

CHALLENGES IN RECONCILIATION OF MARRIAGE PROCESS IN MALDIVES

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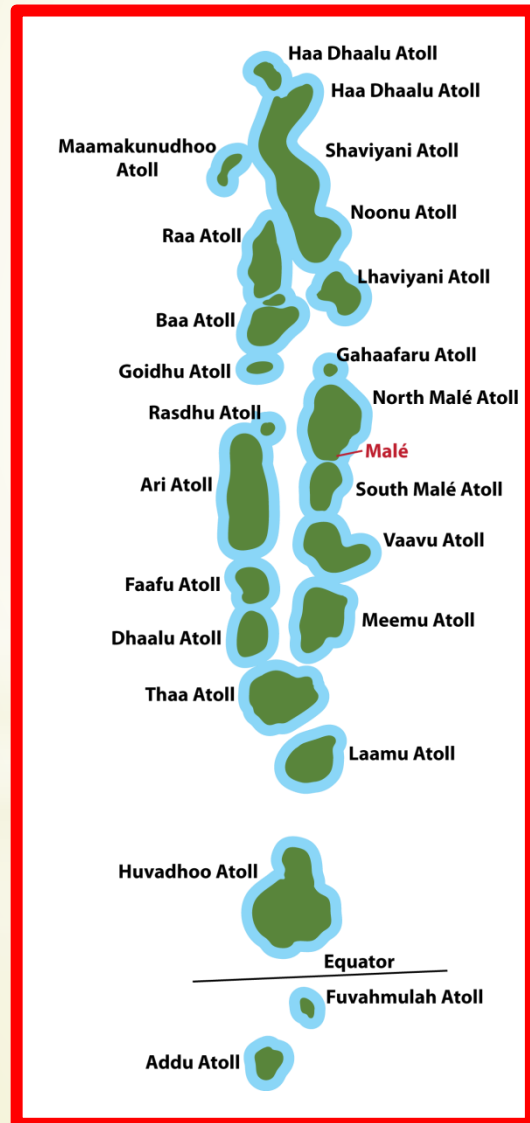
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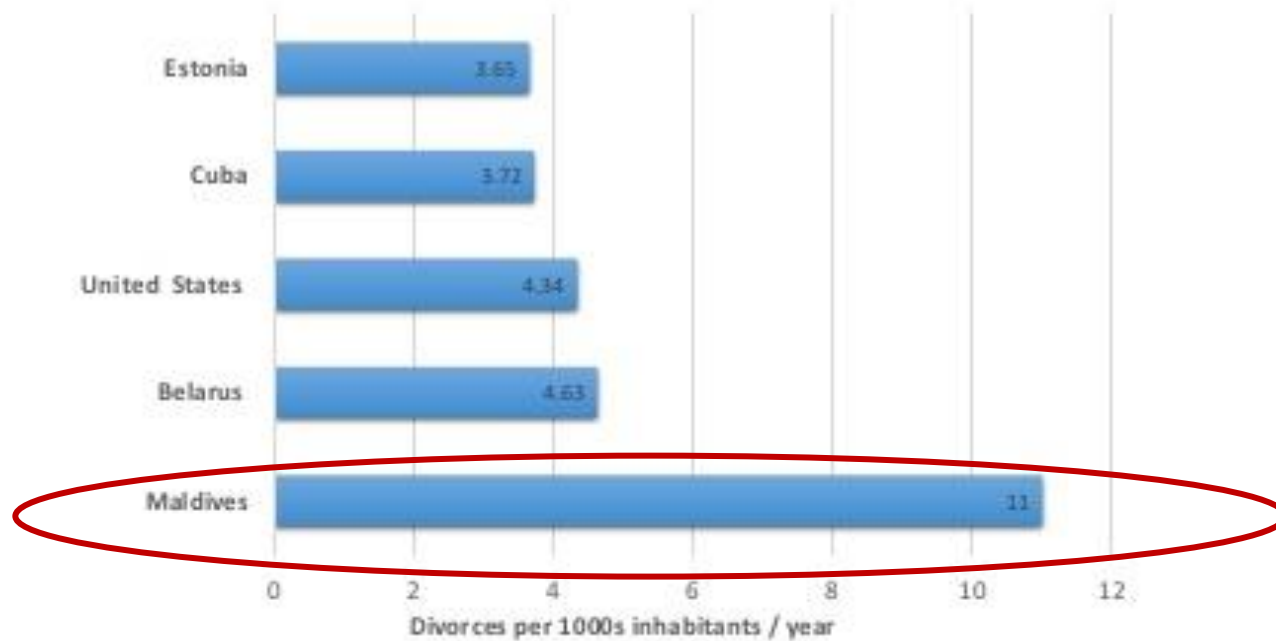
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Maldives is a 100% Muslim nation, consisting of 1192 islands scattered across the India Ocean. As result of its geographical distribution, successful administration of laws across the country and providing equal opportunities for all nationals has become an extremely difficult task.

Countries with the highest divorce rates



Introduction

- The daunting fact in the Maldives is that family issues are a common and destructive phenomenon facing the community throughout the country.
- According Genius Book of World Records, Maldives also has the highest divorce rate in the world amounting to 10.97 percent compared to other countries.
- It is evident that every broken relationship is not possible to reconcile. However, it is possible that a proper method of planning and a good framework of reconciling can bring a remarkable change to reconciliation, especially on family matters.



This paper focuses on Four main points



Lack of Knowledge



Lack of Awareness



Lack of Expertise



Geographical Challenges

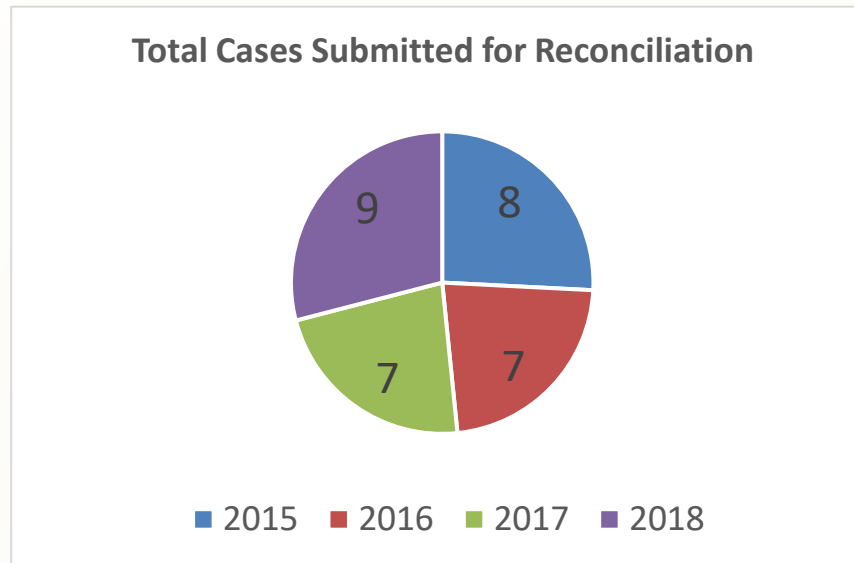
Lack of Knowledge

- Despite the importance of ADR, many Maldivian lawyers are not well aware of ADR. Hence, when ADR is compared to an adversarial system, the latter is still leading in Maldivian.
- The education sector alarmingly lacks teaching of ADR in their curriculum. Not knowing or neglecting the concepts of ADR leads more harm to the society by the Maldivian law.
- It is important to mention that ADR often leads to misunderstanding and confusion among the public, who usually think that ADR is a lesser form of litigation, rather than considering it as a better alternative to litigation.
- To develop education and professional skills in ADR, assistance of leading institutions such as Asian Development Bank (ADB) and World Bank can play an imperative role.
- Such institution's initiative to sponsor courses and training programs would be a great contribution for the development of judicial systems of the developing countries.

Lack of Awareness

- Women and children's rights in matrimonial issues are very much associated with reconciliation and family conciliation. However, the current conciliation and reconciliation method seems to be failing in Maldives.
- According to a judicial review release that family matters dominated the Maldivian courts as over 20,600 were lodged last year, 46 percent of the cases were related to family problems.
- Creating awareness and promoting the benefits of ADR is important for the Maldivian legal system and for individuals who practice law. It is the duty of the government as well as the concerned authorities to create a well-informed population in the country about ADR and its benefits.
- Non-governmental organizations can also play a vital role in creating awareness and introducing the concept.
- When people are more aware of the convenience and the benefits of conciliation, and reconciliation, people will consider these options rather than choosing a combative and confrontational method of litigation to solve their family disputes

Lack of Awareness



According to the revealed statistics from the Family Court, few numbers of cases were submitted to the “Conciliation Division of Family Matters” in Family Court for reconciliation as a voluntary compliance. In the year 2015, 2016, 2017 and 2018, the cases submitted were 8, 7, 7 and 9 respectively. From the gathered data, it infers that the people of the Maldives are not obtaining the benefit of reconciliation in its true meaning. **The cause of unpopularity of this modern technique of ADR method might be one of the reasons of lack of awareness on this issue or insufficient information causing people to be reluctant to choose the dispute resolution methods.**

Lack of Expertise

- Lack of expertise creates a huge disadvantage for the future and the success of the ADR processes in the country.
- Adequate number of skilled and well-trained professionals in this field is essential to manage the case loads efficiently and effectively.
- Effective human resource is one of the elements which are essential to provide adequate training for those practicing in the field.

Lack of Expertise



**Honest and
Respected Personnel**



Training



Literacy



**sufficient number of
employees**

Geographical Challenges

- This is one of the greatest obstacles for the development of the whole country. Maldives being an Islands nation, dispersed population across the archipelago hinders the delivery of public service which are challenging and costly
- One of the ways is to acquire the advantages of decentralization when providing the services of conciliation by establishing a “Conciliation Division for Family Matters” in each atoll.
- Government could also provide online services using information technology in areas where the services cannot be delivered physically.
- Department of Judicial Administration urged the need of having a government own information technology network for the purpose of introducing and used in islands.

Geographical Challenges

- The Department's suggestion was to connect the entire country via internet and underwater cable. Therefore, through E-Court management, the issues can be discussed through different methods such as Skype or video conferencing.


MALDIVES E-COURT MANAGEMENT SYSTEM
Male', Republic of Maldives



Conclusion

Maldives is experiencing miserable days due to increase in high divorce rate in the country.

Unlike other countries, marriage and divorce is an easy and quick process in the country.

People can easily divorce their wife without much difficulty and do the formalities later on although there are penalties to be paid by such offenders

To overcome the current practice of reconciliation process and ineffectiveness of the whole system, there is a need for a good framework and innovative ideas to cater the people in every part of the country.

In order to accomplish the rights given by the Maldivian constitution, endless works need to be done to achieve the goals.





Thank you