**Questionnaire on the rights of older persons with disabilities**

1. Please provide information on the legislative and policy framework in place in your country to ensure the realization of the rights of older persons with disabilities, including both persons with disabilities who are ageing and older persons who acquire a disability later in life.

The Chapter 2 of the Constitution of the Maldives, lays down the fundamental rights and freedoms of all persons. Article 17 (a) states that no one should be discriminated based on age, physical and psychological disability. Article 35 (b) specifically states that elderly persons and people requiring special assistance has the right to protection and assistance from the family, community and the state. Act Number 8/2010 (Act for the Protection of the Rights of Persons with Disabilities and provision of financial assistance) details the rights and special mechanisms for the protection of the rights of persons with disabilities. Anyone with a physical or psychological disability is eligible to be included into the National Register of Persons with Disabilities once they produce a relevant document from a medical doctor, a document from an official education centre where the person is registered at a special education class or a document from a government affiliated health centre. Additionally, Article 11 (e) of Act Number 8/2009 (Maldives Pension Act) sets the primary pension at the age of 65. There is no specific act for the protection of rights of persons with disabilities. Ministry of Gender, Family and Social Services has published a National Policy for Elderly Persons on 5th April 2018. It does not specify any programs or policies targeted for persons with disabilities who are ageing or older persons who acquire a disability later in life.

1. Please provide information on discrimination against older persons with disabilities in law and practice.

The Commission has not noted any form discrimination in the law against older persons with disabilities. However, from the atoll monitoring visits conducted by the Commission, it has been found that some amount of discrimination exists with regard to the practice.

**Excerpt from Convention for the Rights of Persons with Disabilities (CRPD) Atoll Monitoring Report 2016 (unpublished):**

CRPD atolls monitoring 2016 was conducted in four islands from Meemu and Noonu Atoll, and information below is based on the information received from the Focus Group Discussions (FGD), interviews conducted with the parents and families of Persons with Disabilities (PWD), PWDs, the elderly and the youth populations of these islands, the Civil Society Organizations (CSOs), community based organizations and state institutions in these islands. No specific FGD was created for the elderly persons with disabilities, rather the information collected from FGDs with the elderly and the PWDs.

The information in this report will be triangulated at a later date when the shadow report for the CRPD UN Committee is compiled.

The information below covers the major challenges highlighted in the report with regard to PWDs and the elderly.

* Although some systems had been put in place at the health posts in the islands to make medical services accessible for PWDs and the elderly, people remained unaware of these services.
* PWDs are required to produce a card issued by the Ministry of Gender, Family and Social Services declaring their status as a person with a disability in order to get priority and speedy services. However, it takes a considerable amount of time for the Ministry to issue the card and a lot of PWDs are unaware that they are required to get this card.
* Elderly people with disabilities are often subjected to bullying, are neglected by their families and are marginalized within the community. The Family and Children Service Centers (FCSC) take a long time to complete the assessments needed to provide the required assistance to these people. It has also been reported that the Home for People with Special Needs (HPSN) is overcrowded and hence, it remains a challenge for the State to bring people under state care due to this.
* Equal opportunity is provided for everyone to participate in different social events carried out in the islands, not many elderly people and PWDs take part in these events. Furthermore, no substantial efforts are made to encourage and empower these individuals to participate in community activities.
* Travelling to the capital city Male for specialist consultation and disability related health care services that are unavailable in the Atolls is a financial and logistical burden for PWDs and elderly people. This becomes particularly burdensome when the stay in Male’ becomes prolonged due delay is getting appointments to obtain the required services.
1. Please provide information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the realization of the rights of older persons with disabilities in general, as well as with particular focus in the following areas:
* Exercise of legal capacity;
* Admission procedures to social or healthcare services, including involuntary admissions;
* Older persons with disabilities living in institutions;
* Access to support to live independently in the community;
* Access to free or affordable healthcare:
* Access to free or affordable rehabilitation goods and services;
* Access to social protection schemes; and
* End of life and palliative care.
* HRCM is designated as the National Preventive Mechanism (NPM) of the Maldives in 2007 and till date HRCM had conducted 9 visits to the HPSN
* HRCM has generated 8 reports with the findings from these visits and recommendations to make the necessary improvements to the establishment. These reports are shared with the relevant stakeholders, including the Ministry of Health, the Ministry of Gender, Family and Social Services, the President’s Office and the Parliament.
* HPSN is the only state facility in the country that older person with disabilities are institutionalized.
* HPSN housed 139 people with mental health issues and 33 PDWs at the time of visit to HPSN in 2016. During its visit in 2017, 172 people with mental health issues and 29 PWDs were being housed at the centre.
1. Please provide information on the existence of long-term care services in your country and describe to what extent they promote the autonomy and independence of older persons with disabilities.
* HPSN houses three major categories of people.
1. Persons with mental health issues who needs to be cared for in an institutionalized setting.
2. Elderly who are unable to take care of themselves.
3. Persons with disabilities with no caretakers or guardians.
* The facility provides daily assistance and health care.
* Conduct special programs needed for the persons under its care.
* However there are no rehabilitation and reintegration programs offered in the facility.

Chapter 5 of the Handbook of Procedures followed at the House for Persons with Disabilities (HPSN) states a Patient Care Plan should be prepared for each individual in consultation with the supervising doctor, the supervisor assigned to the patient and the activity coordinator. However, no directions are given to seek the patient or older person’s feedback or suggestions in this plan.

1. Please describe how is access to justice guaranteed for older persons with disabilities. Please provide information on jurisprudence, complaints or investigations in relation to violence, abuse and neglect against older persons with disabilities.

HRCM has not received any complaints regarding access to justice for older persons with disabilities.

Although HRCM receives a number of cases relating to violence, abuse and neglect against people with disabilities and older persons, HRCM receives few cases relating to older persons with disabilities. In HRCM had received one case relating to older persons with disabilities in 2018 and till date in 2019.

1. Please describe to what extent and how are older persons with disabilities involved in the design, planning, implementation and evaluation of policies related to ageing and/or disability.
2. Please provide information on any innovative initiatives that have been taken at the local, regional or national level to promote and ensure the rights of older persons with disabilities and identify lessons learned from these.

HRCM plays an instrumental role in protecting and promoting the rights of older persons and older persons with disabilities in the country. Apart from the advocacy work that it carries out in various atolls and islands of the Maldives, HRCM has appointed an Ambassador for the Rights of People with Disabilities and an Ambassador for the Rights of the Elderly Persons in April of 2019. The objective of this program is to promote the rights of persons with disabilities and elderly persons and to empower them through the work of the rights defenders.

Additionally, HRCM has planned an advocacy campaign to promote the importance of improving accessibility to the persons with disabilities by promoting the importance of building codes and transportation facilities in the country.

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