these rights of children would assist in dispelling some of the strong negative opinions that children and parents currently have about the unappealing 'bedside manner' of Maldivian doctors when compared with their expatriate contemporaries or doctors abroad.

In situations of violence

More awareness needs to be created among the general public about the mechanisms available for help to children who find themselves in situations of violence. Not many children currently know the national child helpline. Seminars and other events that discuss violence against children, in a way that corresponds with their age and development, should be held more often within and outside of schools. Adults, too, need to be more aware of the nature and types of such abuse, and need to be informed of the fact that most often violence against children are committed within the family or by someone known to children.

Play

There are currently no legislative mechanisms that recognise and provide to assure children's right to play. Within schools, children are frustrated that there is no Physical Education classes available to them. They are even more unhappy that there is, literally, no space for them to play sports in the whole capital city. This is a lack acutely felt by not just the average child, but also by children with special needs who have absolutely no play areas designated for them. New regulations have to be introduced that recognise children's right to leisure and play, and provisions have to be made where some of the very limited number of sports venues available have to be shared between adults and children in a manner that is fair. All sports arenas and facilities should not be completely given over to adults. Furthermore, the newly appointed local

councils on islands should, as a matter of policy, consult with children in their neighbourhoods when introducing new sports facilities. All consultations with children should be done, again as a matter of policy, at the planning stages of such initiatives so that children can participate fully and make their views known and counted.

Children in alternative care

More resources need to be put into fill the large gaps between policy and reality of the experiences of children in alternative care as a matter of high priority. Among the institutions meant for children in conflict with the law, there are none that are designated for girls. An acute form of gender discrimination at the State level that must be addressed with expedience. The institutions that host children are currently acutely underfunded—there is such a lack of professional staff and funding that it is impossible for participation mechanisms to be regarded as a important in the greater scheme of things. Pending legislation that would aid the process needs to be attended to by legislators as a priority, and the State has to accord much more importance than it currently does to such institutions when deciding on the annual budget. The legality of Feydhoo Finolhu needs to be looked at as a matter of urgency.

Media

There is currently no legislation that requires children's participation in the media. New legislation and regulations that have been enacted to guide the newly acquired freedom of expression in the country have largely forgotten about children. There are no requirements that a particular percentage of broadcasters' locally produced content be dedicated to children's programming, nor is their any funding allocated to children's programmes. Consultations with children have so far been non-existent in the formulation of these new regulations despite exhaustive consultations with other stakeholders at all stages of their drafting. Policymakers and legislators need to recognise that imposing a requirement from all licensees that they dedicate part of their programming towards children's content is not an interference with editorial policy or a negation of their freedom of expression. Attempts at persuading commercially minded media broadcasters to provide children's content without state enforced legal requirements have mostly failed without relevant regulation, as has been seen in established democracies such as the United States and the United Kingdom, for example. It is now common practice for all democratic states to demand, through regulations, that broadcasters devote a percentage of their programming to dedicated children's content.

Public Life/Civil Society

Children should be encouraged not discouraged, as is currently the practice, to learn about the concept of democracy and to become active citizens of it. An independent student organisation should be established so that children who wish to engage in the civil society more than they are able to now can do so. More flexible arrangements have to be made by the education system and by parents towards children's participation in civil society activities outside of school. Increasing policymakers' and parents awareness of not just children's participation, but also of democracy, will contribute towards tackling the current situation where adults' misunderstandings and prejudices are impeding children's rights, interests, and opportunities to become more active citizens.

The current knowledge of children's rights in general and children's rights to participation in particular is nowhere near sufficient to begin cultivating a culture in which children are regarded as subjects of the rights they are afforded as citizens of a State Party to the United Nations Convention on the Rights of the Child.

10. References and Resources

Appendix I: Programme for Children's Focus Groups

1 November 2011

Introduction (20 minutes)

Brief presentation on what the focus groups are about

Introductory session of all the children to each other

Provide each child with a blank sheet of paper on which they can write their name, age and where they are from

Ask pairs of two to introduce themselves to each other – name, where they are from, age, interests.

Pair introductions: children will introduce each other to the group. E.g.: next to me is Aisthu, she is from..., she likes...etc

Session One (45 minutes)

Colours of Experience

Activities (green)

Relations (yellow)

Values (blue)

Images of self (white)

Motivations (pink)

List (on a sheet of paper) different activities you participate in. Example: study at school, leisure, sports, etc (USE GREEN)

For each activity, describe whom you are in contact with (relations, teachers, coaches, etc)

Among these people, underline the ones who are not considering you view before taking a decision affecting your life (USE YELLOW)

In your opinion, why are they not listening to you? (USE BLUE)

How do you feel about it? (USE WHITE)

What do you want to do about it? (USE PINK)

Break (15 minutes)

Session Two (50-60 minutes)

Do elements you highlighted in Session One hinder participation in the following areas?

Family

Health Care

Education and School

Play, recreation, sports and cultural activities

In situations of violence (not for primary school)

Public life and civil society

General information

What helps you participate in the same areas?

Prepare flip-charts with the area as the title (for example: family, school, play, etc) with two columns:

Elements that favour participation

Elements that hinder participation

Use the attached questions for each group to focus discussions on the particular areas listed above.

Closing (20 minutes)

Discussion:

What is important to you about these situations? Why do you care? Refer them back to questions 4 & 5 to see if there have been any changes.

Evaluation: Children should write some key words on post-its what they thought about the day – example: fun, learning experience, made new friends, etc

Appendix II: Questions asked at Focus Group Discussions

Focus group one: Secondary School Students

Family

Do you feel that your parents or carers ask your opinion about things that matter to you? This can mean anything from asking your opinion on what you eat, which school you want to go to, or what sort of sports or other recreational activity you want to take part in.

If they ask you, and you give them your opinion, do you think they take your views seriously when they decide?

Health Care

When you go to the doctor or the nurse, do you feel that you are given information on what may be causing your health problem? Are you given information on what sort of treatment you are getting, and why? Is the information you are given clear enough for you to be able to make a decision regarding your treatment?

Have you been asked for your opinion on what sort of treatment you received at a healthcare facility?

Play, recreation, sports and culture

Have you ever been asked about what sort of playground you would like in your neighbourhood, or what sort of recreation, sports and cultural activities should be available in your neighbourhood?

Have you ever been consulted on local youth work activities?

Does your school consult you when new school clubs and activities are being set up? What do you think of the consultations?

Do you know if children with special needs are able to have any say in relation to playgrounds, recreation, sports and cultural activities?

In situations of violence

What do you understand by 'violence against children?'

Do you know that violence against children is a crime?

Do you know if there are any laws that prevent all forms of violence against children?

Do you know who children can go to for help if an act of violence is committed against them?

Do you know the number of the national child helpline?

Has anyone ever told you the number of the child helpline?

Has anyone in school or another institution talked to you about violence against children?

Do you know if there is anyone in school, or anywhere else, that you can talk to confidentially in case of violent behaviour against you?

Education

How are prefects chosen?

How are other positions of leadership filled? Example: school captain, sports captain, house captains, etc.

How do school boards function? Do you think they function in name only? Or do you have a real say in things?

Who else is on the school board?

Do you have a say in school policies, codes of conduct, and school rules?

Were you, or any other student you know, involved in discussion about the new national curriculum?

Do you feel that you have a say in decisions taken by the school?

Do you feel teachers involve you in planning their lessons and activities?

Do your lessons include human rights and children's rights?

What do you know about the UN Convention on the Rights of the Child?

Does your school teach you about democracy and active citizenship at school?

Is there an independent student organisation or union in the Maldives?

When you changed from primary school to secondary school, did you have a say in what school you went to?

Do you know if you can participate in out-of-school education and other activities if you have to leave school early?

Public life and civil society

Do you know if there are any organisations run by young people for young people?

Have you ever been consulted by the local councils about youth activities in your area?

Are there any youth activities in your area that you can get involved in?

Do you know if there are any youth forums that you can participate in?

General information

Do you feel that your views are listened to and taken seriously when decisions are made in the Maldives that affect your life? Can you provide an example of a decision in which you were involved—in school or at home—that affected your life? Did you feel that they took you seriously in making the decision?

Do you feel that your views are represented in the media—on television, radio, newspapers, or the Internet?

Have you noticed whether or not children are included in the media on issues that concern you?

Can you provide examples?

Closing questions

Do you think it is important that your views are listened to in these situations? Why?

Focus Group 2: Children with Special Needs

Family

Do you feel that your parents or carers ask your opinion about things that matter to you? This can mean anything from asking your opinion on what you eat, which school you want to go to, or what sort of sports or other recreational activity you want to take part in.

If they ask you, and you give them your opinion, do you think they take your views seriously when they decide?

Health Care

When you go to the doctor or the nurse, do you feel that you are given information on what may be causing your health problem? Are you given information on what sort of treatment you are getting, and why? Is the information you are given clear enough for you to be able to make a decision regarding your treatment?

Have you been asked for your opinion on what sort of treatment you received at a healthcare facility?

Education

Have you been asked by national or local authorities what you think should be included in school programmes? If so, can you describe how this happened, and were you happy with how they approached you?

Do you know if your school has any school council or school boards, or student representatives where you and other children can be represented? Do you and other students have a say in school policies, codes of conduct, and school rules?

How do these bodies function in practice? Do you feel that they exist in name only, or do you think they take your views into consideration?

Do you feel that you have a say in decisions taken by the school?

Do you feel that teachers involve you in planning their lessons and activities?

Do your lessons include human rights and children's rights?

Do you know of the UN Convention on the Rights of the Child?

To be asked only if students are at secondary school level:

Does your school teach you about democracy and active citizenship at school?

Is there an independent student organisation or union in the Maldives?

When you changed from primary school to secondary school, did you have a say in what school you went to?

Do you know if you can participate in out-of-school education and other activities if you have to leave school early?

Play, recreation, sports and culture

Have you ever been asked about what sort of playground you would like in your neighbourhood, or what sort of recreation, sports and cultural activities should be available in your neighbourhood?

Have you ever been consulted on local youth work activities?

Does your school consult you when new school clubs and activities are being set up? What do you think of the consultations?

Do you have any say in relation to playgrounds, recreation, sports and cultural activities?

In situations of violence

What do you understand by ‘violence against children?’

Do you know that violence against children is a crime?

Do you know if there are any laws that prevent all forms of violence against children?

Do you know who children can go to for help if an act of violence is committed against them?

Do you know the number of the national child helpline?

Has anyone ever told you the number of the child helpline?

Has anyone in school or another institution talked to you about violence against children?

Do you know if there is anyone in school, or anywhere else, that you can talk to confidentially in case of violent behaviour against you?

Public life and civil society

Do you know if there are any organisations run by young people for young people?

Have you ever been consulted by the local councils about youth activities in your area?

Are there any youth activities in your area that you can get involved in?

Do you know if there are any youth forums that you can participate in?

Do you know if there are special forums that you and other children like you can participate in?

General information

Do you feel that your views are listened to and taken seriously when decisions are made in the Maldives that affect your life? Can you provide an example of a decision in which you were involved—in school or at home—that affected your life? Did you feel that they took you seriously in making the decision?

Do you feel that your views are represented in the media—on television, radio, newspapers, or the Internet?

Have you noticed whether or not children are included in the media on issues that concern you?

Can you provide examples?

Closing questions

Do you think it is important that your views are listened to in these situations? Why?

Focus Group 3: Primary School Children

Family

Do you think your parents ask you what you like?

Say, for example, did they ask you what you had for breakfast today? Did they ask you what you want you want to wear today?

Do they ask you what you like playing?

Or what you like to do in your spare time?

If they ask you, and you tell them, do you think they listen carefully?

After you tell your family what you like, do things happen that way? Always? Sometimes?

Give us an example of the last time they asked you what you think about something.

Health Care

When did you last go to the doctor?

Did the doctor tell you why you were feeling sick?

Are you afraid of needles?

Does anything about going to the doctor worry you?

Did you tell your parents about your worry?

Does the doctor tell you things in a way you understand?

Does she tell you what sort of medicine you have take?

Does she tell you why you need to take them?

Does your family or carer tell you why you need to take the medicine?

Education

Have you been a monitor in your class?

What do you have to do as a monitor?

Do you know about the Convention on the Rights of the Child?

Do you like the school you go to?

Why?

Did you want to go to this school?

Did your family ask you if you want to go to this school?

Play, recreation, sports and culture
Were you involved in the school sports meet?

What did you do?

Why did you do it? Did you tell your teacher you wanted to do it? Or did your teacher tell you this is what you have to do?

Did you enjoy it? Did your parents/teachers ask you if you enjoyed it?

Were you involved in the school concert?

What activity did you take part in?

Did you enjoy it? Did your parents/teachers ask you if you enjoyed it?

Was there anything else you would have liked to do more?

If there was, why were you not able to do it?

What do you do when you have free time?

What would you most like to do when you have free time? Do you get to do it? If not, why not?

Is there a playground near your home?

Do you go there? If not, why not?

Did someone ever ask you what you would most like to have in the playground?

In situations of violence
Who do you tell if you are hurt in some way?

Do you know there is a phone number you can call if someone hurts you?

Do you know if there is someone you can go to in school if someone hurts you at home, or in school, or anywhere else?

General Information

Do you watch television?

What do you watch?

Do you watch Dhivehi channels?

Do you think there are other children like you on TV?

Do you use the Internet?

What do you use it for?

Are there any websites for children that you visit often?

Are there any Maldivian websites that you like?

Have you ever participated in the media? Example: have you been on television? Radio? Or participated in a newspaper competition?

Closing Questions:

Do you think that it is important grown-ups listen to you?

Do you think they do? ⁴⁵

⁴⁵ All questions are largely drawn from the Council of Europe study in Finland in order to remain true to the grid of analysis, the 'Kaleidoscope of Experience' as used in the study.

Appendix III: Focus Group Presentations

Presentation: Primary School

Family

In the family, there are many opportunities to participate – sometimes. We also have the choice to choose which stream you want to study, or what school you want to go to. Sometimes we don't get what we want to eat. For example, breakfast is decided by the parents, usually the mother. We don't have any right to choose our appearance.”

Health

We are talking about children's rights and our right to participate. In the health sector: children do get the opportunity to participate. For example, we go to see a doctor when we are sick. When we go to the doctor, the doctor does their check-up and tells the patient, even if it is a child, they tell you why you are sick. They tell us, we have eaten something with germs in it, or something like that. Doctors explain to us. And doctors and nurses tell us not to panic when something happens. In general, a lot of children feel pain when needles are used; and some children are afraid. But some nurses and doctors are very caring. They reassure children and make them happy before giving them injections. “ In terms of what is negative: “sometimes doctors and nurses give us medicines we don't like. Most children do not like medicine, maybe there are some who do. There are some children who really hate specific medicines and refuse to take them. But, they sometimes force us to take medicines, saying that it will make us better. However bad the medicine is, parents sometimes force children to take them, so that the child will get better.”

Sports

Sometimes they ask us what sports we want to include in sports day. But mostly there is no choice in what sport we participate. Teachers favour those who have talent. As an example, in most school dances, the teachers choose the songs, costumes and steps. There is no consideration of what the students want.

School

There is some time fighting in our school but the victims do not inform the school. There are a lot of activities to choose from, but there is no consideration given [to children's views] when these activities are being planned and when it is decided how they are going to be carried out. For example, when carrying out lesson plans. The teachers carry out lesson plans that have been made out two years back. Or earlier. Actually, the lesson plans should consider how children want them to be carried out. I don't think they listen to children's opinions. I think that Posts and other such roles are made to make sure that children's views are taken into account, but they usually do not listen to these opinions. School boards ranking structure. For example, in my school, the same Captain has been there for two years. The other thing is while selecting Posts there is voting taken, only the grade eight and seven students can vote. But, the school captain can influence the whole school. So, I believe that all the students should be given the chance to vote. Another thing is the school anniversary: it is a really big occasion, and students' opinions should be really taken into account when making decisions.”

General

There are some interesting local and foreign websites. Some local ones are *Fanvaiy*...some international websites that you can get information on is *Wikipedia* also, information sources.

Presentation: Children with special needs

Family

Every time we are not asked what we like to eat. You can't get what you want every time.

In most things, they are asked what they want to do.

In school – once study periods are over, they get the opportunity to participate in other activities; and at home, their parents also provide them with the resources and facilities to pursue activities they want, such as sewing and other things, for example.

At mealtimes, they are also given things they like to eat. Sometimes, though, they don't listen.

Health

Doctors and nurses, and other healthcare professionals do give them the information they need. But some times, they do not know what the doctors are saying. Parents therefore provide them with the information about what the doctor said. In terms of deciding which doctor to see, etc, in those cases they are not really asked.

Education

In deciding matters to do with their education, they are not consulted. However, they feel as if they are asked if they want to participate in extracurricular activities of the school.

In deciding school policies, etc, children are not consulted. In teaching, they do consult the children. When teachers are teaching they consult with the children, and also in deciding how to conduct the lesson.

They have received some information on the rights of the child, but they have not received any substantial information on the Convention on the Rights of the Child.

Sports and entertainment

Near one student's house there's a lot of activities going on. There's a tournament every year. I participate in it myself, and I get the opportunity.

Most children feel that they are not consulted in the organisation of such activities. They are consulted in organising Eid activities sometimes

Situations of violence

The children's first reaction to the issue of violence against children was to ask why – why is there violence against children? They expressed sadness and fear that such instances occur.

All the children do know that it is a crime to commit violence against children; but they do not have too much information about what laws protect them against such violence.

Most, all children, noted that it is the police to whom people should go to if complaints are made against children. None of them knew the children's helpline.

Nobody had talked to the children previously about violence against children at all.

In school, there is a designated person children talk in confidence with if there is an occasion of violence against children.

Public life/general

They know that there are youth organisations, but there is no opportunity for children to participate in them.

There is only one NGO and association for children. There is very little opportunity for the children to participate in such activities, and there have been no consultations with the children as regards to such activities.

At the national level, the children have been not consulted about anything at any level.

In the media, it is very rarely that the children's views are sought or represented.

The children believe that in every sector that we have talked about, it is very important that their views are sought and taken into account. One reason this should be so, as noted by children who are deaf, is that because they cannot hear, it is important that the media provides them with information because they are keen to know about things more. Also, things cannot be done the way that the children want unless their views are sought, and taken into account. The children also believe that things that are most beneficial to them are things that have been planned and implemented according to how they want them to be done.

Presentation: Secondary School

Family: we all feel that within the families we get all the information we need, and that we are consulted. We all accept that not everything can be done our way, and that if we do get our way all the time, we will become spoilt. We do feel, though, that within our families, we are consulted and that our views are taken into account.

Healthcare: In our group, most of us go to see doctors abroad. Those doctors, when compared with doctors in Male', are very different. This includes, for example: the children who do go to see doctors here in the Maldives, they do it for the 'namesake' [in name only] – they are just doing a job, and they rush things without talking to patients. They ask if we have a headache and give us Panadol. In comparison, if you go to a doctor abroad, they talk directly to the patient, give the patient time, and they find out what is wrong directly from the patient herself. They interact mostly with patients directly.

In the discussions within our group, what we found is that if we go to a Maldivian doctor, we don't really know what is going on. One time they will give us an injection, the next time they will ask us to do a blood test. Without knowing what is really going on, we go from one section [of the healthcare system] to another, doing what they ask us to do.

Sports: There is very little space for children to play sports. Even the few places that are available such as the *Ekuvani*, adults have already taken up those places, so we have very little opportunity to play. In the Maldives, especially in Male', there are very few activities that target young people...In schools when they are introducing new activities and such, they do not really consult with children that much, they do not provide us the opportunity to express our views when they are making up rules for the activities either. There is very little consultation especially when it comes to children with special needs – we don't think there is even a dedicated place for children with special needs to play.

Violence: We do not think that it is certainly a crime. We know there are laws, but sometimes when people are sentenced, we don't see the sentences being carried out or being served by

those who are convicted. The number for Children's National Hotline is 1424. There are counsellors now in each school, and children have the opportunity to talk to them.

Education: Explains prefects system. Electing students to leadership positions are done by a system of voting, which means that students have opportunities. The Maldives is currently being shaped into a democracy, and in such an environment, these types of opportunities are very good for the country's future. In terms of the school boards: In secondary schools, it is the School Captain who gets to participate in the School Board. It is therefore the School Captain who has the opportunity to represent all students and make their voices heard in the Board. This, I believe, provides an opportunity for children to participate. When school policies and regulations are being compiled, in Dharumavantha and other schools, children are being consulted. We feel that such policies are being drawn up in ways that would most benefit children.

Public life/civil society: We do not get the opportunity to participate in public activities. I would like to note that such opportunities are available to students in other countries --- such opportunities should also be made available in the Maldives. It is only through such opportunities that children will learn how to play a leadership role in society. I feel that is important we get such opportunities. This can happen if we reform the Curriculum. About two years ago, I think, there were attempts made at reforming the national curriculum, but, we didn't feel that children were included in this process in anyway. This is something about which we are not very happy. Some teachers do consult us when they are doing their lesson plans, and because of this, the teacher-student relationship is strengthened and made much better. It creates better ways in which we benefit from the lessons.

We do know that there is a legal framework for children's rights, but we do not really know what is involved in it. We also know that most such initiatives are being conducted in the UN. We know that children also started receiving special attention after the end of the WWII.

Schools do teach democracy to some extent. However, some students noted that in their schools speaking about democracy is completely banned. I do believe that we should have the right to speak about democracy even if we do not have the right to talk about politics itself. We note with regret that there is no independent student organisation in the Maldives. We feel a real difference when we change from primary to secondary school. For example, in primary school, it is teachers who decide everything; but once we get to secondary school, we get the opportunity to participate in how things are conducted in the school. In terms of out of school education, we can only participate in events that the school itself is invited to. The school gets the invitation, and then only are we allowed to participate.

When we look at civil society and public life, we note that there are no organisations that especially targets young people – as far as we know. However, internationally, this is not the case. We think that such organisations should exist in the Maldives too; it will be of benefit to children. In terms of local councils, we feel that their role should include providing us with information as well as providing us with activities. We regret that the way has not so far been paved for children to initiate and organise such activities for themselves. We can only participate in youth activities, as mentioned before, when the schools invite us. We rarely get the opportunity to participate in youth forums. The last such opportunity we got was a joint event held by the UN and the Human Rights Commission to provide us information on democracy; to mark the occasion of democracy Day. It is only rare opportunities such as this that we get to participate in.

Media is also expanding in our society now. However, even in the media...yes, there is a youth TV channel but it is not functioning at its full potential. It provides only entertainment – we don't think that this should be the case. It is very important that channels like this provide information to youth about the opportunities they have – we think this is very important. Media influence is very powerful, and I think that things can only get better if the media begins to think differently, and if they adopt a better form of thinking. We think that all these issues are important, and that we have a right to make ourselves heard. It is by listening to us that things can be improved for us.

Presentation to children prior to focus group discussions

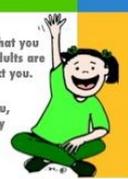
Convention on the Rights of the Child



Article 12

You have the right to say what you think should happen when adults are making decisions that affect you.

Adults should listen to you, and respect what you say



Tell us:

Do you think you are being listened to?

Do you feel like you can participate in decisions that affect you?

What can make it better?

Family

Does your family ask you what you think when they are making decisions that affect you?



Health

Do doctors talk to you about your illness when you go to see them?



School

Do your teachers talk to you about your lessons?

Do they listen to you?



Information

Do you get information in a language you understand?



Media

Do you see and hear things you like on TV & Radio?

Do you hear or see other children like you on TV/ radio?



Play

Do adults talk to you about what you want to do with your free time?



What do you think?

Do you think it is important that adults listen to you?



We are from:

Human Rights Commission

We will not tell anyone else your name

Everything you say is confidential

❖ Introduction

- Established in August 2009 under provision of article 8, child rights protection act.
- Officially opened on 26th July 2010.
- Students enrolled in this centre were age of 13 to 17 yrs old.
- Selection of kids to the centre was made by a special committee formulated by the commissioner of police.
- Now this comity is formed under Home Ministry (J J U)
- Comity is chired by the home minister.
- These students were expelled from school and their parents have no control over them
- These students had been suspected for involving various crime scenes, and some were arrested in crime scenes.

❖ Commity Members:

- Chired by Home minister or Deputy Home minister.
- Juvenail Justice Unit (JJU).
- Police (Family & child protection department).
- Ministry of health and family (Gender).
- Ministry of Education.
- NGO.
- Correctional training centre for children.
- Department of penitentionary.

Batch 01

- The program was begun with 24 students.
 - Starting Date:
August 2009.
 - Closing Date:
28 July 2010 to 23 November 2010

• **Programs and Courses**

▪ **Art**

- Most of the kids were new to concept of art.
- At the end of 3 months, kids have produced wonderful paintings.

▪ **Handicraft**

- Students learned basic skills of various types of handicrafts and made beautiful craft pieces at the end of two week course.
- Course was conducted by the Creative Arts And Crafts Training Centre-Heritage.
- This program could not continue beyond these two weeks , due to unavailbilty of machinery and shortage of some tool
- We keep trying our best to establish a workshop but funding is the main issue.
- But the students are certified of basic skills of various types of handicrafts and beautiful crafts.

▪ **Certificate 01 in Office Management**

- Maldives Qualification Authority accredited course conducted by Focus Education Center (FEc)
- All kids have passed with flying colour. 99% passed with HD.

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- At the end of the course those who came 1, 2, 3 was avoaded with free scholarship and all the other students got 40% discount to do certificate 2 in office management from FEC.

- **Class room subjects:**

- Dhivehi(local language)
- Mathematics
- English language
- Islam (Religious knowledge)
- Quran (reciting)

- **Religious talk session:**

- Once or twice a week religious scholars is invited to this centre to give a religious lecture based on various religious topics, mostly based on the behavior and other known issue

- **Positive thinking**

- Sessions were taken by prominent figures in the country.

Batch Two:

- The program was begun with 19 students.

Starting Date:
15 January 2010

- **Fire fighting:**
 - Students have learned how to distinguish fire on various scene
 - One day course conducted by Alarms pvt.

- **Swimming**
 - Students have learned how to swim.
 - Two swimming courses:
 - Police Club 03 weeks.
 - Police Academy 03 weeks.

- **Electric wiring:**
 - Electrical wiring foundation level course conducted by the Centre for carrier and technical Education. (CCTE).
 - Course tools and material sponsored by Sony Hardware.
 - At the end of the course students have learned to wire a room.

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- During Ramzaan, Special lecture are organized by the Ministry of Islamic Affiars.
 - Every Thursday night centre will arrange religious lecture (vido or audio)

- **Positive thinking**

- Sessions were taken by prominent figures in the country.

- ❖ **Facilities**

- **Accommodation:**

- Barraks with bunk beds with the capacity of 20 children.

- **A Multipurpose Hall**

- **A computer Lab with 10 Computers**

- **Entertainment:**

- Cable Tv

- ❖ **Sports :**

- Football
- Volley Ball
- Basket Ball
- Indoor Games
 - Play Station Games
 - Computer Games
 - Carom

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- Chess
 - Dart

❖ **Medical Service:**

- Once or Twice a week a doctor visits the centre for general checkup.
- And also we have one medical officer in the centre
- Those who are referred for special treatment by the visiting doctor will be taken to Capital City, (Male³).

❖ **Family Visiting:**

- Parent and other family relatives of the children are allowed to visit the centre upon request (Visit are arranged on Saturday)
- ❖ To strengthen the family relation and parent bond. Once a month we organize a parental visiting day.

❖ **Phone Call Services:**

- Kids are allowed to call their Parent twice a week for 8 minutes.
- In additional to these phone calls parent can also call their children every night between 20:30 hrs to 21:30 hrs.

❖ **Counseling Session:**

[Type text]

[Type text]

[Type text]

Student Affairs

Correctional Training Center For Children

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- Counseling sessions are held once a week for the children.
 - In additional to this, Juvenile Justice Unit also arranges counseling session for the children.
 - Every night Advice before bedtime is give to all the student.

Staffs:

- Head of correctional Training centre
- Head of Student affairs.
- Security Unit 15 staffs.
- Curriculum and programe 08 staffs.
- Others 08 staffs.
- Civil: 13 civil staffs.

Duties:

- Here our Staffs do duties in 03 Shifts. Morning, Afternoon and Night.
- Every Shift is with a minimum of 05 staffs.

Policy & Legislation Reviewed

- Constitution of the Maldives 2008
- Law on the protection of the rights of the child (9/91)
- National Plan of Action towards the well-being of the Maldivian child (2001-2010)
- Maldives Penal Code
- Regulation on isolation of children for reform
- Regulations on investigating, adjudicating and sentencing offences by minors (6/2008)
- Regulations on taking children into State care
- Minimum standards at State children's institutions
- Family Law 4/2000
- Second Amendment to the Law on protection of the rights of the child (4/2004)
- Policy on State investigations into the deaths of minors
- Policy of enrolment and transfer of students at public schools (6/2010, Education Ministry)
- National Curriculum Draft Framework
- General Rules for Students, Ministry of Education
- Juvenile Justice Bill
- Prevention of Anti-social Behaviour Act (11/2010)
- Gang Violence Act (18/2010)
- Courts Act (22/2010)
- Broadcasting Act 2010
- Print Media Act (47/78)
- Media Code of Ethics, Maldives Media Council
- Code of Ethics (Draft), Maldives Broadcasting Commission
- Maldives Broadcasting Corporation Act 2010
- Broadcasting Regulations (Draft) 2011
- Maldives Media Council Act 14/2008
- Children's Code of Conduct, Correctional Centre for Children, Feydhoo Finolhu
- Mandate of the Ministry of Health and Family

Stakeholder interviews included senior officials at the following institutes:

- Ministry of Health and Family
- Ministry of Education
- Maldives Media Council
- Maldives Broadcasting Commission
- Juvenile Justice Unit, Ministry of Home Affairs
- The Family Court
- Feydhoo Finolhu Correctional Facility
- Maafushi Correctional Facility

- Villingili Hiya [Children's Shelter]
- Child Protection Unit, Maldives Police Service

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