

DISCLAIMER: This document was produced in 2005 and is a summary of the laws of Algeria that appertain to international parental child abduction, contact and relocation as they were at that time. **reunite** International Child Abduction Centre cannot vouch for the accuracy of this information for use in litigation and it is not intended to provide case specific advice.

## **THE MALDIVES**

### **Overview**

The Maldives was under the protected status of the UK until 1965, as a result of this the legal system has been influenced by English common law as well as Islamic law. Officially all citizens of the Maldives must be Muslims and the majority follow the Shafi School of Islamic jurisprudence, however there is a minority of Shia Muslims. According to the Constitution of 1998 the Maldives is a Republic based on Islamic principles and Article 7 establishes Islam as the religion of the State. Article 156 defines law as meaning Acts passed by the People's Majlis and the People's Special Majlis and assented to by the President, regulations made under such laws and the practices of the government and also the norms and provisions of the Sharia established by the Quran, the traditions of the Muslim prophet Mohamed and the rules derived therefrom. Family law is based on the Sharia. In addition, a law on the Protection of the Rights of the Child was promulgated in 1991.

### **Court Structure**

There are 3 levels of court in the Maldivian court system. The lowest courts are the Island Magistrates Courts. There is an Island Court on each of the inhabited islands of Maldives. These courts have jurisdiction to hear minor criminal cases and civil cases where the amount in dispute or the subject matter in dispute is less than 100,000 Rufiyaa. At the next level are the Male Courts. There are 4 of these courts, which are the Civil Court in Male, Criminal Court in Male, Family Court in Male, and the Juvenile Court in Male. Male courts have jurisdiction to hear all types of cases and sit as courts of first instance.

The highest court is the High Court of the Maldives and cases are heard by a panel of 2 or 3 judges. The main function of the court is to hear appeals from the lower courts. Final appeal lies with the president.

## **Custody**

Law 9 of 1991 on the Protection of the Rights of the Child reads in Article 19 that no parent shall, in the event of disagreement or conflict between parents or in the event of separation of parents, act in a manner detrimental to the health, education and conduct of the child. Custody of children under 7 is normally awarded to the mother unless this is deemed inappropriate, for example if the mother has remarried. In this case custody would be awarded to the maternal grandmother, followed by the paternal grandmother or the father. Children over the age of 7 are permitted to choose with whom they wish to reside.

## **Nationality**

A child whose mother is Maldivian is permitted to apply for Maldivian citizenship according to an amendment of the citizenship laws.

## **International Law**

The Maldives ratified the UN Convention on the Rights of the Child in 1991 with reservations to Articles 14(1) and 21.

## **Contacts**

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