**Questionnaire on Human Rights Council resolution 37/22 concerning the rights of persons with disabilities**

**1(a).** Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to?

* foster respect for the rights and dignity of persons with disabilities.

The second chapter of the Constitution of the Maldives stipulates the fundamental rights and freedom afforded to all people living in the Maldives. Article 17 of the Constitution, highlights on not discriminating anyone on the basis of any disability on providing rights stipulated in the Constitution. Additionally, Article 35 (b) highlights on the special protection given to disadvantaged people.

Act Number 8/2010 (The Disability Act) is focused on protecting the rights and dignity of persons with disabilities, further including provisions on providing financial assistance to them. Article 16 of the Act, highlights upon the rights afforded to persons with disabilities.

Further, Regulation Number 2011/R-3 highlights on protecting the rights of persons with disabilities and further includes provisions on providing monetary assistance to them. Additionally, Regulation Number 2011/R-2 highlights on ascertaining and maintaining an official registry for persons with disabilities.

* combat stereotypes, prejudices and harmful practices relating to persons with disabilities;

No particular law or Act is specifying the situation mentioned in the question. However, Article 35 (a) of the Maldivian Constitution States, 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.

(b) Elderly and disadvantaged persons are entitled to protection and special assistance from the family, the community and the State.

* promote awareness of the contributions of persons with disabilities?

Article 20 of the Act Number 8/2010 (The Disability Act) states the right to education and trainings without any discrimination,

- Article 24 of the Act Number 8/2010 (The Disability Act) states the right of involvement in the clubs, associations without any discrimination.

- Article 25 of the Act Number 8/2010 (The Disability Act) states the right of involvement in social activities without any discrimination.

**1(b).** What are the challenges to implementing the above?

Though, there is a law on disability, there is no adequate infrastructure for protecting the rights of persons with disabilities. Such as accessibility issues in transportation, schools and other public services. Hospitals and other social services often focus more on improving service delivery and hence the mechanisms for protecting the rights of persons with disabilities are ignored. Public schools in Male’ City has facilities and policies for children with disabilities, whilst majority of the schools in the atolls do not have these facilities.

Furthermore, there is no adequate facility which caters for all age groups of persons with mental disabilities within the Country. However, if need be for institutionalizing, there are no proper monitoring mechanisms in place to ensure their rights are protected.

**2(a).** What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?

No legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities.

**2(b).** In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).

 Work done through investigation of cases related to persons with disabilities does not directly deal with legal provisions, sanctions or remedies. In cases where Commission finds that a legal course of action is required, the Commission assists and gives advice to the individual on how it can be carried out. Furthermore, in all cases, once the investigation of a case is finished, Commission will give a detailed report of Commission findings, which if needed can be presented to the court by the victim or on behalf of the victim.

In one case, Commission identified that an adult male with mental health disabilities was being persecuted in a criminal case without regard to his disability, a report was submitted to the related court which included the Commission’s findings.

Article 22 (d) of Act Number 8/2010 (The Disability Act) prohibits bullying and harassment of persons with disabilities while they are out in public and at all other times. Article 22 (e) of the aforementioned Act states that anyone found guilty of bullying and harassment of a person with disability will be fined an amount between 500 – 2000 Maldivian Rufiyaa while Article 22 (f) states that any person found guilty of such an act for more than once is to be given a prison sentence between 3 to 6 months. However, the Act does not specify whether the fine will be paid to the victim or to the state. As a general practice, fines for offences usually goes into public funds.

Persons with disabilities is a protected class under Article 17 of the Maldivian Constitution which prohibits discrimination. Additionally, Article 35 (b) states that persons with disabilities have the right for special assistance and protection from the family, community and the state. As these rights are included in the Maldivian Constitution, any person with a disability who is subjected to discrimination or a hate crime can lodge the complaint with the Human Rights Commission of the Maldives, Maldives Police Service or submit a civil court case for damages.

Act Number 9/2014 (Maldivian Penal Code) does not have a specific offence of hate crime. However, the Maldivian Penal Code includes criminal offences such as assault, threat of assault, intimidation (Chapter 120), Sexual Offences (Chapter 130), False Imprisonment (Chapter 140) which will be used to prosecute hate crimes against persons with disabilities. Since the Commission have not undertaken any work related to hate crimes or discrimination against a person with disabilities the Commission is not aware of any related cases of this nature.

**3(a).** What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?

The following Articles of the Maldives Media Code of Ethics states:

Article 13. In reporting news and information in the media about people, no association will be made with their lineage, religion, sex, physical disability or mental incapacity.

Article 15. In publishing news and information consideration will be given to other’s right to protect their private life. Truth will not be distorted in publishing news and information.

Article 16. In case of tragic and helpless situations, information will be provided and published in a way that does not diminish people’s human dignity.

**3(b).** In addition, what legal framework, measures or good practices exist to regulate social media ·in accordance with Article 8 and human rights standards on freedom of expression?

There is no specific law that precisely states regulation of social media platforms in Maldives. However, Article 36 of the Act number 15/2008 (Maldives Media Council Act) defines media as: ‘TV, radio, interactive CD, website, daily news, weekly news, magazines, trade publications and with other names which publicly publishes information, news, opinions, advertisements, registered or without registered in Maldives, to sell or free of charge either as printouts or through internets’.  Hence, it can be interpreted to include social media as well.

As sustaining freedom of media and investigating any actions violating the freedom is included in Article 2 (a) of the Act number 15/2008 (Maldives Media Council Act) as one of the objectives of the Maldives Media Council.  The council has the responsibility to investigate and take actions to regulate any opinions expressed using social media if it violates the rights of persons with disabilities.

**4(a).** Please provide information on the existence and implementation of the programs and activities, including successful ·examples of campaigns , related to raising awareness about persons with disabilities and their rights , and combating negative attitudes including through initiatives of:

* training , including human rights education ;
* research , including studies on perception and attitudes ;
* surveys and data collection.

The Commission has been working on promoting, protecting and building capacity in the field of various areas of human rights since its establishment. In recent years the Commission has conducted awareness programs for persons with disabilities. The Commission has been regularly publishing Statements on International Day of Disabled Persons. The Commission has also conducted activities for advocating the rights of persons with disabilities in collaboration with other institutions to mark this day. The Commission also participates in various media programs to promote the rights of persons with disabilities.

In 2019, the Commission has started a campaign for protecting and promoting the rights of disabilities. Under this campaign, policy level stakeholder meetings and awareness on accessibility issues through mass media and social media will be carried out. The Commission has commented on the recently formulated building code and highlighted that it is important to give special preferences to persons with disabilities and the comments were shared with Ministry of National Planning and Infrastructure.

In addition, the Commission is undertaking a survey in Addu City to understand the situation of elderly and persons with disability. Data collection for this survey is complete and the data analysis and report generation is currently ongoing. Through systemic monitoring, the Commission also follows up on the progress of the implementation of UN treaty body recommendations related to the improvement of the situation of persons with disability.

**4(b).** Please indicate their objective, scope, target audience, impact (including available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organizations, and any key factors of success.

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The objective of the awareness and advocacy programs targeted to the persons with disabilities is to promote and protect the rights of persons with disabilities through change in the policies community awareness on this area. The Commission also works closely with NGOs included in the HRCM NGO Network who works in the area of persons with disabilities in planning and executing of the programs. Moreover, partnerships with other state organizations and cooperate sector also contributes to the success of this campaigns. Furthermore, Commission plays a mediating role in providing the rights of disable by the Business organization as part of Business and Human Rights program currently implemented by the Commission

**5.** Please provide information on the role of persons with disabilities and their representative organizations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).

The Commission meets with NGOs and related state organizations in the concept development stage of the advocacy campaigns. The recommendations from these institutions are incorporated when formulating the concept. NGOs also contribute in the execution such as sharing resources and assisting in media campaigns. NGOs will also be contributing in the process of evaluation.

Human Rights Ambassadors appointed by the Commission also plays a vital role in planning and execution of the advocacy campaigns. The Ambassador who is working for persons with disabilities has brought various human rights issues regarding persons with disabilities to the attention of the Commission and is working closely with the Commission to promote accessibility, inclusivity and empowerment of persons with disabilities.