



## **The Maldives' Compliance with the Convention on the Rights of the Child: The Death Penalty**

**Submitted by The Advocates for Human Rights**

a non-governmental organization in special consultative status with ECOSOC since 1996

**Maldivian Democracy Network**

and

**The World Coalition Against the Death Penalty**

for the 100th Session of the Committee on the Rights of the Child  
12–30 January 2026

Submitted 15 December 2025

**The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

**The Maldivian Democracy Network** (MDN) is a non-governmental, non-profit organisation advocating for human rights and democracy in the Maldives. MDN was formed in 2004, allowed to register in the Maldives in 2006, and arbitrarily shut down following blasphemy allegations by the Government of Maldives in 2019. MDN currently works in exile.

**The World Coalition Against the Death Penalty** is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty. Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

## EXECUTIVE SUMMARY

1. Under the pretext of “protection of minors,” the government shields its death penalty practices from scrutiny. Nonetheless, evidence suggests that, despite prohibitions in the Children’s Rights Protection Act and the Juvenile Justice Act, courts in the Maldives continue to sentence people to death for crimes they committed when under the age of 18. A regulation purports to defer execution of death sentences until the offender reaches the age of 18.

### **The Maldives fails to uphold its obligations under the Convention on the Rights of the Child**

2. Maldivian courts sentence people to death for the crime of intentional murder. The default penalty is life imprisonment, but if the heirs of the murder victim elect retribution under *qisas* in Islamic Shari’ah, the person is also sentenced to death. Currently 23 people are under sentence of death. It is unclear whether any of them were sentenced to death for crimes they committed when under the age of 18.
3. The Maldives executed one person in 1952. Between 1954 and 2014, the Maldives observed an unofficial moratorium on executions, with death sentences automatically commuted to life imprisonment. The 2014 Regulation on Conducting Investigations into and the Implementation of Penalties Arising from the Offense of Intentional Murder lifted the unofficial moratorium. In 2024, the government announced that it would resume executions, but it has not yet done so.

#### **I. The government shields its death penalty practices from scrutiny under the guise of “protection of minors” (List of Issues paragraph 19(d)).**

4. The Committee requested disaggregated statistical data about, *inter alia*, children who have been “[s]erving a sentence in detention, indicating the length of the sentence.”<sup>1</sup> The Maldives’ reply lists just two children serving sentences in detention—a 17-year-old sentenced to over 17 years in prison for murder and a 15-year-old sentenced to over 4 years in prison for participating in a fight with a sharp object.<sup>2</sup> The report lists three additional children in pre-trial detention who are charged with murder.<sup>3</sup> The Maldives’ reply does not disclose how many people over the age of 18 are serving sentences in detention for crimes they committed when under the age of 18.
5. Section 30(u) of the Juvenile Justice Act (JJA) prohibits disclosure of the identity of a child starting at the moment the child is alleged to have committed a crime. The section prohibits disclosure of such information in the media or on the internet.
6. Due to this provision, civil society organizations and the media have no way of knowing whether authorities are violating prohibitions against sentencing people to death for crimes they committed when under the age of 18.

---

<sup>1</sup> Committee on the Rights of the Child, *List of issues in relation to the combined sixth and seventh periodic reports of Maldives*, (27 Feb. 2025), U.N. Doc. CRC/C/MDV/Q/6-7, ¶ 19(d).

<sup>2</sup> Annex 16.

<sup>3</sup> Annex 15.

## II. The Supreme Court has not construed prohibitions in the Juvenile Justice Act and the Children’s Rights Protection Act to bar executions of juvenile offenders (List of Issues paragraphs 2(b), 11(b)).

7. The Committee requested information on measures taken to “[s]trengthen the implementation of legislation related to children’s rights, in particular the Child Rights Protection Act of 2019 and the Juvenile Justice Act of 2019,” and also on “[r]esources and efforts for the implementation of the Juvenile Justice Act of 2019.”<sup>4</sup>
8. The Maldives’ reply asserts that the Child Rights Protection Act (CRPA) and the Juvenile Justice Act (JJA) are “in line with international norms.”<sup>5</sup>
9. On the surface, these laws are in line with the prohibition against capital punishment for offences committed by persons below eighteen years of age in Article 37(a) of the Convention on the Rights of the Child. In practice, however, courts may be interpreting the laws to allow a judge to *sentence* a person to death for an offence committed when under the age of 18, while requiring authorities to wait until the offender reaches the age of 18 to *carry out* that sentence. A problematic regulation reinforces this inaccurate interpretation.
10. Section 29 of the CRPA governs “criminal liability” and sub-part (b) states, in relevant part, that “[a] child should not be given the death penalty. Even after attaining the age of 18 (eighteen), the death penalty should not be awarded for an offence which has been proved to have been committed by a child before the age of 18 (eighteen).”<sup>6</sup> Sub-part (d) states that “[s]ince Article 35(a) states that children are afforded special assistance and protections from the state and the family and from society as children are people who have not developed in growth and ability to take responsibility similar to adults, the penalty of death shall not be passed upon any child. Nor should a person be given the penalty of death, even after reaching the age of 18, for a crime committed when they were below the age of 18.” The CRPA goes on to say that in those circumstances, the offender shall receive a sentence of no more than one quarter of the next maximum sentence prescribed for the offence.<sup>7</sup>
11. Section 74-1(b) of the JJA similarly prohibits the death penalty for offenders who were under the age of 18 at the time of the offense, even after the child reaches the age of 18.
12. A case that the Supreme Court concluded in July 2024 reveals rare details about how courts may construe these prohibitions in the JJA and CRPA.<sup>8</sup> At the time of the child offender’s sentencing for murder in 2014 or 2015, neither the CRPA nor the relevant provision in the JJA had taken effect. Hence, at the time there were no legal prohibitions against the death penalty for juvenile offenders. The High Court upheld the death sentence on appeal in 2019. In 2022, after the relevant laws took effect, the case reached the Supreme Court because an heir of the victim had withdrawn their endorsement of the death penalty. The prosecution contended that by operation of Section 29 of the CRPA and Section 74-1 of the JJA, there would be no execution under any circumstance, and therefore the Supreme Court had no role to play. The

---

<sup>4</sup> Committee on the Rights of the Child, *List of issues in relation to the combined sixth and seventh periodic reports of Maldives*, (27 Feb. 2025), U.N. Doc. CRC/C/MDV/Q/6-7, ¶¶ 2(b), 11(b).

<sup>5</sup> Committee on the Rights of the Child, *Replies of Maldives to the list of issues in relation to its combined sixth and seventh reports*, (2 Oct. 2025), U.N. Doc. CRC/C/MDV/RQ/6-7, ¶ 5.

<sup>6</sup> Children’s Rights Protection Act (Act No. 2019-19), Art. 29(d).

<sup>7</sup> Children’s Rights Protection Act (Act No. 2019-19), Art. 29(e).

<sup>8</sup> Trial report, Supreme Court case number 2022/SC-A/86.

Supreme Court, however, disagreed. The Supreme Court ordered the lower courts to annul the death sentence *not* by operation of CRPA Section 29 and JJA Section 74-1, but due to the heir's withdrawn endorsement of the death penalty. The Supreme Court ordered the juvenile court to conduct a retrial. Neither the Supreme Court nor the State addressed the text of CRPA Section 29 and JJA Section 74-1. Legal observers suspect that the Supreme Court has interpreted the laws to prohibit *execution*, rather than *sentencing to death*, of juvenile offenders. Indeed, the literal translation of the prohibitions is that “a child should not be *given* the death penalty.”

13. A 2014 regulation predating CRPA Section 29 and JJA Section 74-1 that allows authorities to defer executions for juvenile offenders violates the Constitution of the Republic of Maldives. Article 35 of the Constitution recognizes that “[c]hildren and young people are entitled to special protection and . . . shall not be harmed . . . in any manner.” Section 29 of the CRPA cites this text as justification for prohibiting the death penalty for crimes that children commit.<sup>9</sup> Article 16 of the Constitution, in turn, authorizes “reasonable limits” on constitutional rights *only* if “prescribed by a law enacted by the People’s Majlis [Parliament].”
14. Section 11 of the Regulation on Conducting Investigations into and the Implementation of Penalties Arising from the Offense of Intentional Murder authorizes a stay of execution “[i]f a minor has been convicted of the crime, until the child reaches the age of 18.”<sup>10</sup> The regulation, however, has no enabling law. In other words, Parliament did not enact any law to give rise to the 2014 regulation, which came about in a rushed manner. And without a law enacted by Parliament, Article 16 of the Constitution renders the regulation’s purported limitations on a child’s rights in Article 35 unconstitutional.

### III. Suggested recommendations for the Government of the Maldives

15. The coauthors suggest that the Committee recommend that the Government of the Maldives:
  - Issue a directive to commute the death sentence of any person who was under the age of 18 at the time of the alleged offense to a sentence consistent with Article 35 of the Constitution, as well as the CRPA and the JJA.
  - Instruct all judges responsible for sentencing people who committed offenses when under the age of 18 and for reviewing such cases on appeal to interpret CRPA Section 29 and JJA Section 74-1 in a manner consistent with Article 35 of the Constitution and Article 37(a) of the Convention on the Rights of the Child.
  - On an annual basis, publish disaggregated data about all people serving a sentence in detention for a crime they committed when under the age of 18, including their current sentence.
  - Repeal the 2014 Regulation on Conducting Investigations into and the Implementation of Penalties Arising from the Offense of Intentional Murder.

---

<sup>9</sup> Children’s Rights Protection Act (Act No. 2019-19), Art. 29(d).

<sup>10</sup> Regulation on Conducting Investigations into and the Implementation of Penalties Arising from the Offense of Intentional Murder (2014/R-33).

- Consider abolishing the death penalty and, in the interim, instituting a formal moratorium on executions.