

URGENT ACTION

RAPE SURVIVOR FOUND GUILTY OF “FORNICATION”

A 15-year-old survivor of rape is at risk of house arrest and flogging in the Maldives, where she was found guilty of “fornication” by a juvenile court, and sentenced to eight months’ house arrest and 100 lashes.

A 15-year-old survivor of rape has been found guilty of “fornication” or sex outside marriage by a juvenile court in the Maldives. She has been sentenced to eight months’ house arrest and 100 lashes. As per the law, the sentence of flogging is ordinarily carried out when she turns 18, but could be carried out earlier in exceptional circumstances.

The girl was first arrested after the body of a baby she had given birth to was found buried outside her house on Feydhoo Island in Maldives in June 2012. Authorities found that she had been raped by her stepfather, who has been charged with several offences, including the murder of the baby and the sexual abuse of a minor. Her mother has been charged with both concealing a crime, and murder. During their investigation, however, authorities came across evidence to support charges of “fornication” against the girl in a separate incident. The Prosecutor-General’s office pressed charges against her for “fornication” on 25 November 2012. She was found guilty and sentenced to flogging and house arrest on 25 February 2013. While she has a right to appeal, it is unclear whether she will exercise this option.

“Fornication” is not an offence in accordance with international human rights law and standards. Further, flogging is in violation of the absolute prohibition on torture and other cruel, inhuman or degrading treatment or punishment. The existence of the offence of “fornication” and the punishment of flogging in Maldivian law are inconsistent with Maldives’ obligations under international human rights law.

Please write immediately in English or your own language, urging the Maldivian authorities to:

- Release the girl immediately and unconditionally, including ending the house arrest, and ensure that she is not flogged or otherwise punished;
- Ensure that the judicial process is initiated in order to overturn the conviction for “fornication”;
- Ensure that she has access to adequate and appropriate protective and support services;
- End the practice of flogging as a form of punishment and act to amend Maldivian law to remove the provisions that allow flogging, as well as those that criminalise “fornication”.

PLEASE SEND APPEALS BEFORE 11 APRIL 2013 TO:

President Dr Mohamed Waheed

The President’s Office
Boduthakurufaanu Magu,
Male’ 20113

Republic of Maldives

Fax: (960) 332 5500

Email:

<http://www.presidencymaldives.gov.mv/index.aspx?lid=6> (via form)

Salutation: **Dear President**

And copies to:

Minister of Foreign Affairs

His Excellency Dr. Abdul Samad

Abdullah

Block number 77,

Henveiru, Boduthakurufaanu Magu

Fax: (960) 3323841

Email: consular@foreign.gov.mv

Salutation: **Dear Minister**

Prosecutor General, Maldives

Ahmed Muizzu

Prosecutor General’s Office,

Majeedhee Magu,

Male’ 20040,

Republic of Maldives

Fax: (960) 3000644

Email: pgoffice@pgoffice.gov.mv

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Recent media reports suggest that almost 90% of the individuals convicted of “fornication” in 2011 were women. In 2009, at least 180 people faced the punishment of flogging for “fornication” in the Maldives. An 18-year-old woman who was sentenced to 100 lashes fainted after the punishment was administered. Amnesty International has received credible reports that the Maldivian authorities have charged and convicted other girls in the past – some of whom have been survivors of rape and other sexual assault – with “fornication”; this has led to them being punished by flogging.

The UN High Commissioner for Human Rights has urged the Maldivian Government to stop the practice of flogging, stating that it “constitute[d] one of the most inhumane and degrading forms of violence against women”. The United Nations Country Team in the Maldives has expressed similar concerns. After her recent visit, the UN Special Rapporteur on the independence of judges and lawyers called on the government of the Maldives to “show strong leadership to move the development and adoption of essential legislation forward and ensure that their contents are in line with the promotion and protection of human rights”.

The President’s Office has claimed that they see this 15-year old girl as a victim who should be protected and not punished by the government. A spokesperson for the President’s Office told the press that they are considering changing the laws. As per article 70 (a) of the constitution of the Maldives, legislative authority is vested in the People’s Majlis.

The Maldivian government also has an obligation to provide “appropriate protective and support services” for survivors of rape and other forms of sexual assault, which can include “rehabilitation, assistance in child care and maintenance, treatment, counselling, and health and social services, facilities and programmes, as well as support structure ... and should take all other appropriate measures to promote their safety and physical and psychological rehabilitation”. It is unclear whether the 15-year-old girl in this case has been provided any of these services. Furthermore, international standards stipulate that states must recognize the growing capacity of adolescents to express their sexuality. Children who are either engaging in consensual sexual activity, or who are victims of sexual assault, should not be criminalized or punished, regardless of their age

Name: 15-year-old rape survivor

Gender m/f: f

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