

5. Right of Reply made under Agenda Item 4

**27th Session of the United Nations Human Rights Council
8 – 26 September 2014, Geneva**

**Agenda Item 4
16 September 2014**

**Right of Reply
Made by Ms. Rishfa Rasheed,
First Secretary, Permanent Mission of the Republic of Maldives
to the United Nations Offices in Geneva**

Check against delivery

Thank you, Mr. President.

The Maldives would like to make its Right of Reply in response to the statement made by the Swiss delegation stating that the Maldives has amended its legislation to allow death penalty for children from age 7.

The Maldives wishes to inform this esteemed Council that the new Penal Code passed in April this year, stipulates "children below age of 15 at the time of the offence shall be conclusively presumed to have satisfied the requirements of the immaturity excuse. Also, children ages 15-18 years old at the time of the offense shall be presumed, subject to rebuttal by the prosecution, to have satisfied the requirements of this excuse defense.

Mr. President

The Maldives holds the world's longest moratorium on death penalty. The last occasion the death penalty was implemented in the Maldives was in 1953. In the Maldives NO person is subjected to prosecution except through a transparent, constitutionally sanctioned, process of the law. The new Penal Code is a hallmark piece of legislation that is intended to modernise the criminal justice system of the Maldives and to bring it on par with international best standards.

The Maldives once again would like to state on record that this Council is mandated to do serious work and it is appalling that statements made here are rooted on misrepresentation and media gossip.

I thank u

“Swiss statement:

translation: Switzerland condemns the recent decision by the government of Maldives to amend its legislation, in order to allow the death penalty for children from age 7 on- this decision is a serious violation of the international human rights. (in their verbal delivery they also added at the end 'although a moratorium of 60 years exist' to minimise impact, after our requests)

also says -

Switzerland calls upon States who still use the death penalty to respect the protection of the right of persons subjected to this penalty. It welcomes a serious and open debate over the violations of human rights linked with the use of death penalty, in order to abolish it Maldives – amend laws. To allow death penalty of children under the age of 7. Maldives should take every possible step to change this”