Commission for the Rights of Persons with Disability

Malta

SUBMISSION TO THE COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES IN ADVANCE OF ITS CONSIDERATION OF MALTA’S 1ST PERIODIC REPORT

FEBRUARY 2018
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Abstract

The Commission for the Rights of Persons with Disability (CRPD) is submitting the first Parallel report as part of its role as the independent mechanism of the UNCRPD in Malta. This report will be referring to the sections outlined in Initial Report on the Implementation of the Convention on the Right of Persons with Disability in Malta, submitted by the Focal Point Office in November 2014. Whilst acknowledging the progress that has been done in Malta in relation to the various Articles of the UNCRPD, including the number of legislations which were introduced in the last two years, this report will remark on the key issues, challenges and discrimination that people with disability still face in their everyday lives. This report will also make recommendations to the UN Committee on what still needs to be done and on updated information which needs to be provided. During the preparation of this parallel report, the Commission for the Rights of Persons with Disability has consulted with other stakeholders in the disability sector, namely the CRPD Council, which is also made of voluntary organisations in the disability sector and the CRPD Consultative Committee of People with Intellectual Disability. The various challenges and discrimination that people with disability face also make reference to the complaints received by CRPD through the Equal Opportunities Compliance Unit, which are published in the Annual Reports of the Equal Opportunities Act issued by CRPD. Most of the challenges encountered by people with disabilities are in the areas of accessibility and education, but also in other areas such as employment, relationships and sexuality and independent living.
1. Introduction

1.1 The Commission for the Rights of Persons with Disability in Malta

The Commission for the Rights of Persons with Disability (CRPD) in Malta is the Public Regulator in matters regarding rights of persons with disability in Malta.

The Commission for the Rights of Persons with Disability is committed to rendering the Maltese society an inclusive one, in a way that persons with disability reach their full potential in all aspects of life, enjoying a high quality of life thanks to equal opportunities. In fulfilling this mission, CRPD works in order to eliminate any form of direct or indirect social discrimination against persons with disability and their families while providing them with the necessary assistance and support.

CRPD was set up as Kummissjoni Nazzjonali Ħandikappati (subsequently changed to Kummissjoni Nazzjonali Persuni b’Ḍizabilità or KNPD) on the 3rd November 1987. It was set up at law on 10th February 2000, following the enactment of the Equal Opportunities (Persons with Disability) Act, Chapter 413 of the Laws of Malta. Fittingly, it was Act I of 2000. CRPD has a wide variety of roles which are described in detail in the Act.

The law empowers CRPD to investigate alleged breach of rights arising from discrimination on the basis of one’s disability, the enforcement of such rights as well as the promotion, protection and monitoring of the implementation of the United Nations Convention on the Rights of Persons with Disability, as well as monitoring Guardianship Orders.

The Equal Opportunities (Persons with Disability) Act was extensively amended in 2016 resulting in the introduction of an extensive Bill of Rights for Persons with Disability, as well as the reorganisation of the structure of the Commission with the creation of the post of Commissioner for the Rights of Persons with Disability. This entails the change in the nomenclature of the Commission itself.
Malta signed the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol in March 2007. They were ratified in October 2012 and came into effect on the 9th November 2012.

CRPD has been appointed the Independent Mechanism of the CRPD and its role is to protect, promote and monitor the implementation of the Convention. In line with Article 33.2, it must carry this work according to the ‘Principles relating to the status of national institutions’, also known as the Paris Principles.

\[1.2\] Parallel Report on the implementation of the UNCRPD in Malta

The Commission for the Rights of Persons with Disability is submitting the first Parallel report on the implementation of the UNCRPD in Malta. This report will be referring to the sections outlined in Initial Report on the Implementation of the Convention on the Right of Persons with Disability submitted by the Focal Point Office in Malta in November 2014.¹

The parallel report will acknowledge the progress that has been done in the past years in Malta in relation to the various Articles outlined in the UNCRPD and will refer to a number of legislations which were introduced in the last two years. This report will also make reference to key issues and various areas where people with disabilities encounter challenges and discrimination, as outlined in the Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability.² Lastly, this report will also make recommendations on what still needs to be done and on updated information which needs to be provided.

During the preparation of this parallel report, the Commission for the Rights of Persons with Disability has consulted with other stakeholders in the disability sector, namely the CRPD Consultative Committee of People with Intellectual Disability and the CRPD Council. The CRPD Council is made up of:

- 9 representatives from voluntary organisation
- 1 representative from the University of Malta
- 1 representative from an entity providing services for disabled people
- 1 representative from residential homes
- 1 disabled person nominated by Government
- 1 disabled person nominated by the Opposition

¹ The Initial report submitted by Malta on the Implementation of UNCRPD is available online and can be accessed through the following link: https://www.gov.mt/en/Government/Press%20Releases/Documents/pr150271a.pdf
² The Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability can be found in the following link: http://crpd.org.mt/eoa/
The next section of the report will look at the key issues and key recommendations in relation to the definitions, general principles and general obligations (Articles 1-4) of the UNCRPD, specific rights covered under Articles 5 & 8-30, the situation of women and children (Articles 6 & 7) and other groups, and the Statistics and data collection, international cooperation and national implementation and monitoring (Articles 31-33). Section 3 will include the feedback collected from other stakeholders in the field of disability and people with intellectual disability.

2. Key Issues and Principal Concerns and Key Recommendations

2.1 Purpose, definitions, general principles and general obligations (Articles 1-4)

*Points 13 -22 of Initial Report submitted by Malta on the Implementation of UNCRPD*

*Main developments since November 2014*

The Commission for the Rights of Persons with Disability notes that during the past years, there have been various developments in the disability sector which are in line with the General Principles and obligations outlined in the UNCRPD. One of the most noticeable developments includes the amendments that were carried out in the Equal Opportunities Act (2000) in the year 2016. These amendments were carried out to update the law to be in line with the UNCRPD.³

The reasonableness test referred to in point 17 of the Initial report is actually called the ‘Test of reasonableness board’. The functions of the test of reasonableness board have also been extended with the amendments in the Equal Opportunities Act which were carried out in the year 2016.

Consultation with disabled people is also taking place in various areas. In April 2016, there was the launch of the consultation process on the National Strategy. ⁴ A new legal notice was also published so that persons with disability will be appointed on various governmental boards.⁵

With reference to point 22 of the Initial Report, a new Project run by the Ministry for the Family, Children’s Rights and Social Solidarity which will consist of a meeting place for NGOs is in the process of being established through EU funds.⁶

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2.2 Specific rights covered under (Articles 5 & 8-30)

**Article 5 - Equality and non-discrimination**

Points 23-45 of Initial Report submitted by Malta on the Implementation of UNCRPD

New developments since November 2014

The Commission for the Rights of Persons with Disability notes that there were a number of new legislations related to disability which were introduced in the past two years. With reference to point 23 of the Initial Report, the Commission for the Rights of Persons with Disability notes that the Equal Opportunities Act (EOA), 2000, strengthens access to rights for people with disability against six areas of discrimination. As already mentioned above, amendments have been carried out in the year 2016 and there are now two new areas covered by the EOA with these amendments, namely ‘Health’ and the ‘Bill of Rights’ section. In addition, the following clause has been included in the Act:

“37. When another law is inconsistent with this Act, this Act shall prevail when such inconsistency regards the rights of a person with disability.”. 7

*(Bill 115 – Equal Opportunities Act Amendment No. 2)*

Further to the above, a number of legislation/Acts related to persons with disability were passed in to law in year 2016, which will further help to safeguard the rights of people with disabilities in Malta. The following are the new legislations:

- Malta Sign Language Recognition Act, 2015 8
- Persons within the Autism Spectrum (Empowerment) Act, Chapter 557 9
- Parking Concessions for Persons with Disability Act, Chapter 560 10
- The UNCRPD is also in the process of being incorporated as directly applicable in the Maltese law, with specific mechanisms being set up for such.

A new *Tourism for All Policy* was also launched.11 Point 23 of the Initial Report makes reference to the Malta Health Act, which should actually be the Mental Health Act.

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**Employment**

The Commission for the Rights of Persons with Disability also notes that there have been some new developments in relation to employment and disabled people, especially through the setting up of the following which will be further discussed under Article 27 below:

- The enforcement of the 2% quota through the 1969 Employment (Persons with Disability) Act in 2015 through Jobsplus, the National Employment Agency in Malta and the setting up of the Lino Spiteri Foundation in 2016.\(^\text{12}\)
- The various employment schemes which are being provided by Jobsplus\(^\text{13}\)
- The setting up of the Malta Association of Supported Employment in 2015 in conjunction with Civil Society Organisations in the disability sector, which worked on a one year Project of Supported Employment.
- Workplace Accessibility Tax Deduction Scheme LN428/2010 -The Workplace Accessibility tax deduction scheme was implemented in year 2016. \(^\text{14}\)

**Education**

With reference to point 30 of the Initial Report, the Commission for the Rights of Persons with Disability notes that even though education authorities, bodies or institutions are prohibited from discriminating on the grounds of disability, the directives issued by the Malta Union of Teachers (MUT) create many barriers which results in discrimination faced by many students with disability. This will be further discussed under Article 24 below.

**Accessibility**


\[^\text{12}\] The Lino Spiteri Foundation - [http://linospiterifoundation.org/](http://linospiterifoundation.org/)

\[^\text{13}\] Schemes provided by Jobsplus: [https://jobsplus.gov.mt/schemes-jobseekers](https://jobsplus.gov.mt/schemes-jobseekers)

Accommodation

The term 'accommodation' mentioned in point 35 of the Initial Report has been changed to 'lodging' in the amendments carried out in 2016 in the Equal Opportunities Act.

Article 8 – Awareness Raising

Points 38-45 of Initial Report submitted by Malta on the Implementation of UNCRPD

With reference to point 39 of the Initial Report, CRPD notes that a Consultative body had been established to produce an outline of the National Policy on the Rights of Persons with Disability. CRPD notes that there was a brief hiatus in the operation of the Consultative body after the launch of the National Policy. A Malta National Disability Strategy was then drafted. A consultation session on the National Disability Strategy was held during a conference held in May 2016 by the Parliamentary Secretary for Rights of Persons with Disability, where feedback was collected from various representatives of disability organisations.15

Recommendation 1 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on the implementation of the Malta National Disability Strategy.

Further to the above, the Disability Equality Training provided by the Commission for the Rights of Persons with Disability is not provided for free to all entities or organisations as mentioned in point 40 of the Initial report, so that it covers expenses related to the provision of the training. However, there is no fee being charged in relation to Disability Equality Training provided at primary and secondary schools. CRPD undertakes various initiatives to promote self-advocacy of people with disabilities. In 2014-2015, Speak Out courses (MQF level 1 and 4) have been provided to various disabled people as part of an EU Project which was administered by CRPD. In addition, the Disability Equality Training which is provided to various entities is being mostly provided by people with disabilities who are staff members of the CRPD.

CRPD also organises conferences to raise awareness on particular areas and Articles in the UNCRPD. A National Conference is held every year during Disability Week. In the past 3 years, CRPD organised the following conferences and Seminars to raise awareness on specific areas related to the UNCRPD:

28th October 2015 – Conference on Article 19 of the UNCRPD – Living independently and being included in the Community

With reference to point 43 of the Initial Report, the Commission for the Rights of Persons with Disability notes that there needs to be ongoing awareness to portray people with disabilities on the media in such a way that it is consistent with the UNCRPD. The Broadcasting Act (Chapter 350) also provides further guidance in this regard. CRPD is also involved in the awards provided by the Malta Institute of Journalism regarding “positive reporting on persons with disability”.

Further to the above, the Commission for the Rights of Persons with Disability had various meetings with the Broadcasting Authority in 2017 and a briefing session on positive portrayal of people with disability on the media was held at the Broadcasting Authority in November 2017 with representatives from various TV and radio stations. On a different note, the Commission for the Rights of Persons with Disability is also working on a National Disability awareness campaign in schools which will start in 2018. A memorandum of Understanding was also signed between the Commission for the Rights of Persons with Disability, the Department of Disability Studies and the Faculty for Social Wellbeing to organise disability awareness events jointly.

**Article 9 – Accessibility**

The Commission for the Rights of Persons with Disability receives various complaints by disabled people which are related to accessibility. As noted in the Annual Report of the Equal Opportunities Act of 2016, “The accessibility sector was the sector about which the Commission received the most new complaints throughout this year.”

The most complaints received by CRPD are mostly related to inaccessible pavements in various localities, lighting poles and other poles used in local village feasts in the middle of the pavements and inaccessible Local Council buildings. There are also complaints related to inaccessible offices and buildings of entities falling under the government sector and there


are some inaccessible schools. Other complaints received include those on inaccessible restaurants, shops and outlets, inaccessible pharmacies, inaccessible churches and also inaccessible pavements due to tables and chairs of restaurants which are placed in such a way that end up obstructing pavements.

The physical inaccessibility of such places results in significant disabling barriers in the daily lives of people with disabilities which very often causes social isolation and discrimination. These disabling barriers often prevent individuals with disability from enjoying and leading an acceptable quality of life.

The Commission for the Rights of Persons with Disability investigates all complaints received and takes the necessary action. It also vets applications and provides guidance to developers before submitting their planning applications to the Planning Authority. However, a national strategy and a national awareness campaign are required to introduce the concept of universal design and to create more awareness among developers.

Points 46-68 of Initial Report submitted by Malta on the Implementation of UNCRPD

With reference to point 49 of the Initial Report, CRPD notes that the Access for All Design Guidelines have now become Access for All Design Standards. There is also an Accessible Tourism Policy regarding access to beaches and hotels.

The Commission for the Rights of Persons with Disability notes that there is now a concession for all people who are Special Identity Card holders who make use of Public transport. With reference to point 59 of the Initial Report, CRPD notes that private transport for disabled people is still very expensive and not regulated. In addition, not all wheelchair accessible vans are up to standard, however, due to limited choice, people with disabilities still have to make use of this private transport. In addition, there is also a lack of wheelchair accessible coaches for people with disability.

There is also an exemption from vehicle registration tax to make up for the extra funds needed to purchase the vehicle adaptations, a service which is currently being provided by Agenzija Sapport and which is not mentioned in point 60.

With reference to points 61, 62 and 63, CRPD notes that not all health care services and polyclinics, heritage sites and sports facilities are accessible for disabled people. In addition, CRPD notes that adequate seating is not always provided during outdoor events as noted in point 64. Disabled people are at times offered segregated seating which is cut off from the rest of the public. Furthermore, CRPD notes that the Commissioner for Refugees office is still not accessible for all.

CRPD notes that a new DPO on assistive technology named ADVICE was set up and is collaborating closely with the Foundation for Information Technology Accessibility (FITA), to demonstrate assistive technology to persons with visual impairment. FITA and CRPD will also be launching a new accessible app for people with disability. With reference to point 66 of
the Initial report, there is now an EU directive concerning accessibility of websites and mobile apps which Malta needs to follow.

**Recommendation 2** – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide the following:

- Updated information on the Access for All Design Standards and whether these will be becoming part of the Maltese laws.
- Measures taken to introduce more regulations and standards with regards to private companies providing transport for disabled people as well as wheelchair accessible coaches.
- Updated information to be provided on accessibility of Historical Places around Malta and Gozo and training provided to Tour Guides to guide people with disabilities.
- Updated information to be provided on accessibility of the following public places and the measures taken to improve accessibility of the following:
  - Hospitals and polyclinics
  - Sports facilities
  - Commissioner for Refugees Office
  - Asylum centres
  - Commissioner for Voluntary Organisations
  - Police stations
  - Social services
  - Public Places and pavements
  - Inaccessible pavements due to various obstructions

**Article 10 – Right to life**

*Points 69-70 of Initial Report submitted by Malta on the Implementation of UNCRPD*

CRPD notes that during the past months, there have been some discussions on the introduction of euthanasia in Malta. With regards to abortion, the Prime Minister of Malta has also recently issued a letter to the Commissioner for Human Rights at the Council of Europe stating that "Nonetheless, my Government neither has the political mandate to open a debate on access to abortion, nor the support of the public opinion on this matter." 18 The IVF legislation is currently being implemented in Malta.

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18 Letter by Prime Minister of Malta to Commissioner for Human Rights at the Council of Europe: [https://rm.coe.int/malta-authorities-reply-to-the-commissioner-s-letter-dated-5-december-/168077d59b](https://rm.coe.int/malta-authorities-reply-to-the-commissioner-s-letter-dated-5-december-/168077d59b)
Article 11 – Situations of Risk and Humanitarian Emergencies

Points 71-72 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability had some discussions with voluntary organisations of people who are Deaf and ‘hard of hearing’ on the current available emergency services. CRPD notes that the SMS emergency services project with Malta Police, mentioned in point 72 of the Initial Report, may not be very practical in certain emergency situations and alternative projects were suggested, such as an app which gives GPS co-ordinates.

Recommendation 3 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on what is being done to improve the accessibility of the Emergency services for people who are Deaf or Hard of Hearing.

Article 12 – Equal Recognition

Point 73-80 of Initial Report submitted by Malta on the Implementation of UNCRPD

With reference to point 75 of the Initial Report, as noted above, amendments were carried out in the Equal Opportunities Act (EOA) in the year 2016, and the National Commission for Persons with Disability has now become the Commission for the Rights of Persons with Disability. In addition, the following clause has been included in the Act:

“37. When another law is inconsistent with this Act, this Act shall prevail when such inconsistency regards the rights of a person with disability.”. 19

(Bill 115 – Equal Opportunities Act Amendment No. 2)

In addition, a new Equality Act is in the process of being introduced in Malta and is currently being discussed in Parliament. With the introduction of the new Equality Act in Parliament, an Equality Commission is to be set up, and the Commission for the Rights of Persons with Disability will be a Board member in this new Human Rights and Equality Commission which falls under Parliament.

The Guardianship Act, mentioned in point 78, has been enacted in 2012 and was the first step towards addressing the issue of equal recognition before the law. 20 However, now there is a new law named ‘Personal Autonomy Act’ which is being drafted and in the process of becoming part of the Maltese Laws, which will be in line with the UNCRPD. The ‘Personal

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Autonomy Act’ will be embodying the notion of juridical equality of persons with disability as a supreme norm, together with mechanisms to also guarantee the exercise of legal capacity for persons with disability through co-decision making or supported decision making. The ‘Personal Autonomy Act’ will eventually replace the ‘Guardianship Act’.

The Commission for the Rights of Persons with Disability notes that the current Guardianship legislation does not always include protection and equal recognition before the law to persons with psychosocial disabilities who have dementia or a mental health condition. CRPD also notes that there are still problems related to finding guardians for people with disabilities. One recommendation would be that of setting up a structure where there are people specifically employed in this regard, especially for persons with psychosocial disabilities, dementia, mental health conditions or experiencing mental health distress who do not have any guardians.

Further to the above, there is also now the Trusts and Trustees (Protected Disability Trusts) Regulations – SL 331.08, promulgated in terms of the Trusts and Trustees Act – Cap. 33121

Recommendation 4 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide the following:

- An update on the ‘Personal Autonomy Act’ and what is being done to ensure that people with disabilities have equal recognition before the law, especially people with psychosocial disabilities.
- An update on what is being done to set up a structure to have people who are specifically employed to cater for instances when no guardian can be found.

**Article 13- Access to Justice**

*Points 81-84 of Initial Report submitted by Malta on the Implementation of UNCRPD*

The Commission for the Rights of Persons with Disability notes that not enough information is provided in point 81 of the Initial report, which refers to the training to customer care personnel working in the Law Courts in connection with training/assistance to disabled people. In addition, the term 'dumb' used in point 83 is not appropriate.

21 Trusts and Trustees Act (Use of Trusts for Persons with Disability) - CAP. 331
The Commission for the Rights of Persons with Disability also notes that more training on disability issues needs to be provided to police officers, court staff and other people working in the judicial system. The following has been suggested in a report entitled “Working towards the implementation of the United Nations Convention on the rights of persons with disabilities (UNCRPD). A report by the National Commission Person with Disability (KNPD)” which was issued in 2013:

“KNPD is also proposing that the police force should adopt an equal opportunities policy and best practice guidelines on how to communicate and behave with disabled persons. Disability Equality Training already takes place. However it is currently on an ad hoc basis and mostly focuses on the use of the Blue Badge. KNPD proposes that this kind of training should be more extensive and also include information on how evidence can be gathered from persons who present communication and behaviour difficulties. In addition KNPD is also proposing that this training should also include information about how to communicate with persons with mental health issues, especially when they are experiencing a mental health crisis. Disability Equality Training should become compulsory and form part of the formal structure of studies for all levels of the police force. Court staff and other professionals who work within the judicial system would also benefit from such training and should also adopt an equal opportunities policy.” (Callus & Camilleri Zahra, 2013, p. 20)22

Recommendation 5 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide the following:

- An update on what is being done to ensure that people working in the judicial system, police and also prison staff are appropriately trained in disability issues.

Article 14 – Liberty and Security of Person, Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment and Article 16 – Freedom from exploitation, violence and abuse

Points 85-97 of Initial Report submitted by Malta on the Implementation of UNCRPD

With reference to Article 14 of the UNCRPD, the Commission for the Rights of Persons with Disability remarks that the Office of the Commissioner for Refugees is not accessible for people with disabilities following a complaint which was submitted through the Equal Opportunities Compliance Unit at CRPD. This means that disabled asylum seekers are currently not able to access the premises of the Office of the Commissioner for Refugees.

The Commission for the Rights of Persons with Disability that Agenzija Sapport, mentioned in point 94, has become a stand-alone organisation, providing a number of services to persons with disability.

With reference to point 96, CRPD notes that very few shelters are physically accessible for women with disabilities. The Commission for the Rights of Persons with Disability remarks on the importance to ensure accessibility of the shelters for people who suffer from domestic violence.

Recommendation 6 —. The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on what is being done to improve:

- Accessibility of shelters for people suffering from domestic violence
- Accessibility of Office of the Commissioner for Refugees

The Commission for the Rights of Persons with Disability also notes that an Act has been drafted and is at a stage where it is open for public consultation, which will also protect people in relation to exploitation, violence and abuse, as noted in Article 16 of the UNCRPD. The name of this new Act is the “The Protection of Vulnerable Older Persons and Adult Persons with Disability Bill”23

CRPD also acknowledges the import of Articles 14 to 16 for persons with psychosocial disability and notes, in connection with this, the publication of the latest Annual Report by the Office of the Commissioner for Mental Health in Malta. The latest Annual Report of 2016 issued by the Office of the Commissioner for Mental Health notes that “We found no evidence of torture or cruel, inhuman or degrading treatment within all mental health licensed facilities in 2016.”(p. 3) 24 While commending the positive strides that have been taking place in this area, it is important to link this observation to the observations made in the next section of the Parallel Report concerning Article 17 of the UNCRPD, as well as to the points made in Recommendation 7.


Article 17 – Protecting the Integrity of the person

Points 98-104 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability notes that the Electro-convulsive treatment mentioned in point 101 of the Initial Report is not very safe for clients and it would be best to seek alternative options.

Point 104 of the Initial report makes reference to the lectures on disability issues provided to Medical and Dentistry Students. The Commission for the Rights of Persons with Disability notes that more lectures on disability issues need to be provided to Health Care Professionals. Training on the breaking of the news of an acquired impairment or of a child diagnosed with an impairment needs to be given a priority.

In 2016, the Breaking the News training project was held between April and November 2016. The Training course was organised by the Allied Health Care Services Directorate in collaboration with Commission for the Rights of Persons with Disability (CRPD) for all Health Professionals working in paediatric settings, namely staff from paediatric wards, paediatric out-patients, Child Development and Assessment Unit (CDAU) and Neonatal Paediatric Intensive Care Unit (NPICU). This training initiative emerged as one of the recommendations from the Positive Parenting Strategy which was launched for consultation by the Ministry for Family and Social Solidarity, which the Parliamentary Secretariat for the Rights of Persons with Disability and Active Ageing formed and still forms part of. During Consultation on the drafting of this policy, it was pointed out that Health Professionals need to be sufficiently prepared to break the news to parents and children diagnosed with a disability or illness.

With reference to point 98 of the Initial Report, the Commission for the Rights of Persons with Disability notes that there is still a lot of stigma in relation to people with psychosocial disabilities and to the services which are being provided to people with psychosocial disabilities, including at Mount Carmel Hospital. A National Mental Health awareness campaign named #StopStigma was launched in November 2017. In addition, organisations working in the mental health sector and organisations working in the disability sector need to work together. The Commission for the Rights of Persons with Disability holds meetings with the Commissioner for Mental Health in Malta to discuss and collaborate together on various issues pertinent in the disability sector and the mental health sector.

With reference to the provision of mental health services, the Office of the Commissioner for Mental Health in Malta publishes the Annual Reports on their work as the monitoring and regulatory authority in relation to the rights and the interests of people with mental health conditions in Malta and Gozo. It was noted in the Annual Report of 2016 that most of the service users remarked that they feel that they are being treated with dignity and respect in relation to service provision, following an annual assessment carried out by the Office of the Commissioner for Mental Health. On the other hand, the Office of the Commissioner for Mental Health notes that:

“The same cannot be said about the care environment in wards although some improvement in the overall physical environment in certain units has been noted. Using Mater Dei Hospital psychiatric in-patient ward as the gold standard for safety and environmental aspects of care, safety is still an issue on some wards at Mount Carmel Hospital (MCH).” (Office of the Commissioner for Mental Health, 2017, p. 3)

Further to the above, the Annual Report 2016 also notes that standardisation of care is very important, since some service users are receiving better care than others, depending on the ward that they are in. More investment needs to be carried out in relation to the physical environment of the care facilities. There is also the need for more investment in relation to continuous professional development of all health care professionals. The empowerment of patients and responsible carers needs to be further strengthened through an increase of information dissemination to increase the awareness of their rights and forms of redress.

Some recommendations outlined by the Office of the Mental Health Commissioner in the Annual Report 2016 include “a revised mental health policy, strategy and action plan reflecting the principles of the Mental Health Act and the recent trends in holistic approaches to mental health and well-being” (p. 5). Most of the services being provided must also be mainstreamed within the health sector and need to be community based. The Office of the Mental Health Commissioner also notes that dignified residential accommodation is needed for patients who require long term care. Care services after 18 years of age should also be provided to children, youths and adolescents who have psychiatric problems, with a gradual transition to adult services. There is also the complex issue of psychoactive substance use disorder which often co-exists with other mental disorders, which requires various stakeholders and organisations to work together on this issue.


Recommendation 7 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on:

- Training on disability issues provided to Health Care Professionals
- Strategies to improve services for people with psychosocial disabilities, based on the recommendations issued in the Annual Reports of the Office of the Commissioner for Mental Health

Article 18 – Liberty of movement and nationality

Points 105-106 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Citizenship Act\(^{28}\) has been emended through ACT XXVI, whereby a curator or a guardian can apply for citizenship on behalf of a person who does not have full capacity to do so. Prior to this amendment, the law required that a person seeking to become a citizen of Malta had to apply for such citizenship. Thus, a lacuna was created in cases where non-Maltese persons who lacked mental capacity or had been legally interdicted could never apply for citizenship as they lacked the legal capacity to do so, and such application could never be delegated to someone else. Now, the Civil Court (Voluntary Jurisdiction) may authorise a curator or guardian to apply on behalf of the person with psychosocial disability or intellectual disability.

This was another positive step in the right direction towards complying with Article 18 of the UNCRPD.

Article 19 – Living independently and being included in the community

Points 107-117 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability notes that during the past years, there were various positive initiatives to increase the number of community homes for people with disability around Malta and Gozo. A number of small community homes are being officially inaugurated every year. In 2015, CRPD expressed its disagreement to the government project entitled “Disability Hub Project”, which included a number of residential units located in one area, rather than small community homes throughout different communities.

Government went back to the drawing board and is now proposing a project entitled ‘REACH’, which envisages the creation of a community centre, with residential spaces dedicated to training in independent living. Such spaces are but a fraction of that originally intended. CRPD is still of the opinion that community homes should not be concentrated within one area, but within different communities, as per the UNCRPD.

With reference to point 107 of the Initial Report, CRPD recommends a review on why people with visual impairment only are provided with disability allowance at the age of 14 and other disabled people receive the allowance at age 16. CRPD also notes that there have been some changes with regards to Social Security in the year 2016 and *Disability Pension* is now being called *Disability Allowance*, which is further discussed under Article 28 below. In addition, more funds were allocated to the Personal Assistant Scheme and Empowerment Scheme managed by Agenzija SAPPORT in the Budget of 2016. The Commission for the Rights of Persons with Disability also notes that Day Centres do not usually provide respite, as mentioned in point 109 of the Initial Report. In addition, various services which used to be provided by the CRPD such as the Assistive Apparatus Fund have now been transferred to Agenzija SAPPORT.

With reference to point 112, the Standards for Residential Services for persons with disability have now been published by the Department for Social Welfare Standards. The Commission for the Rights of Persons with Disability had a meeting with the Department for Social Welfare Standards to discuss the implementation of these Standards. CRPD recommends that the Standards for Residential Services should also apply for the services provided at the Mount Carmel Hospital, where there are people with mental health conditions or experiencing mental health distress who stay at this hospital for long periods of time. As noted in the Annual Report of 2016 which was issued by the Office of the Mental Health Commissioner, “Dignified residential accommodation is required for long term patients and those who unfortunately do not make it through rehabilitation.” (p. 5) 

Recommendation 8 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide further information on:

- The ‘REACH’ Project and how it is going to be implemented in line with the UNCRPD.
- The Standards for Residential Services for Persons with disabilities and how they are currently being implemented and enforced.

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Article 20 – Personal Mobility

Points 118-119 of Initial Report submitted by Malta on the Implementation of UNCRPD

The transport scheme mentioned in point 118 of the Initial report is now being administered through the Empowerment Scheme by Agenzija Sapport, the main service provider in the disability sector. On the other hand, as already noted above, transport for disabled people which is provided by private companies is still very expensive and not regulated and the vans are not always up to standard. The Commission for the Rights of Persons with Disability recommends more regulations and standards in relation to private companies providing transport to disabled people.

The Commission for the Rights of Persons with Disability also notes that the Commission’s Sonia Tanti Independent Living Centre, provides in-depth assessments by therapists on wheelchairs and seating systems, Adaptive equipment and Adaptive Driving. 31

Article 21 – Freedom of expression of opinion and access to information

Points 120-123 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability notes that the Sign Language Interpreters mentioned in point 122 of the Initial Report now form part of Agenzija Sapport through the Maltese Sign Language Recognition Act enacted in 2016. People who are Deaf or Hard of Hearing have to book a sign language interpreter in advance due to a lack of qualified sign language interpreters, and at times the supply of sign language interpreters is less than the demand. The University of Malta has recently been granted funds by government to open a new Maltese Sign language course at University, with the main aim of having more sign language interpreters.

More progress has been made to make the media more accessible for disabled people and sign language interpretation is being provided during news bulletins and during political debates. On the other hand, people who have a visual or hearing impairment still have difficulties to follow different sources of media and TV programmes due to the lack of audio

31 Sonia Tanti Independent Living Centre - http://crpd.org.mt/services/sonia-tanti-independent-living-center/
descriptions, sign language interpretation or subtitles. In addition, there needs to be more awareness on the use of the easy-to-read format for people with an intellectual impairment.

**Article 22 – Respect for Privacy**

*Points 124 of Initial Report submitted by Malta on the Implementation of UNCRPD*

**Article 23 – Respect for home and family**

*Points 125-131 of Initial Report submitted by Malta on the Implementation of UNCRPD*

With reference to Article 23 of the Initial Report, the Commission for the Rights of Persons with Disability notes that there is a lack of awareness with regards to the areas of sexuality, intimate relationships and persons with disability. There are still many challenges that persons with disability face in this area which are often unheard. CRPD organised a conference named “Breaking the Silence: Sexuality, Intimate Relationships and Disability” in October 2017 to start discussions on this area. CRPD recommends more research and awareness-raising on this area.

On another note, the National Standards for Residential Services for persons with disabilities 32 which have been published by the Department of Social Welfare Standards in 2015 also include a section on relationships and sexual life.

**Article 24 - Education**

*Point 132 – 154 of Initial Report submitted by Malta on the Implementation of UNCRPD*

The Commission for the Rights of Persons with Disability acknowledges the progress that has been made since the introduction of the *Inclusive Education Policy* in Malta in 1994. On the other hand, there are still various issues and challenges that students with disability face in inclusive education. An External Audit Report on Inclusive education in Malta was carried out by the European Agency for Special Needs Education in 2014. The findings indicate that:

“*In relation to how effectively schools are enabled to implement inclusive education*, the Audit data indicates that various system factors result in schools being only...”

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partially enabled to effectively implement inclusive education. Many system factors reinforce an integrative approach for some learners, rather than an inclusive approach for all learners.” (European Agency for Special Needs Education, 2014, p. 12)³³

Further to the above, the European Agency for Special Needs Education (2014) has included various recommendations in the External Audit Report on Inclusive Education in Malta mentioned above. The Ministry for Education has set up a working group to work on the implementation of these recommendations outlined by the European Agency for Special Needs Education.

The Commission for the Rights of Persons with Disability receives various complaints related to discrimination on the grounds of disability in the area of education, as noted in the Annual reports of the Equal Opportunities Act.³⁴ Most of the complaints received are related to children with disabilities being sent home when their Learning Support Assistant is sick and there is no replacement.³⁵ In addition, there are also other complaints related to children deemed to have challenging behaviour which are being sent home due to their challenging behaviour and also children with disabilities who are not accepted in childcare centres.

CRPD also encounters various barriers when tackling cases related to discrimination in education due to the directives issued by the Malta Union of Teachers, such as the refusal of Learning Support Educators to support students with disability in hydrotherapy and to apply non-medicatated creams to students with disabilities. The Commission for the Rights of Persons with Disability took legal action in this regard to halt the directives and industrial actions issued by the Malta Union of Teachers, following the reluctance of the Ministry of Education to seek the appropriate legal action in such circumstances.

The Commission for the Rights of Persons with Disability also remarks on the importance of using Human Resources effectively in Education, since Learning Support Educators are not being used properly. Some students require Personal Support Assistants rather than Learning Support Educators.

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³⁴ The Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability can be found in the following link: http://crpd.org.mt/eoa/

³⁵ Learning Support Assistants are now officially named as Learning Support Educations as from January 2018
The Commission for the Rights of Persons with Disability had a meeting with various NGOs and DPOs in the disability sector in July 2017 to discuss issues and challenges which students with disabilities face in education. Top officials from the Education Department were also present to take note of these issues. The following are the main points raised during the meeting:

- Replacements for Learning Support Educators who are sick. At the moment, students who require one-to-one support are sent back home if a replacement LSE is not found.
- There were also issues related to Summer Schools who were not accepting students with disabilities in summer schools.
- The need for more resources in some schools, including human resources such as Occupational Therapists in Multi-Sensory rooms and Psychologists. It is also important to note that this issue also reflects the lack of supply of professionals in these areas.

**Recommendation 9** – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide the following:

- The measures which are being taken by the Ministry of Education to tackle the industrial actions issued by the Malta Union of Teachers which affect students with disabilities.
- Updated information on the work which is being carried out by the Working Group which was specifically set up by the Ministry of Education to work on the recommendations issued in the External Audit Report on the Inclusive Education in Malta.

**Article 25 – Health**

**Point 155 – 160 of Initial Report submitted by Malta on the Implementation of UNCRPD**

With reference to point 155 of the Initial Report, the Commission for the Rights of Persons with Disability notes that not all Health Centres are physically accessible for all. In addition, not all health centres and waiting areas are accessible for people who have a hearing or visual impairment.
CRPD also notes that with the amendments that were carried out in the Equal Opportunities Act in the year 2016, Health was also included as one of the areas under this law where discrimination against disabled persons is prohibited.

**Recommendation 10** – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on the following:

- Physical accessibility of Hospitals and polyclinics around Malta and Gozo
- Accessibility of hospitals and polyclinics for people who have a hearing or visual impairment
- More information on disabled individuals with regards to the National Sexual Health Policy (2010)
- More training on disability issues provided to students undertaking courses in the medical and Health professions.

**Article 26 – Habilitation and Rehabilitation**

**Point 161 – 164 of Initial Report submitted by Malta on the Implementation of UNCRPD**

With regards to early intervention, the Commission for the Rights of Persons with Disability had a meeting with various NGOs and DPOs in the disability sector in July 2017, as mentioned above. Some parents mentioned that children stop receiving some early intervention services at CDAU at age 5.

**Recommendation 11** – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on what is being done to provide early intervention services after the age of five years.

**Article 27 – Work and Employment**

**Point 165 – 182 of Initial Report submitted by Malta on the Implementation of UNCRPD**

The Commission for the Rights of Persons with Disability receives various complaints related to discrimination on the grounds of disability in the area of employment. Most of the

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complaints received are related to a lack of reasonable accommodation provided at the work place.\textsuperscript{37}

In 2015, the Government of Malta has announced its plans in the Budget Speech to ensure the enforcement of the 1969 Employment Law entitled \textit{Chapter 210 – Persons with Disability (Employment) Act}\textsuperscript{38} and commenced enforcement thereafter. This legislation requires companies that employ over 20 employees to create inclusive employment of 2\% (full time or equivalent) of their workforce from person with disability. Companies who fail to employ persons with disability have to pay a stipulated fine every year.

\textit{Jobsplus}\textsuperscript{39} is the entity which is responsible for the implementation and enforcement of the 1969 Employment Law. The Lino Spiteri Foundation\textsuperscript{40} was set up also provides job-coaching to persons with disability to find and retain employment. There are also some benefits for employers employing disabled people, including that of being exempted from paying the employer’s share of social security contributions for such employee. A Memorandum of Understanding was also officially signed between Jobsplus (formerly known as the Employment and Training Corporation), the Malta Employers’ Association and the Malta Chamber of Commerce, Enterprise and Industry in relation to the implementation and enforcement of the 1969 Employment Law.\textsuperscript{41}

The following are some figures provided by Jobsplus to CRPD in November 2017, which include statistics prior to the enforcement of the 1969 Employment Law entitled \textit{Chapter 210 – Persons with Disability (Employment) Act} and statistics in 2016.

\begin{quote}
“The share of persons with disability in employment from the total number of persons in employment (full-time and part-time only) in 2014 was 1.14\% (the number of persons with disability stood at 2,124).

The share of persons with disability in employment from the total number of persons in employment (full-time and part-time only) in 2016 was 1.40\% (the number of persons with disability stood at 2,966).”
\end{quote}

Whilst noting the considerable improvement in the employment rates of people with disability through the enforcement of the 1969 Employment Law, there are still various challenges that people with disabilities face to find employment. The challenges are mostly related to the negative attitudes and perceptions of employers. The Malta Employers’

\textsuperscript{37} The Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability can be found in the following link: \url{http://crpd.org.mt/eoa/}


\textsuperscript{39} Jobsplus website - \url{https://jobsplus.gov.mt/}

\textsuperscript{40} The Lino Spiteri Foundation - \url{http://linospiterifoundation.org/}

\textsuperscript{41} Memorandum of Understanding - \url{https://jobsplus.gov.mt/employers-mt-MT-en-GB/employing-persons/fileprovider.aspx?fileId=1719}
Associations has conducted a study entitled “Equipping employers for a more equal and inclusive labour market”, which is part of an ESF Project (ESF4.255). The results of this study have been presented in a conference organised by the Malta Employers’ Association which was held in 2016. A number of issues concerning employability of persons with disability were highlighted during this conference which in part reflects negative attitudes. In addition, this study also notes that:

“People with physical disabilities are generally perceived to be in a better position to fully participate in the workforce whilst it is perceived to be a greater challenge to fully integrate people with intellectual disabilities/ autism and mental health disabilities.” (Business Leaders Malta, 2015, p. 3)  

The above quote indicates that people with some impairments may be more at a disadvantage to find employment when compared to people with physical impairments. This study also outlines the following recommendations for new policies and future action:

“• One of the issues arising relates to the mind-set of companies. Adequate information sessions and campaigns need to be carried out to educate companies about the benefits that are linked to employing persons with disabilities. But also generating awareness on disability at a wider national level to contribute to a wider change in perception on disability.

• Creating a network of experts that can easily provide the knowledge and support required by employers in the recruitment process and also have a good and clear reference point during the employee’s employment at the organisation.

• Considering the individual evaluation of companies who at face-value do not seem as if they are in line with the required quotas, examining possible reasons on why quotas have not or cannot be reached

• Making significant amendments to the education as suggested by the stakeholders to plan for the future in terms of employment starting from secondary school years including support systems for the family members of persons with disabilities.”

(Business Leaders Malta, 2015, p.25)  

Further to the above, CRPD recommends that the recommendations outlined in the report mentioned above are taken on board when implementing future policies and actions in relation to employment of people with disabilities and that more research is carried out. More training and information sessions to employers are also essential, especially on matters related to disability issues and the existent services available. It is also important to ensure the retention of employment of people with disabilities, since there are employers who employ people with disabilities for a short period of time and with no intention to extend their contract for an indefinite period.

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The Commission for the Rights of Persons with Disability notes that there have been some improvements and changes in the Social Security and the disability allowance provided to disabled people in Malta. During the Budget Speech of 2016, there have been changes in relation to the disability pension, which is now known as the disability allowance. To specify, there have been amendments concerning entitlement, which include the following:

- **First tier** – Disabled people who, as noted in the Barthel Index, cannot participate in any way possible in paid employment, will receive the highest level of disability allowance.

- **Second tier** – Includes the standard criteria under the Social Security Act, which includes people with disability who are working or can work. The Government will continue this reform, which has helped in having hundreds of people with disability to be employed for the first time.

- **Third tier** - This tier will gradually include a number of people who have disabilities which were not covered by law as a result, did not receive benefits. These include people with one arm or one leg.

Further to the above, the Commission for the Rights of Persons with Disability notes that the Barthel index is not the right tool linked to assess intellectual disabilities and psychosocial disabilities. The Commission for the Rights of Persons with Disability recommends that other appropriate assessment tools are used to measure disability which is fair and just with every person, such as the International Classification of Functioning, Disability and Health. In addition, the Commission for the Rights of Persons with Disability receives complaints related to adequate standard of living and housing, mostly related to lack of accessibility in common parts of blocks of apartments, as noted in the Annual reports of the Equal Opportunities Act. In addition, CRPD also receives complaints from persons with disability which are often related to other people administering the disability allowance on their behalf.

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44 The Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability can be found in the following link: [http://crpd.org.mt/ea](http://crpd.org.mt/ea)
Article 29 – Participation in political and public life

Point 186 – 189 of Initial Report submitted by Malta on the Implementation of UNCRPD

When ratifying the UNCRPD, one of the reservation made by Malta was related to Article 29, noting that Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned.

The Commission for the Rights of Persons with Disability notes that the current Maltese voting system is still inaccessible for many people with disabilities. This includes people with visual impairment and people with an intellectual impairment. People with disabilities who require assistance to vote will have to ask the Assistant Electoral Commissioners to assist them to vote, therefore not keeping their vote secret. The ‘trusted person’ system had not been accepted as a solution by the political parties in Malta. The European Union of the Blind have also remarked on the limitations of the Maltese voting system during a Disability High Level Group conference in May 2017. These limitations can put a number of people with disability (e.g. persons with intellectual disability) at a disadvantage.

With regards to participation of disabled people in political and public life, the Commission for the Rights of Persons with Disability holds a Parliamentary Session every year, where people with disabilities are invited to speak on various issues during the Parliamentary session in front of the Members of Parliament. There are a number of people with disabilities who are also actively involved in Disabled People’s Organisations and in public life. However, it also needs to be pointed out that more representation of disabled people in Parliament is needed.

Recommendation 12 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on what is being currently done to:

- Create an accessible electoral voting system in Malta which addresses the issues mentioned above
- Encourage more representation of disabled people in Parliament
Article 30 – Participation in cultural life, recreation, leisure and sport

Point 190 – 194 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability notes that there has been an improvement in the accessibility of sports facilities and heritage sites around Malta. Many youths with disability also attend various sport activities which are organised regularly by Special Olympics Malta. There are also museums that appear to address the issue of accessibility, and thus making cultural products, including historical artefacts, more accessible to persons with visual impairment.

In addition, with the introduction of the Maltese Sign Language Recognition Act, the Sign Language Interpreters now form part of Agenzija Sapport and can be booked by people who are Deaf or Hard of Hearing. Tourist Guides have also received some Disability Equality Training provided by CRPD in 2017 as part of their Continuous Professional Development.

On the other hand, there are still various public places which need to be made physically accessible for people with disabilities. The Equal Opportunities Compliance Unit within CRPD receives various complaints on physical inaccessibility in various public places, as well as blue badge abuse which results in fewer reserved parking spaces available for blue badge holders who really need it. There are also complaints by people with a visual impairment who have a guide dog, and who are not allowed to go inside a restaurant together with their guide dog. The complaints received are listed in the Annual Reports of the Equal Opportunities Act. There is also the issue of ‘overprotection’ from parents and other people working closely with disabled people which at times also hinders people with disabilities from going out and enjoying their leisure time.

Article 30 of the UNCRPD also focuses on access to culture and leisure which includes media such as television programmes and movies. This article points out that amongst other things, persons with disability are to enjoy access to media in a wide variety of formats. It should be acknowledged that there has been effort by service providers to making media accessible. However, it can be clearly noted that various sources of media, particularly television programmes, lack accessibility for persons with visual impairment as well as to people who

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46 The Annual Reports of the Equal Opportunities Act issued by the Commission for the Rights of Persons with Disability can be found in the following link: http://crpd.org.mt/eoa/
are Deaf and Hard of Hearing. Audio description is also lacking in media such as television programmes, including movies. It is also lacking in local cinemas.

Recommendation 13 – The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide updated information on what is being currently done to:

- Make the media more accessible for disabled people
- Create more accessible places through universal design where people with disability can enjoy their leisure time
- More awareness raising on the impacts of ‘overprotection’ on the lives of people with disabilities

2.3 Situation of women and children (Articles 6 & 7) and other groups

Article 6 – Women with disabilities

Point 195 – 199 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability (CRPD) has organised a conference on the 12th October 2016 about women with disabilities named ‘Invisible Women: Tackling a Double Challenge’. During this conference, it was pointed out by various speakers that women with disabilities experience multiple discrimination in various areas of their life and more prone to experience various forms of abuse and domestic violence. On such instances, it is very important that the shelters that are currently available for women who suffer from domestic violence are physically accessible for all, as already noted above. In 2017, CRPD produced a short clip to create more awareness on women with disability and domestic violence. This clip was aired on TV and on social media towards the end of November 2017 as part of the 16 Days of Activism against Gender-Based Violence (GBV) Campaign. CRPD recommends more research and policies to address the specific challenges which women with disabilities face in their day to day lives.

Article 7 – Children with disabilities

Point 200 – 211 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability receives various complaints on discrimination faced by children with disability in different areas and mostly related to
education, as outlined in the Annual Report of the Equal Opportunities Act. Discrimination encountered by students with disability has been mentioned in the above sections.

2.4 Statistics and data collection, international cooperation and national implementation and monitoring (Articles 31-33)

**Article 31 – Statistics and Data Collection**

*Point 212 – 217 of Initial Report submitted by Malta on the Implementation of UNCRPD*

The Commission for the Rights of Persons with Disability notes that the Disability Population Statistics provided in point number 10 of the Initial Report refer to the statistics issued by the National Statistics Office. CRPD notes that not enough information is provided on the criteria which are being used by the NSO to determine the number of people with disabilities in Malta and Gozo and if this is accurately measuring the total number of people with disability in Malta and Gozo.

On another note, the University of Malta now has a Disability Studies Department, which has started as a Disability Studies Unit in 2012. In addition to the MA (Disability Studies) programme, this department delivers lectures to some other degree programmes on disability-related matters.

**Recommendation 14** - The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide:

- Clarification on what criteria which are being used by National Statistics Office to determine the statistics issued on the number of people with disabilities in Malta
- Updated information on the implementation of the EU Project which had to create a National Database of disabled people in Malta and Gozo

**Article 32 – International Co-operation**

*Point 218 – 220 of Initial Report submitted by Malta on the Implementation of UNCRPD*

The Commission for the Rights of Persons with Disability works with Equinet, the EU Agency for Fundamental Rights (FRA) and the EU High Level Group, providing feedback to questionnaires and attending conferences. The opinions of disabled people are sought and disabled people are chosen as representatives when the Commission attends international conferences.
In addition to this the Commission has also been invited to speak at various international conferences regarding Malta’s experience of working with the UNCRPD. These conferences include areas such as education, intellectual disability discrimination and the process of ratifying the convention, where Malta’s experiences were seen to be a good model to follow. In all these conferences disabled people themselves represented the Commission, including a person with intellectual disability. This is seen to be a crucial part of the work of the Commission.

Article 33 – National implementation and monitoring

Point 221 – 222 of Initial Report submitted by Malta on the Implementation of UNCRPD

The Commission for the Rights of Persons with Disability is currently holding regular meetings with the Focal Point Office responsible for the implementation of the UNCRPD to discuss the implementation of the UNCRPD in Malta. CRPD is also aware that the Focal Point Office is currently being re-structured in order to be better able to carry out its work in relation to the implementation of the UNCRPD in Malta.

Recommendation 15 - The Commission for the Rights of Persons with Disability recommends that the Committee requests Malta to provide further information on:

- The restructuring of the Focal Point Office and the involvement of people with disabilities in the implementation of the UNCRPD

With regards to the monitoring process, the Disabled Persons Advisory Committee mentioned in point 222 of the Initial Report stopped functioning in 2015. On the other hand, CRPD has established a CRPD Council as part of the amendments carried out in the Equal Opportunities Act in 2016, to be in line with the UNCRPD with regards to the involvement of civil society, including persons with disability and representative organisations in the monitoring process. The CRPD Council is made of the following:

- 9 representatives from voluntary organisation
- 1 representative from the University of Malta
- 1 representative from an entity providing services for disabled people
- 1 representative from residential homes
- 1 disabled person nominated by Government
- 1 disabled person nominated by Opposition members

The CRPD Council has also been involved and consulted in this parallel report. Some feedback collected from CRPD Council, which includes representatives from various voluntary organisations as noted above, is included in the next section. CRPD also holds other meetings from time to time with other NGOs and DPOs in the disability sector to discuss important areas such as ‘Education’, as mentioned in the previous sections. CRPD also has a Consultative Committee of people with intellectual disability. This Committee has also been involved to provide feedback in this parallel report.

It is important to note that not all NGOs in the disability sector are being led by disabled people in Malta. In fact, most of the NGOs are being led by parents or other people working closely with people with disability. These include organisation such as the Malta Federation of Organisations of Persons with Disability (MFOPD). Whilst recognizing the valuable input of people working close to disabled people, CRPD has always worked in favour of promoting self-advocacy of disabled people and having more Disabled People’s organisations which are led by disabled people themselves. CRPD is also leading by example.
3. Annex - Feedback from Disabled People and other stakeholders
3.1 Feedback from the Council of the Commission of the Rights of Persons with Disability on the implementation of the UNCRPD in Malta

The Commission for the Rights of Persons with Disability has consulted with other stakeholders in the disability sector during the preparation of this parallel report, including the CRPD Consultative Committee of People with Intellectual Disability and the CRPD Council. The CRPD Council is made up of:

- 9 representatives from voluntary organisation
- 1 representative from the University of Malta
- 1 representative from an entity providing services for disabled people
- 1 representative from residential homes
- 1 disabled person nominated by Government
- 1 disabled person nominated by the Opposition

The following is some other feedback submitted by some of the members of the CRPD Council.

**National Parents' Society of Persons with Disability**

The following are some points remarked by the representative from the National Parents' Society of Persons with Disability, a voluntary organisation in the disability sector:

- **Article 24 - Education**

  Services for persons with disabilities provided during normal school hours, such as Learning Support Assistants (LSAs) and accessible transport, should be available also to persons with disabilities who decide to follow courses organised by the Ministry of Education. These courses, such as a Life Long Learning course and Evening Classes, are a potential opportunity for persons with disabilities to continue with their education or enhance their skills therefore should be fully accessible.

  The School Psychological Services with the Ministry of Education do offer free psychological assessments to students attending state schools however no assessments are offered to students who attend Junior College.

- **Article 26 - Habilitation and Rehabilitation**

  The Department of Primary Health Care runs a wellness clinic intended for all individuals with Down syndrome aged 16 years and over. The purpose is to provide regular medical follow-ups and screening services allowing for early and appropriate health promotion and education. It
is recommended that this service is extended to all persons with disabilities and is offered in other Polyclinics around the island and not only in one place.

- **Article 30 - Participation in cultural life, recreation, leisure and sport**

Persons with disability should have access to leisure time at all times however this is not possible unless there are personal assistants/support workers who can accompany them during the activities. Moreover, places of entertainment should provide couches as part of the accessible toilet equipment to ensure that persons with multiple complex disabilities have their personal basic needs met.

It is true that persons with intellectual disabilities may feel overprotected by their parents and those close to them. It is important to address this issue further to understand the reasons why parents feel that their adult children require so much protection. It is recommended for the national agencies that work with families of persons with disabilities to organize regular workshops and other activities so that families learn how to accept their adult child's autonomy. It is not possible to expect parents and/or guardians to know what to do without adequate guidance in transitioning from one stage of life to another.

Moreover, parents’ overprotectiveness must not be used as an excuse to make up for lack of services and resources; lack of health and safety issues; lack of accessible transport and other factors which need to be in place to ensure and safeguard the best interest of persons with disabilities.

- **Article 31 – Statistics and Data Collection**

Agenzija Sapport as the national agency which provides the majority of services for persons with disabilities and their families should publish its research and data regularly. Furthermore, the annual reports should be available to the public on their website.

**Disability Studies Department at the University of Malta**

The following are some points remarked by the representative from the Disability Studies Department, Faculty for Social Wellbeing at the University of Malta:

- **Article 8 – Awareness Raising**

Much work is needed in raising more awareness about disability as a rights issue rather than a charity issue among the general population, together with Disability Equality Training aimed at specific groups of employees who come into contact with disabled people in their ways.
- **Article 11 – Situations of Risk and Humanitarian Emergencies**
  There should also be plans in place for the evacuation of persons with reduced mobility in the case of a national emergency.

- **Article 12 – Equal Recognition**
  There should be a move away from the concept of ‘best interest’ (including in the case of the Trust and Trustees Act) and adopting instead the concept of ‘will and preferences’.

- **Article 17 – Protecting the Integrity of the person**
  The reference to training should specifically be to Disability Equality Training.

- **Article 19 – Living independently and being included in the community**
  Measures need to be taken to ensure that residential services are provided in line with Article 19 (a).

- **Article 21 – Freedom of expression of opinion and access to information**
  In relation to the use of easy-to-read information for persons with intellectual disability, there also needs to be more effort towards ensuring that these persons actually have access to the information.

- **Article 27 – Work and Employment**
  It is important to consider not only the number of disabled persons in employment, but also the quality of employment, in order to ensure that each disabled person’s job is commensurate with their qualifications, skills and potential (especially to ensure that they are not being underemployed).

- **Article 28 – Adequate Standard of Living and Social Protection**
  The Barthel index is not fit for purpose when it comes to assessing a disabled person’s ability to work. It should be replaced by an assessment tool that specifically targets functionality, skills and abilities related to employment.
3.2 Feedback from the CRPD Consultative Committee of People with Intellectual Disabilities on the implementation of the UNCRPD in Malta

The Commission for the Rights of Persons with Disability has a Consultative Committee of People with Intellectual Disabilities. The Consultative Committee is a self-advocacy group for people with intellectual disabilities and is made up of a core group of 7 members which attend the meeting regularly and some other 20 members as part of the larger group. CRPD consults regularly with the members of the Consultative Committee on various issues.

Two meetings were held with the core group of the CRPD Consultative Committee of people with intellectual disabilities to discuss the implementation of the UNCRPD in Malta on the following dates:

- 29th November 2017
- 17th January 2018

The following are the main comments remarked by the CRPD Consultative Committee of people with intellectual disabilities on the implementation of the various Articles of the UNCRPD in Malta.

**Article 5 – Equality and non-discrimination**

The members of the CRPD Consultative Committee noted that now that we have various new laws in place, we need to give more importance to the implementation and to the enforcement of these Laws.

In addition, people with disabilities also need to speak up when there is discrimination against people with disabilities.

**Article 8 – Awareness Raising**

The members of the CRPD Consultative Committee of people with intellectual disability remarked on the importance of having more awareness raising activities to show that disabled people can speak up for themselves, rather than having other people speaking on their behalf.
**Article 9 – Accessibility**

With reference to Article 9 of the UNCRPD, the members of the CRPD Consultative Committee of people with intellectual disability noted that there are still many public places which are still not accessible for people with disabilities and which should be made accessible.

Enforcement should take place to make sure that public places are accessible for all. With regards to private accessible transport, the members of the CRPD Consultative Committee of people with intellectual disability noted that there needs to be more standards and regulations applicable to service providers that provide transport to disabled people.

In addition, more awareness of easy to read information is required so that there is more easy to read information and signage available in public places. One of the members of the Consultative Committee also noted that airplanes should have accessible toilets for people with disability.

**Article 11 – Situations of Risk and humanitarian emergencies**

The CRPD Consultative Committee of people with intellectual disability noted that systems such as Telecare (telephone emergency service) which is primarily used by elderly people, should be available even for people with disabilities.

In addition, more training should be provided to people working at the emergency services especially when communicating with people with intellectual disability.

**Article 12 – Equal Recognition**

The CRPD Consultative Committee of people with intellectual disability noted that some people with disabilities still face issues of ‘overprotection’ from people close to them, which at times hinders people with disability from making their own choices and decide for themselves, especially on money related matters and other day-to-day decisions.
Article 13 – Access to Justice

The CRPD Consultative Committee notes that more training needs to be provided to people working in the justice system such as police and lawyers, and this training needs to be provided by people with disability.

Article 16 – Freedom from exploitation, violence and abuse

The CRPD Consultative Committee of people with intellectual disability made reference to the following:

- People with disability who do not report instances when there is abuse for various reasons
- People with disability who report on abuse however no further action is taken or the person with disability is not taken seriously.

The members of the Consultative committee noted that more training on self-advocacy needs to be provided to people with intellectual disability especially at schools, so that students with disability will become their own self-advocates and speak up when facing discrimination and abuse.

Article 19 – Living independently and being included in the community

The CRPD Consultative Committee noted that freedom of choice is very important when discussing independent living. People with disabilities are to choose if they want to live independently (maybe with a personal assistant) or in a community home where there is shared accommodation.

Article 20 – Personal Mobility

The CRPD Consultative Committee remarked that more easy-to-read information is required on where to seek the necessary services.
Article 21 – Freedom of expression of opinion and access to information

The CRPD Consultative Committee once again noted that information in public places should be accessible in braille and easy-to-read information. There should also be more awareness available to the general public on accessible formats for people with disabilities.

Article 22 – Respect for Privacy

One of the members of the CRPD Consultative Committee noted that people with disabilities face situations of having a lack of privacy, especially when they have to keep living with their relatives even when they are adults.

Article 23 – Respect for home and family

With regards to Article 23 of the UNCRPD, most of the members of the CRPD Consultative Committee noted that people with intellectual disabilities do not have the same rights as other non-disabled people in this area. There is still a lot of stigma and people with disability still face ‘overprotection’ from relatives and other people which consequently and at times hinders them from forming relationships.

Article 24 – Education

The CRPD Consultative Committee noted that more support needs to be provided especially through Learning Support Assistants. It was also noted that the supply of Learning support assistants is not enough.

In addition, the CRPD Consultative Committee also noted that more specific training needs to be provided to teachers with regards to students with different disabilities. This training will assist them when dealing with students with different disabilities. Parents also need to explain the condition of their child to the teachers and LSA.
**Article 25 – Health**

The CRPD Consultative Committee remarked that more easy-to-read information needs to be available in hospitals so that it will be more accessible for people with intellectual disabilities. In addition, more Disability Equality training needs to be provided to staff working in the Health Care Sector.

It was also noted that people with disabilities who are foreigners face more discrimination with regards to health services when compared to Maltese people.

In addition, it was also pointed out that some localities do not have health care centres, and people with disabilities need to go to the nearest health care centre to be provided with the health care services that they require.

**Article 26 – Habilitation and Rehabilitation**

The CRPD Consultative Committee remarked that more services need to be in place for continuous rehabilitation especially for people with disabilities who are adults. Furthermore, some services such as speech therapy need to be provided more frequently.

**Article 27 – Work**

With reference to Article 27, the CRPD Consultative Committee recommended more training on disability issues to be provided to employers. In addition, they have also mentioned more assistance during employment, especially when people with disabilities encounter difficulties at the place of work, such as not being treated with respect by their Seniors and other employees.

**Article 28 – Adequate Standard of Living and Social Protection**

Some of the members of the CRPD Consultative Committee noted that there are not enough available social housing schemes to cater for the demand, and there are instances when people with disabilities urgently require alternative accommodation however they will still have to wait in a waiting list.

It was also suggested that a number of residences under the social housing schemes are to be allocated specifically to people with disabilities.
Article 29 – Participation in political and public life

The members of the CRPD Consultative noted that people with intellectual disabilities are most of the time uncomfortable to vote since they are not allowed to vote in privacy when they are being assisted by the assistant electoral commissioners to vote.

One of the members of the Consultative Committee noted that if a person knows how to read and write, the persons should vote without any assistance. In addition, the font used on the ballot should be larger.

It was also noted that the introduction of new electronic voting system will still not be accessible for people who are not computer literate and who may still require personal assistance during voting. The ‘trusted friend’ system was also mentioned as a possible alternative, especially for people who have an intellectual disability and who require assistance when voting.

Article 30 – Participation in cultural life, recreation, leisure and sport

With regards to Article 30, it was noted that the main barriers encountered by people with disabilities includes the lack of accessibility of public places and places where one can spend their leisure time, as well as the lack of support workers to assist people with disability to go out.

Some of the members of the Consultative Committee also mentioned the issue of ‘Overprotection’ by parents and other people who work closely to people with disability which may also hinder people with disability from going out and enjoying their leisure time.

Article 6 – Women with disabilities and Article 7 – Children with disabilities

The members of the CRPD Consultative noted that women and children with disabilities may face more discrimination, especially children who cannot speak for themselves.

Article 33 – National implementation and monitoring

The members of the CRPD Consultative Committee noted that more awareness raising on the UNCRPD in Malta and the Focal Point Office would be useful for people with disabilities.