



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Maldives\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on:

(a) The measures taken to ensure that the laws and policies of the State party are specific in addressing the basic rights of persons with disabilities in the areas of health, education and employment, that national laws and policies are harmonized with the Convention, and that they include an interministerial approach to disability;

(b) Whether, under article 17 (b) of the Constitution, which provides that special assistance or protection should be provided to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law, such assistance or protection is not be deemed discriminatory when provided to persons with disabilities.

2. Please provide information on:

(a) How the protection and empowerment of persons with disabilities, particularly women and children, under the responsibility of the Ministry of Gender and Family, as mentioned in paragraph 18 of the State party's initial report,<sup>1</sup> is being implemented and monitored;

(b) The extent to which persons with disabilities and their representative organizations participate in the development of laws, policies and programmes on issues of concern to them.

#### B. Specific rights (arts. 5–30)

##### Equality and non-discrimination (art. 5)

3. Please provide information on measures taken to:

(a) Prohibit all forms of discrimination on the basis of disability within the Disabilities Act (Law No. 8/2010), including acts of discrimination by State and non-State actors, direct and indirect discrimination, the denial of reasonable accommodation and multiple and intersectional discrimination, and provide access to remedies for persons with disabilities affected by discrimination;

(b) Collect disaggregated data on cases of discrimination against persons with disabilities, in particular persons with psychosocial and/or intellectual disabilities, on investigations conducted, sanctions imposed and remedies provided to victims, especially women and girls with disabilities, who are subject to multiple and intersectional discrimination;

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\* Adopted by the pre-sessional working group at its sixteenth session (12–16 September 2022).

<sup>1</sup> [CRPD/C/MDV/1](#).



(c) Combat discrimination against all persons with disabilities, including affirmative action, in addition to the allocation of housing.

**Women with disabilities (art. 6)**

4. Please provide information on:

(a) The reasons for the lack of information in the State party's initial report concerning article 6 of the Convention;

(b) The extent to which the Disabilities Act includes a gender perspective and specific recognition of the rights of women and girls with disabilities, including those belonging to marginalized groups;

(c) Whether gender policies mainstream the rights of women and girls with disabilities, leading to the development of programmes for the protection of their rights and their empowerment.

**Children with disabilities (art. 7)**

5. Please provide information on:

(a) The reasons for the lack of the information in the State party's initial report concerning article 7 of the Convention;

(b) Progress in the elaboration of the national plan on violence against children, whether it has already been enacted and if so, whether it contemplates specific measures to prevent children with disabilities from being separated from their families and to avoid all forms of violence against them;

(c) Whether the Child Rights Protection Act (Law No. 9/1991) includes actions to enable children with disabilities to express their views on an equal basis with others.

**Awareness-raising (art. 8)**

6. Please provide information on:

(a) The extent to which persons with disabilities and their representative organizations are consulted when conducting awareness-raising campaigns, and whether they are involved in the planning and implementation of programmes and policies;

(b) The extent to which a human rights-based approach is taken to activities and events to mark the International Day of Persons with Disabilities, and on measures taken to combat stereotypes, prejudices and harmful practices and discrimination against persons with disabilities in all the territory, including the small islands;

(c) Measures taken to ensure that the appointment of goodwill ambassadors by the Ministry of Gender and Family to support the Government in its efforts to protect and promote the rights of persons with disabilities is upgraded to the status of public policy.

**Accessibility (art. 9)**

7. Please provide information on:

(a) Measures that the State has taken to ensure compliance with the regulation on the minimum accessibility standards, the 2017 Construction Act and the 2019 Building Code in existing buildings and the extent to which the eight-month deadline established in the regulation has been met;

(b) Action taken to comply with the Disability Policy, which requires that the State must ensure that all information disseminated to the community, especially information relating to persons with disabilities, is accessible in diverse forms and modes;

(c) Whether the Building Code, which at the date of submission of the State party's initial report was in the process of being approved, has now been enacted and whether it was drafted with the participation of persons with disabilities through their representative organizations;

(d) The alternatives needed to ensure accessibility in some facilities, referred to in paragraph 41 of the initial report;

(e) The measures taken to reprimand and train the drivers of accessible buses on Hulhumalé who do not comply with the accessibility regulations, and the measures taken to ensure that the island harbours, including on the small islands, have accessible embarkation and disembarkation facilities;

(f) The road improvements that Maldives has made since the submission of the initial report.

### **Right to life (art. 10)**

8. Please indicate whether the State party intends to maintain its moratorium on the death penalty. Please provide information on the measures taken to protect persons with intellectual and/or psychosocial disabilities and autistic persons from being sentenced to death, including steps taken to amend national laws in order to abolish the death penalty for all crimes.

### **Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide the Committee with information on:

(a) The response of the National Disaster Management Centre to persons with disabilities during the coronavirus disease (COVID-19) pandemic and how persons with disabilities and their representative organizations are actively involved and closely consulted in the work of the Centre;

(b) How the risk reduction plans for emergencies, disasters and in the context of the effects of climate change take into account persons with disabilities for the purposes of prevention, evacuation and protection, including on the small islands, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030 and the Paris Agreement on climate change.

### **Equal recognition before the law (art. 12)**

10. Please indicate the measures taken to:

(a) Reform the State party's legislation to ensure that equality before the law encompasses all persons with disabilities, including those with psychosocial and/or intellectual disabilities, and that safeguards and support are provided for the full exercise of this right in all aspects of life, on an equal basis with others;

(b) Replace the substituted decision-making regime by a supported decision-making regime in order to guarantee that persons with disabilities can exercise their legal capacity concerning their rights, will and preferences and that the guardianship system is eliminated.

### **Access to justice (art. 13)**

11. Please provide information on:

(a) Measures to repeal article 62 of the Penal Code, which provides that any person who is unable to understand the nature and purpose of the proceedings against him or her or to contribute to his or her own defence owing to a mental or physical condition, will be considered unfit to stand trial, be tried or convicted. Please also provide information on measures to make criminal proceedings compatible with article 13 of the Convention, the Committee's guidelines on the right to liberty and security of persons with disabilities<sup>2</sup> and the International Principles and Guidelines on Access to Justice for Persons with Disabilities;

(b) The formal mechanism that has been established to ensure that persons with disabilities, especially women with disabilities, have access to the justice system as defendants or witnesses on an equal basis with others;

<sup>2</sup> [A/72/55](#), annex.

(c) Measures taken to provide persons with disabilities, including persons with psychosocial and/or intellectual disabilities and persons who are deaf, hard of hearing or deafblind, with procedural adjustments that are gender-sensitive and age-appropriate in judicial and administrative proceedings, including measures taken to provide information in accessible formats, such as Braille, Easy Read versions and sign language, and to ensure the physical accessibility of courts and all judicial and administrative premises;

(d) The provision of training programmes for judicial officers, including courtroom and courthouse staff, on disability rights, and the extent to which such training programmes include persons with disabilities as trainers;

(e) Measures taken to enable persons with disabilities to participate in the judicial system as lawyers, judges and other law enforcement posts.

**Liberty and security of the person (art. 14)**

12. Please provide the Committee with information on:

(a) Measures taken to reform legislation allowing for the forced institutionalization and treatment of persons with disabilities;

(b) The number of persons with disabilities placed in mental health institutions or deprived of their liberty without their free and informed consent, where there is a risk of harm to themselves or others, as indicated in paragraph 68 of the State party's initial report, and measures in place to restore their right to liberty and security and to obtain redress;

(c) Progress on the mental health law, which was in draft form at the date of submission of the initial report, and the extent to which this law is harmonized with the Convention;

(d) Steps taken to ensure that persons with disabilities who are deprived of their liberty have access to safe, quality and accessible services and that reasonable accommodation is provided.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

13. Please provide information on:

(a) Measures taken to ensure that article 54 of the Constitution, which provides that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment, is implemented in psychiatric institutions;

(b) The compatibility with the Convention of article 52 of the Constitution, which provides that no confession shall be admissible as evidence unless it is made before a court of law and the accused is of sound mind;

(c) The number of complaints of torture and ill-treatment of persons with disabilities reported by the Human Rights Commission of Maldives, which has been designated the country's national preventive mechanism, and how many of those complaints have led to prosecution of officials and redress for victims;

(d) Measures taken to punish perpetrators of torture or cruel, inhuman or degrading treatment or punishment and to ensure that persons with disabilities who have been subjected to such treatment have access to civil redress and rehabilitation.

**Freedom from exploitation, violence and abuse (art. 16)**

14. Please indicate what measures have been taken to:

(a) Monitor and assess compliance with article 22 of the Disabilities Act, which provides that persons with disabilities must be protected from all forms of violence, cruel and inhuman treatment, torture, harassment, abuse and exploitation, in the home and elsewhere;

(b) Ensure that the Domestic Violence Prevention Act, the Penal Code, the Human Trafficking Prevention Act and the Sexual Offences Act each contain a specific article on the protection of persons with disabilities and each provide for a mechanism to receive

complaints from them. If such mechanisms already exist, please indicate how many complaints have been received under each law and how the complaints have been resolved;

(c) Protect persons with disabilities, particularly women and girls with disabilities and persons with psychosocial and/or intellectual disabilities, who are still living in institutions from exploitation, violence and abuse, including forced sterilization and abortions;

(d) Meet target 5.2 of the Sustainable Development Goals. Please provide data on gender-based violence and information on existing programmes that have been developed to protect and support women and girls with disabilities affected by violence. Please also provide information on measures taken to ensure that those women and girls can safely report acts of sexual violence, with protection from retaliation;

(e) Ensure the provision of training for law enforcement officers, health-care service providers, judicial officials and their respective staff members, in consultation with persons with disabilities and their representative organizations, on disability rights and specifically on steps to identify and respond to the risk of violence against persons with disabilities;

(f) Ensure the effectiveness of the mechanisms enabling persons with disabilities to monitor implementation of the Domestic Violence Prevention Act, the Penal Code, the Human Trafficking Prevention Act and the Sexual Offences Act.

#### **Protecting the integrity of the person (art. 17)**

15. Please provide information on measures taken to harmonize legislation so that safeguards are in place to support persons with disabilities to make their own decisions before any medical treatment is administered or procedure undertaken, and to ensure that their informed and personal consent is sought, including in sterilization and abortion procedures, thus not relying, as is currently the case, on consent from the next of kin, who acts as guardian.

#### **Liberty of movement and nationality (art. 18)**

16. Please provide information on progress in implementation of article 9 (a) of the Constitution, ensuring that children with disabilities are registered as citizens of Maldives and in the disability registry, and on measures taken to ensure that financial and all other obstacles to registration are removed, including regarding foreigners who, in accordance with the law, can become citizens of Maldives.

#### **Living independently and being included in the community (art. 19)**

17. Please provide information on:

(a) Existing community services, in addition to financial assistance, to support persons with disabilities, in particular women with disabilities and persons with psychosocial and/or intellectual disabilities, to exercise their right to live independently and to be included in the community;

(b) Action to ensure the accessibility of public housing, to promote community awareness and to ensure safe and accessible infrastructure in communities and individualized support, and to monitor landlords' resistance to renting housing to persons with disabilities, which is allegedly seldom reported;

(c) Progress made in the implementation of the policy initiative in the Housing Scheme to provide housing to persons with disabilities and to provide incentives for the construction and maintenance of accessible private housing;

(d) The deinstitutionalization process, and the extent to which it involves persons with disabilities and the organizations that represent them.

#### **Personal mobility (art. 20)**

18. Please provide the Committee with information on:

(a) Measures taken to address the significant difficulties faced by the National Social Protection Agency in meeting the demand of persons with disabilities for assistive devices, as mentioned in paragraph 93 of the State party's initial report;

(b) Measures taken to ensure that persons with disabilities have access to assistive devices at little or no financial cost;

(c) Technical training courses on producing and using assistive devices, designed and conducted with the participation of persons with disabilities, and measures taken to ensure the provision of assistive devices with better quality of services and ergonomics.

#### **Freedom of expression and opinion, and access to information (art. 21)**

19. Please provide information on:

(a) Measures adopted to ensure that, during the COVID-19 pandemic, persons with disabilities had full access to public information and communication on prevention and safe, accessible and available health-care and social services, including opportunities for distance learning;

(b) Measures adopted to ensure that government agencies use the Internet to provide information on public services offered to the general population and to ensure that websites and other similar services used for public communication are accessible to all persons with disabilities;

(c) The recognition of sign language as an official language of the State party and the fulfilment of the government commitment to promoting the use of sign language, referred to in paragraph 101 of the State party's initial report;

(d) Progress made in providing access to information in all formats, including Braille, sign language, Easy Read versions and other augmentative and alternative means and modes of communication, and measures to make information and communication technology available to persons with disabilities on an equal basis with others;

(e) Measures to make television programming accessible to persons with disabilities;

(f) Measures to uphold the rights to freedom of expression, peaceful assembly and freedom of association for persons with disabilities and their representative organizations, including measures to protect them against intimidation, harassment and reprisals.

#### **Respect for privacy (art. 22)**

20. Please provide information on the progress made in changing attitudes within communities towards respect for the privacy of persons with disabilities, as mentioned in paragraph 103 of the State party's initial report.

#### **Respect for home and the family (art. 23)**

21. Please provide information on:

(a) The legislative and policy measures that have been adopted to eliminate discrimination against persons with disabilities, especially women with disabilities and persons with psychosocial and/or intellectual disabilities, in marriage, parenthood and adoption and to encourage them to exercise their right to marry and establish a family on an equal basis with others;

(b) Measures taken to provide comprehensive information, budgetary support and services to children with disabilities and their families, in order to prevent institutionalization;

(c) Measures taken to amend the Sexual Offences Act to ensure that it does not prevent persons with disabilities from being able to engage in consensual sexual relationships.

#### **Education (art. 24)**

22. Please provide information on:

(a) Measures to ensure that the national inclusive education programme promotes awareness-raising about the need to include persons with disabilities at all levels of education, rather than having recourse to segregated education, and information on how the programme is being implemented in rural and remote communities, including on the small islands;

(b) The rates of completion of each level of education for school-age children with disabilities, disaggregated by gender, and the reasons why only a limited number of students attending regular classes with an adapted curriculum take examinations to obtain an official degree;

(c) Advances in physical accessibility and accessibility to information and communication in schools at all levels, and whether reasonable accommodation is being provided to children with disabilities based on their requirements;

(d) The availability of educational materials in accessible formats, particularly Braille, sign language and Easy Read versions;

(e) The availability of educational materials at all levels that include positive depictions of persons with disabilities and their contributions to communities;

(f) Measures to identify and prevent violence and bullying in schools against students with disabilities and to promote safe, nurturing learning environments for all students;

(g) Measures to provide accessible career training and guidance for young persons with disabilities.

#### **Health (art. 25)**

23. Please provide the Committee with information on:

(a) Measures to ensure that persons with disabilities have been and are informed in an accessible way about measures to prevent and manage the COVID-19 pandemic, and whether they have access to a mechanical ventilator if they require one;

(b) Measures to guarantee the right of persons with disabilities, especially persons with psychosocial and/or intellectual disabilities, women and girls with disabilities, children with disabilities and migrants and refugees with disabilities, to access quality health-care services on an equal basis with others, to make health centres physically accessible and to ensure that persons with disabilities, including those living on the small islands, receive accessible information and communications;

(c) Measures to ensure that persons with disabilities, especially women and girls with disabilities, have access, on an equal basis with others, to comprehensive health services, including those relating to sexual and reproductive health rights and HIV/AIDS treatment and prevention;

(d) Disability-specific training and awareness-raising programmes available to health professionals and the extent to which such programmes incorporate persons with disabilities as trainers.

#### **Habilitation and rehabilitation (art. 26)**

24. Please provide information on:

(a) Action taken to improve access to rehabilitation services in the atolls and to ensure that the State provides services for autistic persons, persons with Down syndrome, persons with cerebral palsy and persons with an intellectual disability and that those services are not left entirely in the hands of private providers;

(b) The safety and effectiveness of rehabilitation services for children with disabilities, as well as the attitudes and level of awareness about those services in the broader community, including on the small islands.

**Work and employment (art. 27)**

25. Please provide information on the proportion of persons with disabilities employed in the public and private sectors and the measures taken to:

(a) Address the fact that, despite legislative provisions, persons with disabilities continue to face many difficulties in obtaining employment, as recognized by the State party in paragraph 123 of its initial report;

(b) Establish a national programme for labour inclusion that promotes the employment of persons with disabilities, especially young persons and women with disabilities, in the open labour market and to establish a safeguarding policy to prevent gender-based violence in the workplace.

26. Please provide information on:

(a) The programmes implemented since 2017 by the labour authorities to raise awareness among employers of the need to make workplaces more adaptable and inclusive for persons with disabilities;

(b) Measures to promote affirmative action programmes for the employment in the open labour market of persons with disabilities, including persons with psychosocial and/or intellectual disabilities and women with disabilities, and to provide training for employers on the rights of persons with disabilities and reasonable accommodation.

**Adequate standard of living and social protection (art. 28)**

27. Please provide information on:

(a) Measures taken to ensure an adequate standard of living and social protection for persons with disabilities, in particular children with disabilities and their families, older persons with disabilities, persons with disabilities on the small islands and those living in extreme poverty. Please indicate whether there are measures in place to provide persons with disabilities with social support allowances to enable them to meet the cost of expenses relating to their disability;

(b) Action taken to ensure that all persons with disabilities can enrol in the disability allowance programme, including plans to make medical assessment requirements more accessible;

(c) Action taken to improve awareness and knowledge among persons with disabilities of social protection programmes to ensure that they can all take full advantage of all the programmes in which they are eligible to participate.

**Participation in political and public life (art. 29)**

28. Please indicate the measures that have been taken to:

(a) Guarantee the right to participate in political and public life for all persons with disabilities, in particular women with disabilities, and provide data, disaggregated by age, sex and type of impairment, on persons with disabilities who already hold elected office and on the number who hold leading government positions;

(b) Enable persons with disabilities to cast their vote in secret and independently, and to raise awareness of the electoral process among all persons with disabilities, including persons with psychosocial and/or intellectual disabilities.

**Participation in cultural life, recreational activities, leisure and sport (art. 30)**

29. Please provide information on:

(a) The accessibility of museums, cultural and recreational centres, tourist attractions and stadiums. Please indicate whether public libraries provide information in accessible formats for persons who are blind or visually impaired and whether budgetary allocations are made to enable persons with disabilities to participate actively in sporting and recreational activities throughout the country, including on the small islands;



(b) Measures envisaged to prepare for the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

(c) Action taken to develop accessible, specifically designed programmes to ensure that persons with disabilities can exercise their rights to participate in cultural life and sport.

## **C. Specific obligations (arts. 31–33)**

### **Statistics and data collection (art. 31)**

30. Please indicate what measures have been taken to establish institutional mechanisms to collect disaggregated qualitative and quantitative data on persons with disabilities, including women and girls, minorities, migrants, refugees and older persons with disabilities and persons with psychosocial and/or intellectual disabilities, using such tools as the Washington Group short set of questions on functioning.

### **International cooperation (art. 32)**

31. Please indicate whether persons with disabilities and their representative organizations are actively involved and closely consulted in the elaboration and implementation of international cooperation agreements and whether other programmes for the social inclusion of persons with disabilities have been contemplated with international cooperation, finance or training.

### **National implementation and monitoring (art. 33)**

32. Please provide information on:

(a) Steps taken to establish an independent monitoring mechanism, with budgetary allocation and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), to monitor the implementation of the Convention, as well as steps taken to involve persons with disabilities and their representative organizations in this monitoring framework;

(b) The current state of the Disability Council, including the current plan of work, frequency of meetings and plans for reform;

(c) Measures taken for the Human Rights Commission of Maldives to achieve accreditation with the Global Alliance of National Human Rights Institutions;

(d) How persons with disabilities, through their representative organizations, are closely consulted and actively involved in implementing and monitoring the Convention.