**Questionnaire on good practices to ensure effective access to justice for persons with disabilities**

**Questions for National Human Rights Institutions (English):**

1. Please provide information on any existing good practices in legislation, policies and/or institutional measures taken in your country to ensure effective access to justice for persons with disabilities on an equal basis with others, as required by article 13 of the Convention of the Rights of Persons with Disabilities.

* Article 35 (b) of the Constitution of Maldives (Special Protection to children, young, elderly and disadvantaged people)
* Act Number 8/2010 (Disability Act)
* Regulation Number 2011/R-2 (Regulation on Ascertaining and maintaining of official registry of persons with disability)
* Regulation number 2011/R-3 (Regulation on Protection of Rights of Persons with Disabilities and Provision of Disability Allowance)
* National Disability Policy (2013)
* Convention on the Rights of Persons with Disabilities

1. Please provide information on any existing good practices in place in your country, including strategies and guidelines, to facilitate the direct or indirect participation of persons with disabilities in judicial and other legal proceedings (e.g., as concerned parties, witnesses, jurors, judges, lawyers, experts.) including in the areas of:

* Recognition of the right to legal standing; (refer to information written under question 3)
* Accessibility and access to information; Article 27 of the Act Number 8/2010 (Act on the Rights of Persons with Disabilities) ensures access to information for persons with disabilities on an equal basis with others.
* Procedural, gender- and age-appropriate accommodations; No specific provision under Act Number 8/2010 (Act on the Rights of Persons with Disabilities) regarding this.
* Provision of legal aid. (refer to information written under question 3)

1. Please provide information on any existing good practices in jurisprudence in your country related to the effective access to justice for persons with disabilities.

- Article 17 (a) of the Maldivian Constitution states that everyone is entitled to the rights and freedoms included in this Chapter without discrimination of any kind, including mental or physical disability. Article 17 (b) states that special assistance or protection to disadvantaged individuals or groups, or to groups requiring special social assistance, as provided in law shall not be deemed to be discrimination, as provided for in Article 17 (a).

Article 35 (b) of the Maldivian Constitution states that, disadvantaged persons are entitled to protection and special assistance from the family, the community and the State. Article 53 (a) of the Constitution ensures everyone has the right to retain and instruct legal counsel at any instance where legal assistance is required. Article 53 (b) of the Constitution states that in serious criminal cases, the State shall provide a lawyer for an accused person who cannot afford to engage one.

Article 15 (a) of the Act Number 8/2010 (Act on the Rights of Persons with Disabilities) ensures right to legal counsel to protect from any discrimination. Moreover, Article 16 (a) of this Act ensures necessary measures to provide access by the person with disabilities to support they require in exercising their legal capacity.

Article 2 (c) of the Regulation number 2011/R-3 (Regulation on Protection of Rights of Persons with Disabilities and Provision of Disability Allowance) requires State to formulate policies to ensure that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

Article 3.14 of the National Disability Policy (2013) ensures access to justice for persons with disabilities on an equal basis with others in all legal proceedings including facilitating easy directions, assistance in communicating, providing with necessary information, respecting the rights and preferences of the person. Moreover, it ensures effective access to justice for persons with disabilities by promoting appropriate training for those working in the field of administration of justice.

The Maldives has signed up to 8 of the 9 core United Nations human rights instruments. In addition to the CRPD, the rights of persons with disabilities are protected under the following international legal human rights instruments to which Maldives is party to: International Covenant on Economic, Social and Cultural Rights (ratified on 19/09/2006); International Covenant on Civil and Political Rights (ratified on 19/09/2006); Convention on the Rights of the Child (ratified on 11/02/1991); Convention on the Elimination of all forms of Discrimination against Women (acceded to on 01/07/1993)..

Maldives is a member of the Biwako Millennium Framework for Action towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities in Asia and the Pacific (BMF). The BMF is a set of policy guidelines and regional mandate adopted by 62 Governments in the Asia Pacific region in May 2002. It is a non-legally binding instrument, but contains moral commitments made by Governments. Maldives has specific moral commitments under the seven priority areas for action specified in the BMF. The seven priority areas are: 1) self-help organizations of persons with disabilities; 2) women with disabilities; 3) early intervention and education; 4) training and employment, including self-employment; 5) access to physical environments and public transport; 6) access to information and communications, including information and communications technology; 7) poverty alleviation through capacity-building, social security and sustainable livelihood programmes. BMF also contains an additional 17 cross-cutting strategies.

1. Please provide information on any existing good practices in your country to promote access to effective remedies and reparations in cases where the rights of persons with disabilities have been breached.

– Act Number 8/2010 (Disability Act) was constituted to ensure inclusivity and access for people with disabilities to lead a regular life, to afford them with equal opportunities and to give them the right to make decisions as any other person. The Disability Act also ensures non-discrimination and stresses on the importance of people with disabilities to have equal access to buildings, roads, parks and recreational centers, supermarkets or shopping complexes, transportation services, schools, places providing health services and other office buildings as any other person, apart from access to information and communications facilities. Further, if their rights are breached, the Act ensures that fines ranging between 500MRF to 2000MRF will be imposed. In addition to this, for repeated offenses, a jail time of 3 to 6 months will be carried out.

The National Preventive Mechanism (NPM) of Maldives, carries out regular visits to Home for People with Special Needs (HPSN) where people are institutionalized under state care and it has been observed that no proper regulations are in place to ensure the safety and wellbeing of the disabled people under state care.

- When the rights of anyone has been breached, the existing rules and regulations clearly outlines the means through which remedies can be sought. These rules and regulations include specific measures to ensure those with disabilities have fair and equal access to justice.

1. Please provide information on any innovative initiatives that have been taken in your country to promote and ensure effective access to justice for persons with disabilities.

- Act Number 8/2010 (Disability Act) states that persons with disabilities are to be given the required assistance for access to justice proceedings and their respective conditions be taken into consideration at all levels within the justice system. The Disability Act further paved paths for the development of disability friendly standards and regulations at the Policy level to prevent further violations of the rights of persons with disabilities. Further, these policies address surrounding issues related to access to justice including (but not limited to) accessibility to government buildings and administrative procedures involved.

Though the Disability Act Stipulates allowances for people with disabilities, people who are under State care at HPSN do not receive this allowance as they are already under state care.

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