**Submission for the Call for inputs from the Special Rapporteur on the sale and sexual exploitation of children**

Children’s Ombudsperson’s Office (hereafter referred to as COO) was established in accordance with Article 113 of Act No. 19/2019 (Child Rights Protection Act) (hereafter referred to as CRPA). The main responsibility of the office is to monitor the implementation of CRPA and United Nation’s Convention on the Rights of the Child (hereafter referred to as UNCRC), with four main legal responsibilities mandated to the office.

* Monitor and enforce all the state institutions to ensure that they adhere to the CRPA;
* Monitor and enforce all state institutions to ensure that they adhere to the UNCRC;
* Monitor and evaluate the performance of state institutions and employees under the purview of the CRPA;
* Investigate and review actions of the state institutions and employees concerning the rights and welfare of the child.

The information for this report is based on evidence collected through the Baseline Study conducted by COO in 2020-2021, the Alternative Care Facilities audits conducted in 2021 as well as various child-rights audits such as spot audits and community audits undertaken in 2022. In addition to this, information was obtained from reviews and investigations of child-rights related cases, parents awareness sessions, engagements and discussions with stakeholder institutions as well as child-rights forums conducted with school children (14 – 18 years old) from selective atolls.

Existing laws such as CRPA and Act No. 18/2019 (Juvenile Justice Act) (hereafter referred to as JJA) have specified the responsibilities of state institutions in implementing these Acts. Through the child rights audits conducted by COO so far, it was identified that there is lack of awareness on these laws, across the board. It was also noted in our sessions and interactions with stakeholders, that there is a lack of awareness on children’s rights among stakeholders and general public, especially regarding the available avenues for reporting. Hence, institutions must increase awareness regarding these laws and other relevant laws pertaining to child rights protection and juvenile justice system.

# What are the current needs of the child victims and survivors to redress and reparation both in conflict and non-conflict settings?

Child victims and survivors need access to mental health services and resources. Findings of the child rights audit of alternative care facilities and the community audits conducted by our office in 2021- 2022 have shown that the availability of mental health services in islands is limited and centralized to Male’ only. Most islands lack basic mental health services, including psychosocial support services and after care. In order to establish effective social reintegration programs for child victims and survivors, it is essential to provide psychological support, educational and vocational programs, as well as social and economic assistance needed for the families. In the current system, there is inadequate health services including mental health, sexual reproductive health and chronic diseases. As a preventive measure to ensure that children are not victimized, awareness programs on sexual and reproductive health needs to be conducted consistently for children and parents.

# What are the gaps and challenges within the ambit of the international human rights and humanitarian law, in terms of both the existing framework and the implementation status to address to the needs of the child victims and survivors?

Even though laws such as CRPA and JJA have been enacted, it was found through our various child right audits that the implementation of these laws and relevant child protection policies are still quite low as aligning current practices with the new laws and UNCRC has been a very slow process, lack of inter-agency coordination amongst stakeholders, lack of systematic mechanisms to coordinate their work and mismanagement of available resources. Furthermore, it was found that there is an overall lack of awareness among relevant leading agencies on child rights laws and good practices.

It is evident from the baseline study, child rights audits and through our engagements with stakeholder agencies that there is little effort by relevant state agencies for prevention work. Even though all state agencies are mandated to work for prevention, our audits show that limited or no work has been done in this regard. Case management has become a focus rather than working with vulnerable families and children for prevention. Identification of vulnerable families within communities is not conducted systematically. Thus, an effective framework should be established for prevention and rehabilitation.

Although our office has not reviewed many cases directly related to sale and sexual exploitation of children, a backlog of cases during prosecution stage were noticed in our general line of work, despite the statutory limitations set in the law. Current justice system needs to be strengthened to increase

effective implementation of the laws. Issues hindering justice for children include delays in investigation and prosecution as well as perpetrators being released due to lack of evidence. It was noted that obtaining of evidence is not completed in a timely and systematic manner thus the evidence is not admissible/ rejected in prosecution. The Witness Protection Act has not been implemented yet, which is another hinderance in obtaining evidence. Furthermore, there is also public belief that there are political influences in some cases which leads to perpetrators being released.

It was further noted that regulations such as the Child Protection Policy for children in Alternative Care Facilities, have not been formulated although the law stipulates a time frame. Lack of such regulations and Standard Operating Procedures (SOPs) leave a gap in the system which means a proper redress cannot be ensured to the victims. Another challenge that was identified in our line of work has been the lack of expertise, especially in areas such as mental health and psycho-social support for child victims and survivors. Consequently, there is no mechanism such as social service providers to support and provide holistic after care program for victims and survivors. It should be noted that due to lack of capacity and underutilization of existing resources, there have been delays in attending to urgent cases involving the exploitation of children. Hence, case workers working with victims currently work under heavy load and are not provided with psychosocial support.

# What measures can be taken to overcome these gaps?

To overcome these gaps, short and long-term steps should be taken. Capacity building of technical staff, such as medical officers, mental health professionals, investigation officers, case workers and social workers should be a priority area for immediate action. Increase of professional development and training opportunities to existing staff should be conducted through a short-term plan. As a long- term plan, services related to child protection should be extended to other cities and atolls as well. Integrating mental health into primary healthcare system to increase accessibility in islands that lack these services are essential steps that needs to be addressed immediately. Furthermore, emphasis needs to be given to strengthen the social service workforce by establishing a regulatory framework on social work, which reflects international good practices, and increasing educational and training opportunities for those involved in the sector. There also needs to be more awareness into health sector response such as gender-based violence, sexual reproductive health, chronic illnesses, disability and other vulnerability factors. The gap in the availability and accessibility of mental health care should be filled by providing psychosocial support to victims of sexual exploitation.

# Who are the duty bearers to define, implement and provide the reparation to child victims and survivors? In what forms should the reparation be provided; how should they be assessed?

For successful reparation, a proper child protection system needs to be strengthened in accordance with CRPA and UNCRC and the optional protocols. Emphasis should be given to align existing practices with new laws and UNCRC, strengthen inter-agency coordination amongst stakeholders, establish a systematic mechanism to coordinate their work and efficiently utilize available resources. All state institutions should develop an effective framework focused on prevention and rehabilitation.

To ensure a holistic approach in providing support to victims, there should be systematic prioritization of needs through assessments and evaluations, improve coordination and collaboration of institutions and streamline their efforts. In addition, this would also be helpful in resource management to tackle issues of mismanagement. An extensive network of duty bearers including the multi stakeholders such as state institutions, private organizations, civil society organizations and community should be established to provide support to child victims of sexual exploitation.

We have noted that child participation and involvement of children in decision-making and during policy formation processes are quite low, as there is no established mechanism that involves children in these decisions. This year, COO has initiated forums with school children where they are provided with information on their rights and responsibilities. This forum also creates a platform and provides opportunities for school children to express their views on issues related to them. As the CRPA as well as the UNCRC emphasizes the importance of taking a child’s view on issues related to them, reparation should be provided after consulting with children, to identify their needs, and to include them in decisions that involve their well-being. To further ensure the best interest of the child, effective rehabilitation and reintegration programs should be conducted for perpetrators to ensure non- repetition of offences. Furthermore, preventive mechanisms need to be put in place through family and community sensitization programs. Rehabilitation, reintegration programs and other awareness programs should be developed through partnerships with parent institutions and international bodies.

Furthermore, it is important to reduce / eliminate recidivism. Convicted perpetrators must be effectively rehabilitated and reintegrated, hence such programs need to be formulated with regard to international good practices. These programs must also reflect the socio-cultural context of Maldives, by identifying the prevalent causes that pose risk of sexual exploitation and abuse of children. Moreover, the community sensitization programs on sexual exploitation and abuse needs to be conducted for the public (parents, guardians, educators, healthcare professionals, policy makers, law enforcement) to reduce stigma towards victims. For child victims and survivors, trauma focused

mental health services should be provided. As there are several challenges in accessing these resources, international cooperation is needed to train technical staff in providing trauma focused rehabilitation and reintegration.

To ensure that children’s rights are fully protected, strong monitoring and accountability mechanisms should be established within the system. Additionally, international cooperation would also be useful towards establishing effective rehabilitation and reintegration programs as well as development of assessment tools such as risk assessments and psychological assessment that reflect international good practices as we lack technical knowledge in these areas in Maldives.

# What measures are put in place to hear and understand how child victims and survivors would perceive meaningful reparation?

There are existing measures such as the call centers with toll free numbers established in Ministry of Gender, Family and Social Services as well as the victim support unit in Maldives Police Service. This has been established to ensure that cases can be reported and attended in a timely manner. In addition to this, state has institutions such as Family Protection Authority that is established to monitor cases related to domestic violence. State also provides alternative care facilities as a final resort for vulnerable children with no means for reintegration into families. There are some CSOs that provide victim support and legal firms that provide pro-bono legal aid to victims of abuse including children.

# How do we identify and delineate the roles of state, non-state and individual actors to ensure that reparation reach the child victims and survivors?

It is important to establish a systematic mechanism towards child protection that supports reparation reach of the child victims and survivors. This can be achieved through timely and coordinated responses within stakeholders by strengthening existing programs and ensuring accountability of all stakeholders. In order to ensure victims’ rights are protected, accountability of state, employees and other agencies needs to be reviewed and investigated if necessary. In addition, effective after care monitoring and evaluation needs to be systematically formulated and strengthened.

# What role do civil society organizations and victims’ groups play in devising, consulting and developing various reparation measures and programmes?

Civil society has an important role to play in devising, consulting and developing various reparation measures and programs. Currently, the main role of civil society organizations can be seen in the policy level consultation such as the formulation of laws and regulations related to children. Moreover, CSOs contribute to the shadow reports written under international conventions such as UNCRC. There are very few CSOs that provide victim support and legal firms that provide pro-bono legal aid to victims of abuse including children. Apart from that, awareness sessions for children on adolescent health, violence against women and girls are conducted by some uniform bodies. However, these services are centralized only in Male’ and are not accessible to victims throughout the country as not many are aware of the available services.

# What are the good practices initiated by the stakeholders, and what remaining areas of intervention need to be introduced and/or improved?

The current CRPA and JJA are a good step towards protection of children. However, all areas pertaining to child rights require improvement. Through the child rights audits conducted so far, it has been identified that necessary procedures (such as rape kit examinations and the awareness towards gender-based violence) are still not adequate. This is more substantial in smaller islands, as there is a significant need to strengthen the availability of basic healthcare services as well. Therefore, interventions need to be made to ensure that necessary procedures for evidence collection, victim support and after care are in place. Last but not the least, education, health, social services and the legal system must work collaboratively towards prevention of child sexual exploitation and abuse, by establishing systematic procedures.

Community social group, IBAMA which was recently introduced by Ministry of Gender, Family and Social Services in collaboration with UNICEF Maldives is a good initiative to identify the vulnerable families in local communities by institutions in the social sector and work collaboratively to provide the necessary assistance. Their main aim is to work proactively with vulnerable families to prevent and protect them from all forms of abuse.

Stakeholders are working on increasing the awareness of general public through dissemination of advocacy materials such as flyers and videos and by conducting awareness sessions.

# How can States and other stakeholders deliver more effectively with respect to amplifying the effective implementation of meaningful reparation to child victims and survivors? Within the purview of international cooperation, what specific measures should be taken based on the existing structures. What is needed for a more coordinated response by the States/other international actors to provide reparation to child victims and survivors?

All stakeholders working in the protection of children need to work collaboratively in order to deliver more effective implementation. This can be attained through a multi-sectoral action plan endorsed by all the institutions with an effective monitoring and evaluation component. A monitoring body should take the lead role in overlooking the implementation of the action plan.

There is a national mechanism for reporting and follow-up already in place within the Attorney General’s Office that is mandated to coordinate and prepare reports and engage with international and regional human rights mechanisms (including treaty bodies, the universal periodic review and special procedures), and to coordinate and track national follow-up and implementation of the treaty obligations and the recommendations emanating from these mechanisms.

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