The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State reports submitted to the Human Rights Committee.

**MALDIVES**


**State report**

No references to disability in the State report; it refers the reader to the Common Core document.

**Common core document** (16 February 2010)

**Selected disability references in the Common Core document:**

**A.3.3 Education**

The major challenge in the provision of quality education arises from the lack of capacity within the Maldives to train teachers for primary and secondary levels. Significant challenges also lie in the provision of education for children with special needs. In the capital Male’, there are three primary schools that offer special classes for children with special needs. This includes a class for hearing impaired, visually impaired and one for those who have multiple disabilities including those who are intellectually challenged. To ensure that educational opportunities are provided to all children, special education needs units (SEN Units) are being progressively established in the atoll schools. The target is to establish one such unit in at least one school in each atoll within the next two years.

**D.4. Existence, Mandate and Financial Resources of Human Rights Institution**

The Government of Maldives is committed to provide adequate financial resources to the national human rights institutions. Together with many international organisations such as the UN, the Government contributes to the funds and annual budgets of the Human Rights Commission of the Maldives and other national institutions that protect human rights. The
Government also provides funding for many human rights NGOs such as the Care Society (for disabled children) and the Home for People with Special Needs established since 1976.

E.1.3. National Human Rights Commission
From 2007-2009, the HRCM has carried out approximately fifty human rights awareness programmes, ranging from workshops, seminars, poster competitions and the publication of newsletters. The Commission has also undertaken thirteen visits to places of detention, during 2009, including prisons and state-run facilities for the disabled and children. In addition, the Commission has also released 27 reports on its findings following its visits and on various issues of concern.

H.1. Non-discrimination
The Constitution of the Republic of Maldives guarantees to all persons the same rights and freedoms and upholds the principles of equality and non-discrimination. Chapter II of the 2008 Constitution states that “Everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other status, or native island”. The provision furthermore provides for special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law to not be deemed discrimination. The new Constitution has also removed the gender bar that previously prevented women from contesting for the highest political office.

H.3. Equality Before the Law and Equal Protection of the Law
Chapter 2 of the Act prohibits forced labour and Article 4(a) prohibits discrimination amongst persons carrying out equal work, either in the granting of employment, determination of remuneration, increase in remuneration, provision of training, determination of conditions and manner of employment, dismissal from employment, or resolution of other employment-related matters, based on race, colour, social standing, religion, political beliefs or affiliation with any political party, sex, marital status, and family obligations, and in so far as it does not contravene the provisions herein age or disability.

J.6. Participation by the Disabled in Public Life
In the absence of legislation specifically covering the rights of disabled persons, their rights are protected by general legislation. The judicial mechanism available to protect the rights of persons with disabilities is due process (legal remedy through courts), while non-judicial mechanisms include a Governmental body (administrative). The general legislation applies to all different categories of persons with disabilities with respect to: education, employment, the right to marriage, the right to parenthood/family, political rights, access to court-of-law, right to privacy, property rights. The following benefits are guaranteed by law to persons with disabilities: health and medical care, training, rehabilitation and counselling, financial security, and participation in decisions affecting them. The Government is currently in the process of identifying persons with disabilities, for the purpose of paying them an allowance. While a Disability Bill was passed by the Majlis on 21 December 2009, President Nasheed decided to resubmit the Bill to the Majlis, without ratifying the Bill as it is, due to calls from several civil society organizations that the Bill does not properly address the special needs of disabled people.

The Government of Maldives provides medical care and support to many thalassaemic children across the country. The Government also provides free testing for thalassaemia
prior to marriage, through its established centres. The Government also supports a shelter for abandoned and vulnerable children in the country who have no primary care. Government funding is also provided to local NGOs such as the Care Society, the biggest society for disabled children in the Maldives, that assists children with special needs. Care Society conducts many programmes for disabled children, including assisting in their schooling and extra-curricular activities. Disabled children also go to school together with other children in the Maldives, but they attend a special class with special teachers. The Government is committed to and working on strengthening education for children with special needs.

X.6. Persons with Disabilities

Maldivian citizens with disabilities are among the most marginalised people in society. A study conducted in 2008 found that 25 per cent of children with disabilities in Haa Alifu and Haa Dhaal never left their homes.

The 2008 Constitution prohibits discrimination based on mental or physical disability and also clarifies that special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance shall not be deemed to be discrimination. This provision provides the constitutional basis for a number of steps being taken to promote and protect the rights of disabled persons. The most important of these steps are the formulation of a comprehensive Disabilities Bill and a more specialised Bill on Mental Health.

The Disabilities Bill was developed over a three-year period following consultations with disabled persons throughout the Maldives. The draft policy is heavily based on the CRPD. It foresees that creation of a Council that will be entrusted with compiling a national database on the disabled, protecting their rights, overseeing monitoring centres, formulating guidelines for their operation of such centres, addressing complaints and compiling an annual report. The draft law also: requires the establishment of special education centres for disabled persons; requires State schools to have facilities for the disabled and to ensure that no disabled person is denied an education; requires that disabled persons be afforded special protection in the workplace and to ensure that disabled persons are not discriminated against in the job market; and requires that public spaces such as parks and supermarkets provide access facilities, such as ramps, for disabled persons. Finally, under the Bill, the Government commits to providing financial assistance of a minimum of US$155 a month to all disabled persons, while persons found guilty of harassing or mocking disabled persons are liable to be fined between US$389 to US$778.

The Bill was passed by the People's Majlis on 21 December 2009; however it was subsequently criticized by Care Society, Handicap International, the Association for Disabilities and Development, the Maldives Deaf Association and other NGOs supporting the rights of disabled persons, as not being fully consistent with the CRPD. Taking note of these concerns, on 6 January 2010, the President of the Maldives vetoed the Bill and sent it back to the Ministry of Health and Family for revision. The Bill will be re-tabled during 2010.

A general policy on disability is in its final draft form. The policy has been developed after consulting with persons with disabilities throughout the country. The policy relies on the Convention on the Rights of Persons with Disabilities as its framework and repeats its general principles, refers to most of the rights in the Convention and includes national monitoring mechanisms in line with the Convention. The policy identifies a national coordination mechanism, as well as the Human Rights Commission as the monitoring body – both elements being in line with the Convention.

A second policy on mental health is in the initial draft stage. One of the main positive aspects of the policy is the recognition of the need for “informed consent” for treatments. This is an important step forward, given that many persons with mental disabilities have had treatments forced on them. It also recognises a paradigm shift from institutional care to
community-based rehabilitation as an important step towards protecting the rights of **people with disabilities**. It also outlines an institutional framework that establishes treatment services in the remote areas, thereby increasing accessibility to essential rehabilitative services to those in need.

The Care Society, an NGO formed in 1998, actively works to combat discrimination against **children with disabilities**. The NGO has been sponsored by UNICEF since 2000. **Disability awareness** is a recent development in the Maldives. Traditionally, **children with disabilities** are kept within the family and away from the wider community. Social stigma continues to influence the treatment of **children with disabilities** and similarly it is rare to see a **disabled person** in any form of employment.

Local NGOs claimed in 2005 that there were thousands of **persons with disabilities** due to high levels of malnutrition during pregnancy. The Government has established programmes and provided services for **persons with disabilities**, including special educational programmes for **persons with hearing and vision disabilities**. **Persons with disabilities** are usually cared for by their families, and when family care is unavailable, they are placed in the Home for People with Special Needs, under the Ministry of Health and Family, that also hosts elderly persons. When requested, the Government provided free medication for all **persons with mental disabilities** in the islands, but follow-up care was infrequent.

**Suggestions for list of issues**

- Has a national law and policy on the rights of persons with disabilities been drafted and adopted in consultation with representative organisations of persons with disabilities? What steps are being taken to eliminate the negative image of children and adults with disabilities and to promote the rights of children and adults with disabilities and their full participation and inclusion in society, including in education, employment, and participation in public life?

- Is a definition of inclusive education incorporated into the law? Please provide recent statistics of the number of children with disabilities attending mainstream schools. What measures are being taken to ensure that mainstream schools are accessible to children with disabilities (e.g. physical environment, teacher training, curricula development, etc)?

- What measures are in place to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the person concerned (and cannot be substituted by third party decision-makers such as family members or guardians)?

- What laws and policies are in place to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in accordance with Article 16 ICCPR and Article 12 CRPD? What mechanisms are in place to provide support to persons with disabilities who so desire in exercising their legal capacity?

- How does the Government ensure that children with disabilities have the opportunity to express their views in matters concerning the child him/herself, and for their views to be given due weight in accordance with the child's age and maturity, on an equal basis with other children, and are provided with age- and disability-appropriate support to exercise these rights?

- Are persons with disabilities, including those whose legal capacity has been fully or partially restricted, permitted to vote and participate in political and public life on an equal basis with others in law and in practice?