

MARRIAGE AND DIVORCE PROCEDURES AND CHALLENGES

**Department of Judicial Administration
Republic of Maldives**

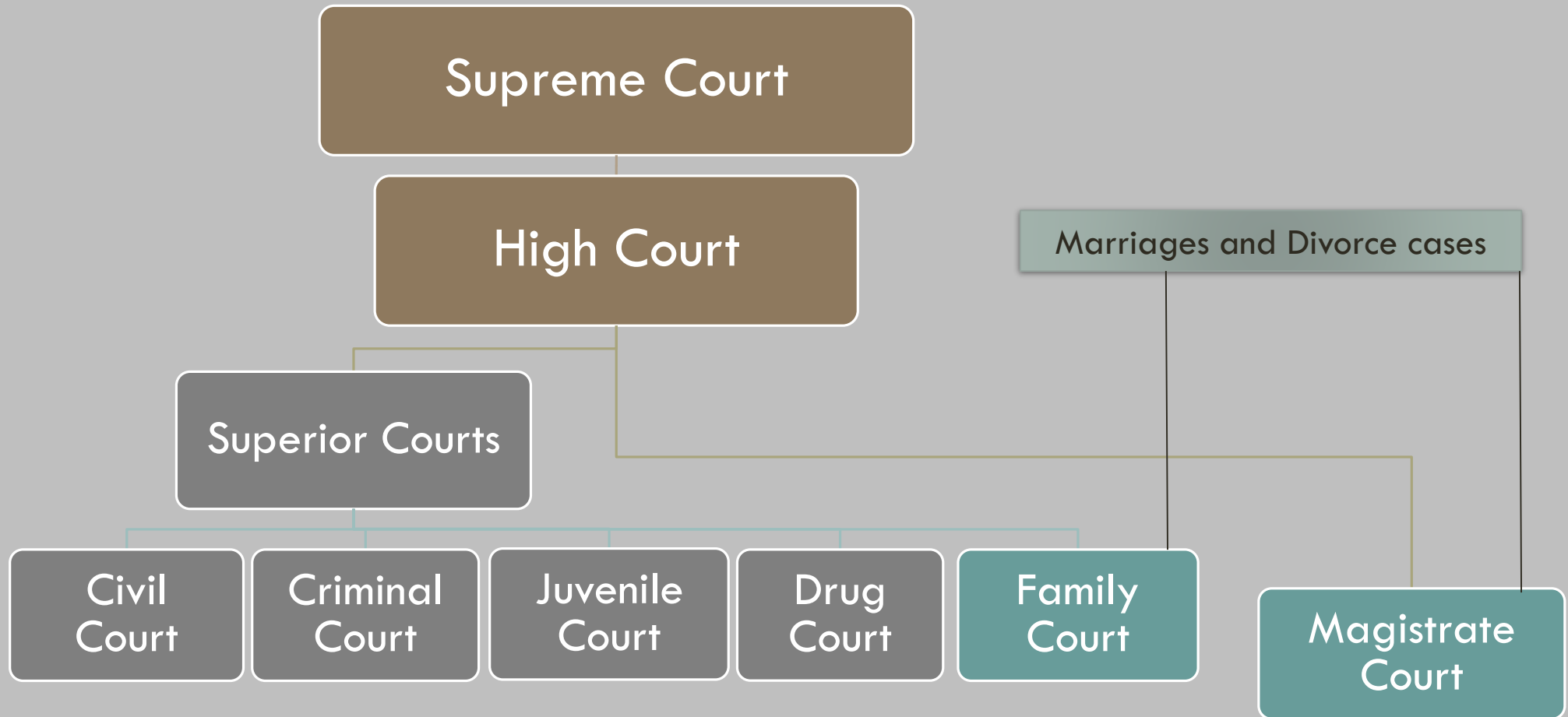
Meeting of the Civil Registrars of South Asia (CR8)
26-28 NOVEMBER 2019

Presented by:
Uz. Faisal Adam

AGENDA

- Maldivian Court System
- Procedure for Marriage & Divorce and its Registration
- Maintenance of Marriage & Divorce Records
- Challenges faced in Marriage & Divorce Registration
- Proposed Reforms

MALDIVIAN COURT SYSTEM



MARRIAGE - PROCEDURE

APPLICATION

REGISTRATION

- The marriage must fulfill the conditions imposed by Islamic Shari'ah and Marriages will be solemnized via *Mauzoon* (Solemnor of marriage).
- Marriage must be solemnized and registered for it to be legally valid in the Maldives.
- To get married in the Maldives an application requesting for it has to be submitted.

Applications to marry more than one Wife

- Ensure that the male earns at least MVR 15,000 / USD 972.76
- Debts (if any)
- Statement of the other wife / wives

Applications to marry a foreigner

- Sign a declaration stating that they will abide by domestic law governing family law in Maldives
- Medical Report
- Proof that he earns at least MVR 15,000. (Males)

MARRIAGE — PROCEDURE CONTINUED

APPLICATION

REGISTRATION

Applications where both are thalassemia

- Ensure that they complete the genetic counselling session conducted by Maldivian Blood Services

Applications where one person is below the age of 18 years

- No under 18 marriages over past two years.
- Consent in writing by the Parent
- Police report of the person above the age of 18 years
- Social Assessment Report made by Ministry of Gender, Family and Social Services
- Approval from the Supreme Court of the Maldives (Chief Justice decides to give permission based on advice given by the Judicial Council)
- Marriage below the age of 18 years is now prohibited (Law No: 19/2019 (Child Rights Protection Act))

MARRIAGE — PROCEDURE CONTINUED

APPLICATION

REGISTRATION

- Once the Registrar has accepted the application, the following general checks are performed:
 - Verification of information
 - Check records of marriage, divorce, maintenance and fines
- Once above conditions are met and the fees have been paid, the Registrar gives permission to solemnize the marriage.
- After the marriage is solemnized, the marriage is registered in the Marriage Registry.

MARRIAGE - REGISTRATION

APPLICATION | REGISTRATION

- All marriages solemnized in the Maldives; and all marriages solemnized abroad where the party / parties to the marriage are Maldivians must be registered in the Maldives.
- For marriages solemnized in the Maldives through the relevant court, the marriage will automatically be registered in the Marriage Registry.

MARRIAGE - REGISTRATION

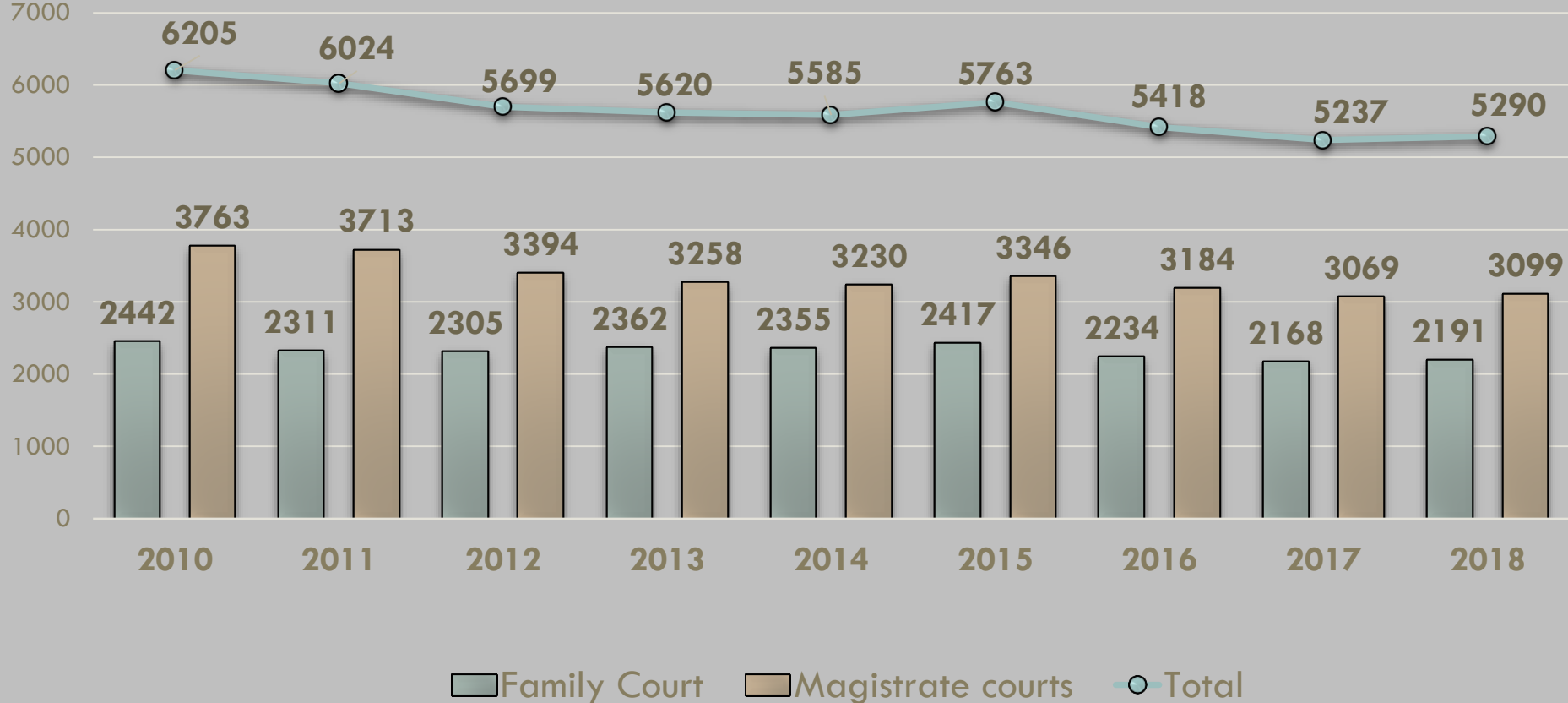
APPLICATION

REGISTRATION

Registration of Marriages Solemnized Abroad

- If there is an official representative office of the Maldives – Registration application has to be submitted to that office within 02 months from the date of the marriage
- If there is no such office - Registration application has to be submitted within 06 months from the date of the marriage
- It is an offence to remain without applying to register a marriage – fine MVR 1,000.00 (USD 64.85)

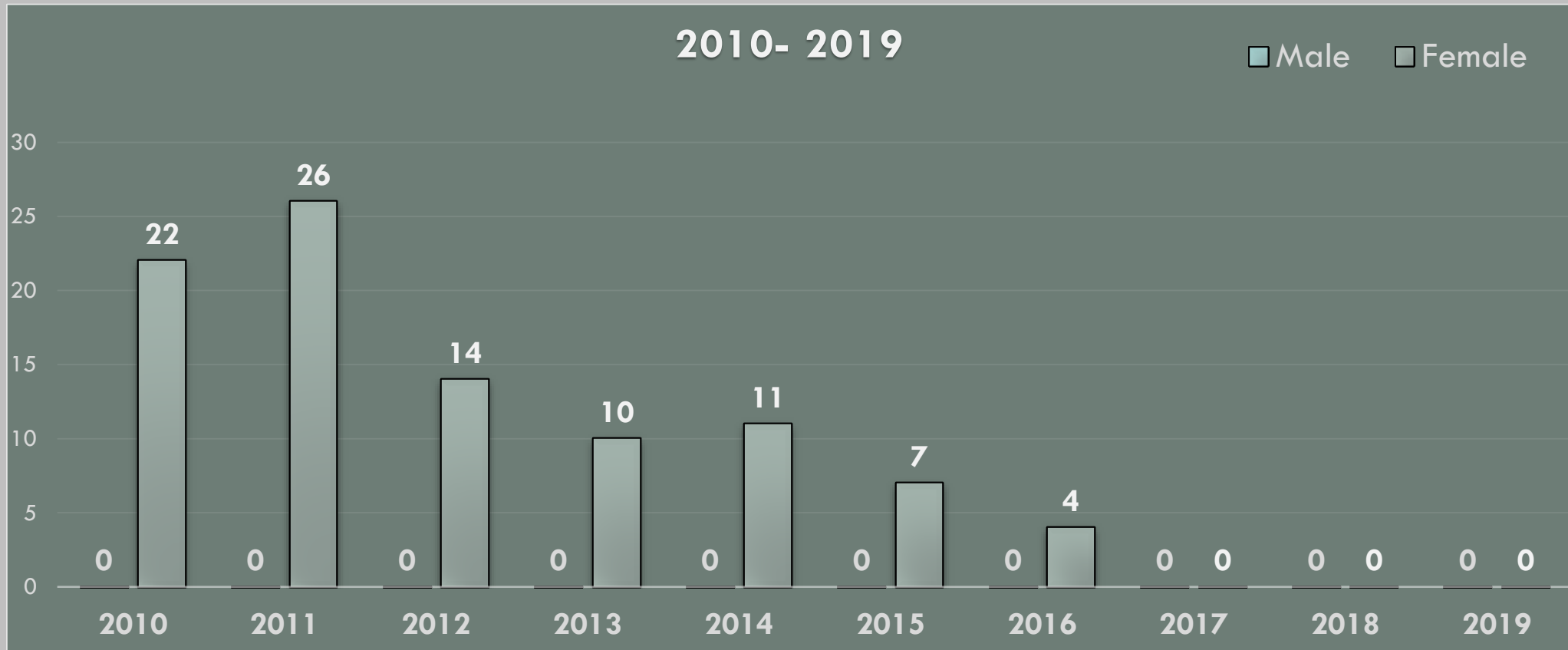
MARRIAGES REGISTERED IN MALDIVES 2010-2018



MARRIAGES – MALDIVIANS & FOREIGNERS

Year	Marriages Solemnized Abroad & Registered in the Maldives				Marriages with foreigners Solemnized & Registered in the Maldives		
	Total	Between Maldivians	With Foreign Males	With Foreign Females	With Foreign Males	With Foreign Females	Total
2014	137	70	24	43	21	28	49
2015	142	79	24	39	20	22	42
2016	123	42	23	58	21	16	37
2017	108	52	24	32	2	14	16
2018	123	64	17	42	4	16	20
	633	307	112	214	68	96	164

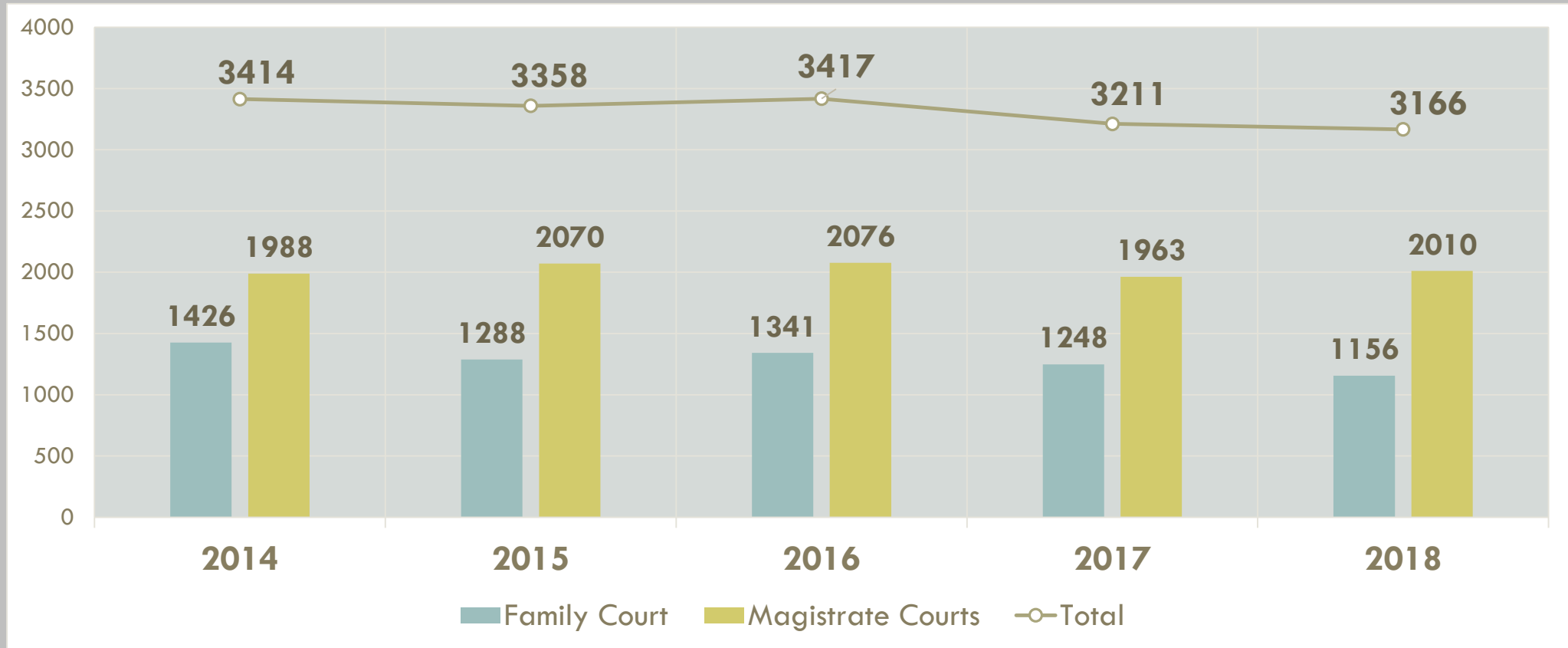
MARRIAGES — PERSONS BELOW THE AGE OF 18 YEARS (16-17 YEARS)



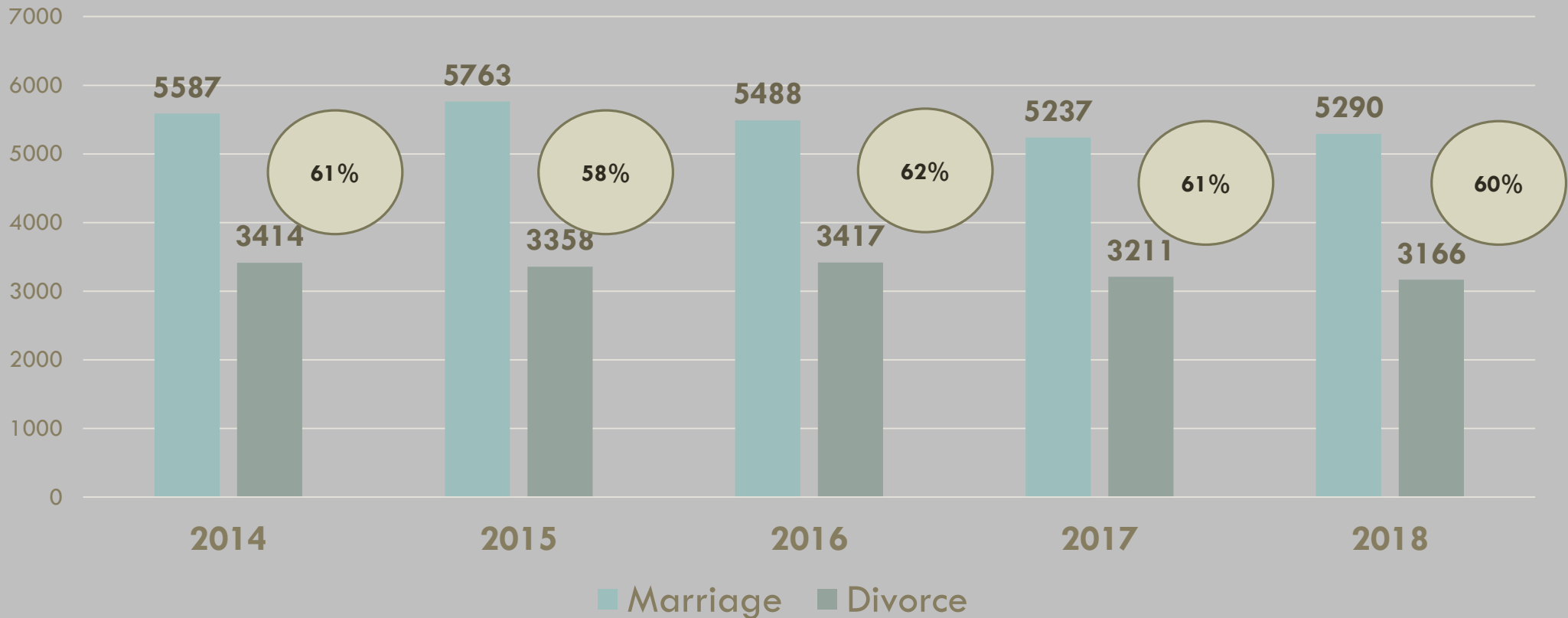
DIVORCE — PROCEDURE

- An application must be made to the relevant court, where the husband can divorce his wife after getting approval of the judge.
- It is against the law to divorce your wife outside of court without the approval of the judge. (Fines up to MVR 5000.000 / USD 324.25)
- Types of divorce cases:
 - Women files for divorce asking the court to dissolve the marriage
 - Man files for divorce
 - Cases where a married couple is unsure of whether they are divorced as per Islamic Shari'ah standards

STATISTICS — DIVORCE 2014-2018



STATISTICS — COMPARISON OF DIVORCES & MARRIAGES 2014-2018



MAINTENANCE OF MARRIAGE AND DIVORCE RECORDS

FAMILY COURT

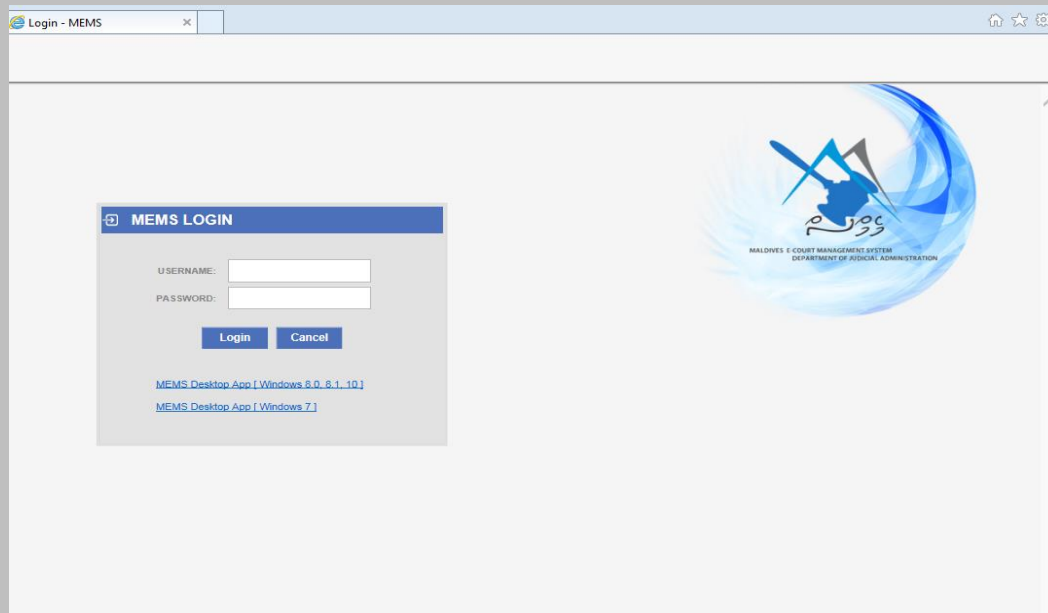
- Records are maintained in excel sheets, Registry Books, duplicate marriage books and in MEMS (Maldives E-court Management System)
- Marriages and Applications to Register Marriages solemnized abroad are entered into marriage module on MEMS

MAGISTRATE COURTS

- Records are maintained in excel sheets, Registry Books, duplicate marriage books and in MEMS

MAINTENANCE OF MARRIAGE AND DIVORCE RECORDS

MEMS (Maldives E-court Management System)



- Implementation of the software started back in 2011
- Many amendments have been made to customize it to fit the requirements of different courts
- Lack of budget and other network issues the implementation process was slow
- Network enhancement project started in 2016
- All lower courts are connected via this system
- A special module for marriage, divorce and records of maintenance is in use – undergoing further development
- Full rollout of the module is expected to be completed by the end of 2019

CHALLENGES

- Lack of a centralized marriage and divorce registry that is accessible to all courts in Maldives
- Marriage and divorce registration procedures are not harmonized and needs to be standardized
- In cases of marriage between Maldivians and foreigners in Maldives, it is difficult to obtain information from Maldives Immigration to ensure that (s)he is in the Maldives as per applicable domestic legislation.
- **Marriages solemnized abroad:**
 - Has effect of delaying birth certificate, ID Card and passports of any children

PROPOSED REFORMS

- Establishing a modern and integrated central marriage and divorce registry that can be accessed by all Courts
 - Include a feature that would allow registrars to perform background checks on applicants to check their marital status, debts, maintenance costs etc.
- Standardize all Marriage and Divorce Certificates and issue a number for the certificate using MEMS to standardize all marriage and Divorce Certificates with online access and verification.

PROPOSED REFORMS

- Establish a *Marriage Registrar's Office*
 - Transfer judicial function to the executive
- Responsibilities of the Registrar:
 - Maintain registry of persons who can perform marriage ceremonies (*mauzoon*) in the Maldives
 - Marriages can be performed by *Mauzoon* after Registrar permits it
 - Maintain marriage and divorce registry



THANK YOU!