

MALDIVES

Constitution of the Republic of Maldives, 2008.

Chapter II. Fundamental Rights and Freedoms

Article 16. This Constitution guarantees to all persons, in a manner that is not contrary to any tenet of Islam, the rights and freedoms contained within this Chapter, subject only to such reasonable limits prescribed by a law enacted by the People's Majlis in a manner that is not contrary to this Constitution. Any such law enacted by the People's Majlis can limit the rights and freedoms to any extent only if demonstrably justified in a free and democratic society.

Article 21. Everyone has the right to life, liberty and security of the person, and the right not to be deprived thereof to any extent except pursuant to a law made in accordance with Article 16 of this Constitution.

Article 35. (a) Children and young people are entitled to special protection and special assistance from the family, the community and the State. Children and young people shall not be harmed, sexually abused, or discriminated against in any manner and shall be free from unsuited social and economic exploitation. No person shall obtain undue benefit from their labour.

Chapter XI. State of Emergency

Article 255. Measures adopted in an emergency shall not restrict the following rights and freedoms contained in the following Articles of this Constitution:

1. Article 21 (right to life);
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Fatwa (Islamic Ruling), 11th December 2013 Islamic Fiqh Academy, Ministry of Islamic Affairs

1. Under the circumstance where a mahram (kin with whom marriage is unlawful) man commits forceful adultery with his kin – the termination of the consequent fetus within 120 days of gestation;
2. Under the circumstance where a non mahram (a person with whom marriage is lawful) man commits forceful adultery with a woman – the termination of the consequent fetus within 120 days of gestation;
3. Under the circumstance where a man commits forceful adultery with a physically weak or under aged girl – the termination of the consequent fetus within 120 days of gestation;

4. Under the circumstance where in a lawful marriage, the conceived fetus is believed to be a thalassemic major, sickle cell major or the fetus is believed to be physically or mentally deformed at the time of its birth and that it will not be cured by any means – the termination of the fetus within 120 days of gestation;
5. Under the circumstance where the life of a pregnant woman is in danger – the termination of the fetus or administration of an induced abortion even after 120 days of gestation.

Source: Islamic Fiqh Academy, Ministry of Islamic Affairs, 2013, p.1. As quoted in, Fathimath Shmah, "Country Profile on Universal Access to Sexual and Reproductive Rights: Maldives," Society for Health Education and Asian-Pacific Resource and Research Centre for Women (2015). <http://arrow.org.my/wp-content/uploads/2017/04/Country-Profile-on-Sexual-and-Reproductive-Rights-Maldives.pdf>

Penal Code

Chapter 1. General Explanations

28. In this Law:

- i. "Life" shall mean unless provided to the contrary the source of life bestowed by God upon various living beings.