



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Consideration of reports submitted by States
parties under article 35 of the Convention**

Initial reports of States parties due in 2014

Malta* **

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** Appendices can be consulted in the files of the Secretariat.



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Abbreviations

AAC	Augmentative and Alternative Communication
ACTU	Access to Communication and Technology Unit
AWAS	Agency for the Welfare of Asylum Seekers
CCA	Commissioner for Children Act 2003, amended 2007
Convention	United Nations Convention on the Rights of Persons with Disability (ratified 2012)
COCP	Code of Organisation and Civil Procedure 1855
CRC	United Nations Convention on the Rights of the Child 1989
DSU	Disability Studies Unit
ECA	European Convention Act 1999
EOA	Equal Opportunities (Persons with Disability) Act 2000
ETC	Employment and Training Council
FITA	Foundation for Information Technology Accessibility
FSWS	Foundation for Social Welfare Services
HM	Heritage Malta
ITC	Information Communication Technology
LSA	Learning Support Assistant
MCAST	Malta College of Arts Science and Technology
MCCF	Malta Community Chest Fund
MEPA	Malta Environment and Planning Agency
MHA	Mental Health Act 2012
NAO	National Audit Office
NCPD	National Commission for Persons with Disability
NCPE	National Commission for the Promotion of Equality
OCMH	Office of the Commissioner for Mental Health
PSDAA	Parliamentary Secretariat for Rights of Persons with Disability and Active Aging
STILC	Sonia Tanta Independent Living Centre
TM	Transport Malta
WCAG2	Web Content Accessibility Guidelines 2
UOM	University of Malta

I. Introduction

1. The Convention was ratified in October 2012 and came into force on 9th November 2012. The State Party is committed to designing national legislation and administration practices that comply with the Convention.

2. Malta made an Interpretive Statement regarding article 25 (a) relating to “sexual and reproductive health” in which in accordance with Maltese national legislation the termination of pregnancy through induced abortion would remain illegal in Malta.¹

3. A Reservation was made regarding article 29 (i) and (iii), whilst the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including exercising their right to vote, Malta reserves the right to apply its current electoral legislation with regard to voting procedures, facilities and materials (i), and with regard to assistance in voting procedures (iii).²

Preparation and Structure of the Report

4. This report has been prepared in accordance with the Committee’s Guidelines on treaty-specific document to be submitted by State parties under article 35 paragraph 1 of the Convention on the Rights of Persons with Disability (CRPD/C/23).

5. The report has been compiled by the Focal Point Office within the Parliamentary Secretariat for the Rights of Persons with Disability and Active Aging (PSDAA) in collaboration with most of the Government ministries, authorities, agencies and departments and public entities. Discussions were also held with persons with disability and NGO’s engaged with the disability sector in Malta.³ A seminar was organised for representatives within Ministries to attend where the work of the Focal Point Office was explained. Discussions ensued regarding key issues relating to disability in Malta.

6. The report relates to the period November 2012 to October 2014 and includes future measures that will be taken in relation to the rights of persons with disability in Malta.

Preparation for Ratification

7. Prior to ratification of the UNCRPD in 2012 an inter-ministerial committee chaired by the National Commission for Persons with Disability (NCPD) was created to review the existing Maltese legislation in order to make amendments where necessary to ensure compliance with the Convention. This committee recommended amendments to The Equal Opportunities (Persons with disability) Act, Chapter 413, 2000 (EOA), The Code of Organisation and Civil Procedure, Chapter 12, 1855 (COCP) and the Civil Code, Chapter 16, 1874 which were adopted by the House of Representatives in March 2012.

Economic Outlook

8. The Maltese economy registered strong positive growth during 2013 and outperformed growth in the European economy. The economy expanded by 2.5% in real

¹ Interpretive Statement shown in Appendix 1.

² Reservation shown in Appendix 1.

³ Full List of NGOs contacted is shown in Appendix 2.

terms during 2013, with domestic demand being the major contributor. The unemployment rate remained relatively stable at 6.4% in 2013, while the number of employed persons increased by 2.9%. Employment is expected to remain broadly strong, increasing by 2.1% and by 1.8% in 2014 and 2015, respectively.

9. In 2014 and 2015, the Maltese economy is expected to continue growing at a rate of 3.0% and 3.52%, in real terms. Employment growth is also expected to maintain a strong momentum and rise by an average of 2.0% in 2014 and 2015. As a result, the unemployment rate is expected to decrease by 0.4% to 6.0% and to remain broadly stable in 2015. This is well below the expected EU average rate and rejects efforts in ongoing active labour market policies. In order to continue fulfilling its main goal of attaining a sustainable rate of economic growth whilst addressing the present challenges, the Maltese Government is implementing a number of supply-side and growth-friendly fiscal consolidation policies reforms which aim to amongst others, reduce poverty whilst strengthening social inclusion.

Disability Population Statistics

10. The Maltese islands have a total population of 417,432 (National Audit Office (NAO), 2011 Census). The number of persons with disability from the 2011 census was 35,700. Of these 35,700 people, 9,652 had physical impairments, 12,782 had sensory impairments, 6,221 had intellectual disabilities and 7,045 had mental health issues. The 2011 census classified age ranges in 10 year intervals, of the 35,700 people with disability 4,148 were in the age range 0-19 years of age.⁴

11. The Parliamentary Secretariat for Disability and Active Ageing (PSDAA) is in the process of establishing the first national database of persons with disability. The database will include basic information about the person with disability including amongst other details, name, age, education level, conditions and impairments, family networks, support networks, state support received and that required, support from and participation in NGO's, independence status, relationships and social/community participation. There are five objectives that the creation of the database will satisfy:

- To give a better understanding of the current situation within the disability sector;
- To give better demographic data;
- To help inform the development of social and public paradigms;
- To assist in the direction of efforts, energies and monies in particular interest groups that may go unnoticed; within the wider and complex picture of disability;
- To improve the use of current and future resources.

12. The database will improve on the current situation where information concerning persons with disability is held in separate registers administered by separate entities involved in the disability sector.

⁴ Graphs showing NSO statistics relating to disability shown in Appendix 3.

II. General Provisions of the Convention

Articles 1-4

13. The main legislative instrument in Malta is the Equal Opportunities Act (EOA) 2000. Prior to ratification of the Convention in 2012 the EOA was amended so that the definition of “disability” was brought in line with the convention. Disability is defined as “a long-term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder one’s full and effective participation in society on an equal basis with others;”.

14. The definition of “long-term” is determined by an individual assessment of each person’s specific circumstances and the type of support that they require.

15. This Act prohibits discrimination in its widest sense and interpretation on the grounds of disability in the areas of employment, education, access, provision of goods, facilities or services and accommodation.

16. What is particular about the EOA is the definition of “reasonable accommodation” as “alterations not imposing a disproportionate or unjustifiable burden, where needed in a particular case to ensure to persons with disability the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;” (Chapter 413 Part 1 (2)).

17. A reasonableness test is applied to ensure and guarantee that any required alterations should not inflict an unjustifiable hardship on the person required to make the alterations. The factors considered in this test relate to the nature and cost of the actions in question, the overall financial situation of the person or body required to take the actions and the potential impact of such actions could have on the financial position of the person or body and the availability of grants to defray the cost for the person or body required to take the actions.

18. Malta is firmly committed to ensure the implementation of the Convention. To this effect a National Policy for the Rights of Persons with Disability was launched following an extensive consultation process involving all stakeholders including persons with disability, academics, service providers, parents and parent activists, NGO’s, health professionals and all other stakeholders. This policy is in line with the Convention both with regards to the areas addressed and general principles.

19. Social and public policy concerns should be directed towards creating and engaging a socially just society benefitting from the active participation of persons with disability and the Maltese Government firmly believe that the active involvement of persons with disability is crucial, at all levels.

20. The priority in the disability sector for Malta is to review, and in some instances, set-up the organisational infrastructure that will allow the Government, via the Parliamentary Secretariat for Disability Rights and Active Ageing, to monitor what persons with disabilities and their families have to say for the appropriate action to be taken.

21. The notions of equal opportunity, inclusion, community development and social cohesion remain at the centre of the Government’s strategy and the Maltese Government is committed to an unprejudiced society based on equality that should lead to a qualitative and quantifiable improvement in the standard of living of persons with disability.

22. Of paramount importance is the guarantee that the required regulations and enforcement systems for the protection of the rights of persons with disability are in place and are effective. There is an acknowledgement that good corporate governance and sustainable development are in place at the macro level. Ethical financing in disability

NGO's has been recognised as assistance to organisations of people with disability along with solidarity based economy, including co-operative entities and social enterprises.⁵

III. Specific Rights

Article 5 – Equality and Non-Discrimination

23. The EOA provides protection for people with disability against all forms of discrimination and also provides for a redress mechanism. It has long been felt that the EOA needs a revamp after serving persons with disability in good stead for almost 15 years. In putting the law into practice, KNPD has felt over the years that certain areas needed to be strengthened while others needed to be introduced. Since the ratification of the UNCRPD, this need has grown stronger and KNPD feels that now is the time for this law to be opened for public consultation and subsequent amendments. Moreover, the Malta Health Act⁶ (MHA), provides for (a) equality of rights and opportunities and (b) protection from discrimination in the areas of health, education, social services, social housing, and work training programmes for persons with mental disorders.

Employment

24. Employment is a major challenge in Malta even within the context of equal treatment and opportunities for persons with disability. The EOA provides that an employer must not discriminate against a person with disability in the areas of procedures relating to application for employment, hiring, promotion or dismissal of employees, employee compensation, job training or any other areas relating to the normal conditions and privileges of employment. Furthermore the employer must not act in any way that would reduce the opportunities of the person with disability employed, and must make reasonable accommodation for the impairment of the person concerned. It is not permissible for an employer to use tests or procedures designed to screen out persons with disability unless they can prove that the tests are essential for the role.⁷

25. The employer is required to make existing facilities readily accessible to and usable by persons with disability and also to restructure jobs and amend work schedules to include part time work; acquire and modify equipment or training materials and provide assistance such as an interpreter or reader.

26. Fiscal incentives and assistance are available to employers and expenses incurred may be claimed.⁸

27. However, even in this case the test of reasonableness applies. The factors that should be taken into account in relation to the reasonableness test with regards to alterations required to support the employment of a person with disability include the cost of alterations; the overall financial resources of the workplace; the number of employees in the workplace that require the alterations; the effect on expenses and resources and the impact of the alterations upon operations, the overall financial resources of the employer, the size of the business, including the number of employees and the number, type and location of the workplaces; the type of operation and the availability of public funds.

⁵ Speech delivered at the UN 7th Session of the Conference of State parties to the UNCRPD 11th June 2014, by Hon Caruana.

⁶ MHA Articles 3 and Article 43.

⁷ Equal Opportunities Act, Part III, Article 7.

⁸ Income Tax Act, Chapter 123, Part IV, Article 14B.

28. An employer may make an offer of employment conditional on a medical examination subject such examinations are required by all prospective employees. Prospective employers only make enquiries as to the severity of the impairment to ascertain whether the applicant is able to perform the role to be assigned or to identify the costs involved in making the alterations required. Medical examination records are confidential and must be stored in separate medical files.

29. Another important and related legislative instrument is the Employment and Industrial Relations Act.⁹ This Act also provides that Trade Unions must not discriminate on grounds of disability and this legal obligation also applies to employment agencies.

Education

30. Education authorities, bodies or institutions are prohibited from applying discriminatory practices and/or policies discriminating on the grounds of disability inter alia by refusing the applications or by altering terms and conditions under which a student is usually accepted, or by limiting the access of the student to any benefit, service or facility provided, or by expelling a student on the ground of disability.

31. Where the admission or study progression of a student with a disability necessitates the purchase of assistive or adaptive services or facilities, the educational authority may only refuse admission or continuation of the study if the purchase of equipment satisfies the test of reasonableness according to the EOA.

Accessibility

32. Maltese legislation prohibits the refusal or restriction of access to a person with disability to any building open to the general public whether against payment or not.

33. The University of Malta provides modules within some of its degree which relate to Universal Design as a means to ensure that future buildings are designed with accessibility for all in mind.

Provision of goods facilities or services

34. The EOA prohibits discriminatory treatment in relation to access to benefits, programmes or activities on the ground of disability. This also applies to goods, facilities and services available to the public or any sector thereof. Specific mention is made to any place accessible to the general public; the provision of property rights and housing; accommodation in hotels or similar establishments; the facilities inter alia of banking, insurance, grants, loans, credit and finance; occupational and other pension schemes; educational; entertainment, sports and recreation facilities; transport facilities, including travel by land, sea or air; the services of any profession or trade, or of any local or other public authority; memberships of associations or other organisations and enjoyment of civic rights and performance of civic duties. If compliance with this article in relation to a person with disability is not reasonably possible, practicable and/or safe, then the relative provisions of the EOA are inapplicable.

Accommodation

35. With regards to accommodation it is prohibited to discriminate on the grounds of disability and refuse a request or application for accommodation or in some manner impose discriminatory terms and conditions in connection with the provision of accommodation.

⁹ Industrial Relations Act, Chapter 452, 2002.

Likewise, it is also prohibited to hinder the processing of any application for accommodation of a person with disability or in any manner limit the access to any benefit associated with the accommodation, or to evict or prejudice a person with disability on the grounds of disability.

36. Maltese law allows persons with disability to make alterations to the accommodation subject to restoring status quo ante the property in question and this at their own expense. Landlords may however object to such alterations if they impinge on the rights of other occupants or lessees or if unreasonable, and this upon consideration of the number of beneficiaries of such alterations and duration of the accommodation.

Redress

37. As stated earlier, persons with disability subjected to discriminatory treatment have a right of redress in terms of the EOA. The NCPD has statutory *locus standi* to act on behalf of the persons with disability, or a family member following a complaint received. If the person with disability requires assistance to report an individual case, the Commission will take reasonable steps to assist. The Commission will investigate and pursue the cases on behalf of the person with disability and institute legal proceedings where appropriate. The due procedure is established by the EOA and even contemplates instances of judicial actions to sue for damages. The burden of proof in these cases is shifted on the defendant to prove that no discrimination was perpetrated. The MHA enables the Commissioner for Mental Health to take appropriate action against anyone who discriminates or exploits a person by reason of mental health status.

Article 8 – Awareness Raising

38. Awareness-raising with regards to the inclusion of persons with disability and within the context of the Convention is top priority for the Maltese Government. A national conference to announce the Convention was held to present the Convention and contents thereof in Maltese, English and Easy to Read (Maltese), Braille, audio, and Maltese Sign language. These versions are available from the NCPD website.

39. A consultative body for the Rights of Persons with Disability has been established and this is made up of persons with disability, service providers, activists, policy makers, academics and professionals in the area of disability. Their first task was to discuss an outline for a National Disability Policy, in full compliance with the Convention, which was launched in August 2014. This will be followed up by a national strategy to implement the national policy.

40. Awareness raising is also within the remit of the NCPD by offering free Disability Equality Training to organisations. This training is provided by persons with disability and has been provided to over a thousand persons per year for the last 7 years.¹⁰ In addition to the Disability Equality Training NCPD offered a course related to Challenging Behaviour financed by European Union funds, to promote awareness about challenging behaviour and ways to assist persons who have challenging behaviour. A policy was developed from this course.¹¹ The NCPD has also issued a publication entitled “Rights not Charity” which is aimed at the media.¹²

¹⁰ Table of Disability Equality Training shown in Appendix 4.

¹¹ *Policy guidelines on working with disabled persons with challenging behaviour* and Compendium of services; <http://www.knpd.org/pubs/pdf/KNPD%20Policy%20Challenging%20Behaviour.pdf>.

¹² PDF Accessed at <http://www.knpd.org/awareness.html>.

41. In order to raise awareness of the disability sector and of the abilities and contributions of people with disability the PSDAA has launched an award which will be given in three categories:

- Commitment to the disability sector;
- An award for a person or organisation who has made a mark on the field of disability;
- An award for direct action and activism of persons with disability.

42. The award will be given to persons who are actively seeking inclusive and accessible communities contributing to the ability of persons with disability to take an active role in their community. The President of Malta also gives an annual award for volunteering, which this year (2014), included two persons with disability in the top three places.

43. In terms of The Broadcasting Act (1991) and subsidiary legislation 17 people with disability, or vulnerable people are to be portrayed with dignity and respect, mindful of terminology and avoiding the stereotypical portrayal of persons with disability as heroes or victims. The legislation explains the need to move away from a medical view of disability and impairment and take a social model approach. Unfortunately Maltese Society still holds a charitable view of disability which is often portrayed as such in the media.

44. The Foundation for Social Welfare Services (FSWS) in conjunction with the PSDAA, the University of Malta (UoM), the Manchester Metropolitan University and the Malta College for Arts Science and Technology (MCAST) applied for European Social Funds to train all employees and improve front line and professional services for disability issues.

45. The Student Services Department within the Directorate of Educational Services holds ongoing training for its professionals in areas of disability including communication, access to communications and technology, challenging behaviour, mental health, hearing and visual impairment and sign language. The department is also an active member of the European Agency for Special Needs and Inclusive Education.

Article 9 – Accessibility

46. Physical accessibility in Malta is an area of concern since many of the buildings, due to their historic value, cannot be rendered accessible. The EOA provides that all buildings erected after the enactment of the said EOA must comply with the Access for All guidelines issued by the NCPD.¹³ These guidelines have now become standards and apply to all buildings exceeding 75 square meters footprint. NCPD acts as an advisor to the Malta Environment and Planning Agency (MEPA) with regard to ensuring that accessibility guidelines are followed, whenever an application for a development permit is submitted to MEPA. Until and unless an application is upheld and endorsed by NCPD the development will not be allowed.

47. The NCPD vet all public buildings, government housing and private housing of more than 30 units. In the case of European funded projects, NCPD is required to certify that the project is accessible.

48. Buildings that were erected prior to the EOA are subject to time frame schedules within which accessibility will be improved. Where complaints are made about

¹³ Accessed at <http://www.knpd.org/legislation/accessforall.html>.

accessibility issues to the NCPD, these complaints are investigated and NCPD will make recommendations to resolve the issue. In default of compliance, the NCPD may pursue the matter in court.

49. It is anticipated that the Access for All guidelines will be upgraded to the status of Standards in December 2014 and subsequently become part of Maltese law in 2015.

50. These guidelines cover all areas of physical accessibility in relation to buildings, the areas outside the buildings such as access pathways, entrances, types of doors, signage and entrance furniture such as door handles and entry bells/phone systems. Details include widths of pathways, drainage, and wheelchair turning requirements and in the case of using gravel the size of the gravel to be used. Stairway design, handrails, ramps and the use of blister domed paving near controlled crossings are defined along with the size and number of accessible parking spaces per total number of car park spaces and the number of van size spaces to be included. The width and gradient of ramps proportional to the length are given as well as the design of car park barriers and ticketing machines. Types of lifts both internal and external are defined in terms of size and emergency communication as well as the positioning and touch design of buttons in the lifts.

51. Inside the building the reception area design, fire safety accessible routes and sanitary facility provision are detailed as well as internal door structure with glass panels, the levels of luminosity provided by lighting, audio and visual alarm systems and the design and placement of signage. The aural environment is defined including avoidance of crossover between adjacent induction loops, and the use of some soft furnishings in the form of carpeting or curtains to improve sound quality.

52. Accessibility to educational buildings is guaranteed to children with disability. The Foundation for Tomorrow's Schools is tasked with the design of new school buildings which are completely accessible for students with disability and also to undertake repairs and modifications to allow existing schools to become more accessible for children with disability.

53. The Ministry of Education has produced a set of guidelines entitled "Arrangements for Candidates with Specific Requirements" to ensure that students with disabilities sit for examinations with the necessary assistance required together with any assistive technologies and different formats of examination may be provided to assist the student in the best way when sitting an examination.

54. The Access to Communication and Technology Unit (ACTU) is responsible for providing the necessary support to students with physical disabilities, complex communication needs and learning difficulties to enable them to access the curriculum through the use of assistive technology. Students are assessed to establish the correct technology that is required. These recommendations are given to family members, carers and school authorities. The unit imparts knowledge about the benefit of multi-modal modes of communication and promotes the educational inclusion of Augmentative and Alternative Means of Communication (AAC) users recommending instruction and interaction arrangements, expectations and support in all areas of the curriculum. The unit also provides specialised training for AAC and adaptive computer technology to professionals who work in the area.

55. Under the Ministry of Transport there is a specific Accessibility Vote to improve accessibility to public buildings and public spaces. This vote is used to finance projects that improve accessibility. Transport Malta (TM) holds a board once a month that reviews applications for the approval of disabled parking. People with disability may apply for a parking space to be designated near their residence. TM also has policies to regulate the amount of clear space (1 meter) that must be left available on all pavements. The gradients of stairs and ramps and the provision of hand rails are also provided for. Pelican and

pedestrian crossings must be situated in strategic places with tactile paving and audible alerts. If a permit is submitted which reduces access to mobility the permit is refused.

56. Public Transport is free for persons with disability. Buses are of a low floor type which makes them accessible to persons with mobility impairments. The buses include specifically designated seating for persons with disability and there are sections of the bus where wheelchairs can be secured. A ramp is provided to ease access for persons with disability and the bus drivers are trained in the use of the ramp and the securing of wheelchairs once the wheelchair is on the bus. The buses have air conditioning and are equipped with audio announcements and electronic information panels highlighting the next bus stop.

57. Some bus stops are equipped with real time information, where the next bus due is shown on an electronic display. Travellers may also check when the next bus is due to arrive using an SMS function, using a four digit bus stop code.

58. Persons who are registered with the Malta Guide Dog Association are issued with a card to allow access with the guide dog.

59. There are transport companies which provide transport specifically for people with disability who cannot use public transport. There is also a taxi company that has made its cars fully accessible for persons who use wheelchairs.

60. The Sonia Tanti Independent Living Centre (STILC) provides adapted cars for persons with disability to take driving lessons. Advice is given on the type of car seating, access devices and safety restraint required as well as the type of hand controls that may be required to be fitted. The person with disability is able to apply to the Malta Community Chest Fund (MCCF) to assist with the finance of purchasing car adaptations. Persons with disability who drive are exempted from annual vehicle licence tax once their vehicle has been registered as being used by a person with disability.

61. Access to the health service is free for all citizens of Malta, the main state hospital is fully accessible and most localities have a polyclinic where General Practitioner services can be accessed.

62. With regard to heritage sites, Heritage Malta (HM) have a policy entitled *Cultural Heritage for All – A Social Cohesion Approach*. Most of the existing buildings which HM operates are Grade 1 listed buildings, where permanent amendments cannot be made for accessibility. In these cases access is granted through the use of reversible structures. There are a few cases such as the Hypogeum, which is a system of underground temples carved out of the rock, where reversible structures cannot be used, and in these cases HM is working on providing a virtual accessibility and tactile experience by means of audio visuals, audio guides and replicas. HM also provides materials for persons with various intellectual abilities in different formats. New Interpretation Centres are being built in consultation with NCPD and according to the Convention.

63. Most sports facilities are accessible for persons with disability. The National Pool will be undergoing changes to make it accessible and the Sports Council also provides specialist trainers to assist persons with disabilities in preferred and selected activities. In Malta there are inclusive wheelchair basketball, handball and rugby and seated volleyball, played by mixed teams of disabled and non-disabled persons, which give non-disabled persons the opportunity to understand some of the issues of disability a little better. Sailing, hand cycling and canoeing are also available for persons with disability to try. Of particular importance is the Special Olympics team. The mission of Special Olympics is to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing

of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

64. With regard to other cultural events held in outdoor locations persons with disability are provided with an adequate seating area.

65. The Foundation for Information Technology Accessibility (FITA) promotes full social inclusion in education and employment through information technology. It is the principal advocate and coordinator to ensure accessibility to information communication technology. FITA provides information services to assist the selection, acquisition and use of assistive technologies, to increase, maintain and improve the individual's quality of life through Information Communication Technology (ICT). Training services for persons with disability are offered, and FITA projects are regularly run in collaboration with persons with disability, who take part in the planning and implementation phases.

66. The promotion of accessible ICT is directed at both public and private organisations and the FITA logo is awarded to websites conforming to Web Content Accessibility Guidelines (WCAG2).¹⁴ A Maltese speech engine has been developed along with improved Braille services and a network of disabled collaborators has also been developed to promote and develop accessible ICT. FITA is also responsible for assessing government websites and online web projects to ensure that they meet accessibility standards.

67. In July and August of 2013 a research project was conducted by FITA regarding ICT accessibility awareness. The results of this study revealed the need to increase the Maltese Government's endeavours towards improving ICT accessibility.¹⁵

68. There are only two centres for asylum seekers that are accessible, although upon arrival persons who are identified as having a disability are offered alternative accommodation.

Article 10 – Right to Life

69. All persons in Malta including people with disabilities have the right to life according to the Maltese Constitution (1964), Chapter 32 and Article 2 of the European Convention on Human Rights (1953). In terms of The Criminal Code article 240, it is a crime to terminate a pregnancy. In line with this Malta has an interpretative statement for Article 25.

70. With the enactment of The Embryo Protection Act (2012) the Embryo Protection Committee was established to oversee artificial reproductive technologies, eligibility for such treatment and to ensure that high standards of ethics are maintained by all practitioners. It also defines very clearly that there are no grounds for disposal of the embryo or infant. This applies to In Vitro Fertilisation (IVF) and Intra-Cytoplasmic Sperm Injection (ICSI) procedures.

Article 11 – Situation of Risk and Humanitarian Emergencies

71. The Civil Protection Department has included plans for assisting people with disability within its General Emergency Plan.

¹⁴ Full Details of WCAG2 may be accessed from <http://www.w3.org/TR/WCAG20/>.

¹⁵ The full report can be downloaded from <http://www.fitamalta.eu/launch-of-new-research-by-fita-about-industry-and-accessability-in-ict-2nd-june-2014/>.

72. In the case of emergency services people with disability can make use of a call button which can be used to alert a team of care workers who will call emergency services on their behalf or attend the house of the person with disability to assist if required. The call button is provided by a local telephone operator. The PSDAA together with Malta police are working on an sms emergency service for the hearing impaired.

Article 12 – Equal Recognition before the law

73. Equal recognition before the law is enshrined in the Maltese Constitution in terms of Article 45 which provides that no law should be discriminatory in nature and that no person should be treated in a discriminatory manner. This is also covered by Article 14 of the European Convention Act (ECA) (1999) of which Malta is a signatory. People with disability are fully covered by these laws.

74. Since fundamental human rights are considered to be fundamental across the board they are enshrined in the Constitution of Malta which is the supreme law of the State, also by means of the ECA, Chapter 319 of the laws of Malta, which enshrined the European Convention for the Protection of Fundamental Human Rights (1999) in Malta. In Malta anyone who alleges a breach of his human rights has the right to access the Courts of Justice to seek redress and an effective remedy.

75. The EOA Article 22 provides that the NCPD is defined as the independent mechanism with the aim of monitoring and protecting the human rights of people with disability.

76. The National Commission for the Promotion of Equality (NCPE) is empowered to investigate complaints on grounds based on (i) sex/gender and family responsibilities, sexual orientation, age, religion or belief, racial or ethnic origin, and gender identity in employment; banks and financial institutions, as well as education; and (ii) racial/ethnic origin and gender in the provision of goods and services and their supply. Persons who wish to make a complaint but require assistance to formulate/write the complaint may be assisted by NCPE's Complaints & Clients Support Officer. NCPE refers complaints based on the grounds of disability to the relevant equality entities.

77. The MHA in Article 43 makes provisions against discrimination and empowers the Commissioner to take appropriate action against anyone who discriminates or exploits a person by reason of his mental health status.

78. In 2012 Malta enacted the Guardianship Act and in August 2014 the Guardianship Board and Guardianship Register were set up. This Act provides for guardianship orders as a less restrictive option to interdiction and incapacitation which run counter to the Convention. Guardianship orders are applicable to any person who has a intellectual disability, mental health problems or any other condition which renders such person incapable of taking care of his/her own affairs. A guardian or guardians are persons who are appointed to help the person under the guardianship order and have the responsibility to safeguard the personal and proprietary well-being of that person.

79. The Guardianship Act ensures that the person under the guardianship order has the right to have his/her wishes respected as much as possible, and to fully participate in decision making concerning the person's wellbeing.

80. It is the intention of the government that gradually persons with disability and persons with mental health problems who are under Interdiction or Incapacitation orders will be moved to the guardianship order, wherever this is appropriate and possible.

Article 13 – Access to Justice

81. The Courts of Justice building is physically accessible and the customer care personnel in court are trained to assist people with disability. Assistance is also given to people with disability who are involved in court cases.

82. Prior to ratification of the Convention the Code of Organisation and Civil Procedure (COCP) and the Civil Code were amended to eliminate discriminatory terminology with regard to persons with mental disorders and therefore restore their dignity in legal texts.

83. The Code of Organisation and Civil Procedure¹⁶ and the Criminal Code¹⁷ provide that if a person with disability is required to tender evidence as a witness, and has communication difficulties, either verbal or written, or is Dumb or Deaf, questions shall be put to him in writing. Questions and answers will be read out publicly by the Registrar. If a person is Deaf and Dumb and unable to write, an interpreter will be appointed to assist the witness.

84. Disability Equality and Awareness Training has been provided to Human Resource personnel, to raise general levels of awareness in the court system.

Article 14 – Liberty and Security of Person

85. Under Maltese law persons with disability enjoy the same rights of liberty and security of person as any other citizen.

86. The Mental Health Act (MHA) 2012 provides that a person with a severe mental health disorder may be involuntarily detained if, due to the mental disorder, there is a serious risk of physical harm to that person or to other persons, and failure to admit or detain that person is likely to lead to a serious deterioration in his condition or will prevent the administration of appropriate treatment that cannot be given in the community.

87. In the case of asylum seekers with disability the Asylum Seekers Directive groups vulnerable persons under the terms “persons in need of special procedural guarantees” and “persons in need of special reception needs”. It specifies that certain asylum-seekers may be in need of special procedural guarantees inter alia in cases of disability and /or mental disorders. Malta has transposed this into its national legislation.

88. Staffs of the Office of the Refugee Commissioner are trained to identify persons who might be in need of special procedural guarantees and provide adequate support, including sufficient time to adequately present their case.

89. The Policy Document: Irregular Immigrants, Refugees & Integration provides that where the disability is easily recognisable, the asylum seeker who arrives in Malta is released immediately from the closed centres and provided with alternative accommodation. If the disability is less apparent, a referral is made to be assessed by the Agency for the Welfare of Asylum Seekers (AWAS). AWAS personnel are conversant with all the mainstream services that can be provided for persons with disability.

¹⁶ Code of Organisation and Civil Procedure Chapter 12, Article 593.

¹⁷ Criminal Code, Chapter 9, Articles 451 and 640.

Article 15 – Freedom from torture or cruel, inhuman or degrading treatment or punishment

90. Protection against torture is enshrined in the Constitution and also by the European Convention for Human Rights. The Criminal Code and the Police Act both provide for regulations concerning the use of force and to interviewing procedures. Added to this, the Mental Health Act¹⁸ specifically lists the right of persons with a mental disorder to “protection from cruel, inhuman and degrading treatment”.

91. If a person with disability is arrested and interviewed they must be treated with respect. It is the duty of the investigating officer to decide whether the person is capable of understanding questions asked, and whether an accompanying person should be included in the interview to ensure there is no danger of the person being unduly influenced and giving an answer which would be unreliable. The investigating officer may call on a doctor to seek advice, and in the case of people with mental health problems a parent, guardian, social worker or similar person must be present in the interview.

92. In the case of a Deaf and non-verbal person specific legal provisions are in force to ensure that an additional person is present in the room where the interview takes place. Additionally the Criminal Code provides that a person who is Deaf and non-verbal will not be punished until the age of 14 is reached, whereas the age of responsibility for the rest of the population is 9 years of age if the required criminal intent of *mens rea* is proved.

93. With respect to the use of restraint, it is only permitted when there is potential danger of self harm, harm to a police officer or a third party. Restraint is limited to the use of hand cuffs. The Principle of Proportionality exists so that use of force is only used as a last resort, the police can use pepper spray or in extreme cases a teaser, to restore calm where there is an imminent danger, and only after giving a verbal warning of what they intend to do. The MHA¹⁹ makes detailed provisions of how restraint and seclusion may be permissible in the context of mental disorder.

Article 16 – Freedom from exploitation, violence and abuse

94. The Government has two entities responsible for ensuring that persons with disability are free from exploitation, violence and abuse – Agenzija SAPPOR and Agenzija Appogg with the Foundation for Social Welfare Services (FSWS), serving as the supra structure.

95. Agenzija SAPPOR’s services include social work, community, residential and day services, occupational therapy, and the Service Allocation Committee. All of these services are geared towards assisting and providing services for all their clients regardless of their social or emotional challenges. Where clients have suffered abuse a holistic approach is provided to ensure that the best level of support is offered. The social workers are continuously trained to be able to effectively support persons with disability who have suffered any type of injustice and help to provide appropriate solutions for them.

96. In the case of women with disabilities who may have experienced domestic violence, the Agenzija SAPPOR social workers work together with the social workers from the Domestic Violence Unit at Appogg, assigned to women’s shelters to provide the additional expertise required to assist these women which in Malta are very few.

¹⁸ Mental Health Act, Article 3 (1).

¹⁹ Mental Health Act Article 3.

97. In the case of children with disabilities Agenzija Appogg, caters for their needs and also for their family. Agenzija Appogg works hand in hand with Agenzija SAPPOR in such cases where children with a disability are involved. Agenzija Appogg services help and protect abused children or at risk of abuse, and advocates for their rights. It offers support to children who are in “Out of Home” care, and assist with the re-integration back into their families acting on the paramount principle of the best interests of the child. Agenzija Appogg also provides training, such as workshops on positive parenting for parents who have difficulties in taking care of their children.

Article 17 – Protecting the Integrity of the person

98. In Malta the integrity of the person is protected regardless of whether the person has a disability or not. The Mental Health Act established the role of the Commissioner for the Promotion of Rights of Persons with Mental Disorders, assigning a number of functions as listed in Article 6 (1);

- To protect and safeguard the rights of persons with mental disorders and their careers;
- To review policies and make recommendations to the competent authorities to safeguard or enhance the rights of such persons and to facilitate their social inclusion and wellbeing;
- To review, grant and extend any Order issued in terms of the Act;
- To ensure persons are not held in a licensed facility for longer than necessary;
- To monitor any person duly certified as lacking mental capacity who is under curatorship or tutorship;
- To authorise or prohibit special treatments, clinical trials, or other medical or scientific research on persons under the provision of the Act;
- To review all patient’s incident reports and death records received from licensed mental health facilities;
- To ensure guidelines and protocols for minimising restrictive care are established.
- To investigate any complaint alleging breach of patient’s rights, take action or make recommendations required to protect the welfare of the person;
- To investigate any complaint about any aspect of care or treatment by a licensed facility or healthcare professional and take decisions or make recommendations as necessary;
- To conduct regular inspections (at least annually) of all licensed facilities to ensure that the rights of the patient and all provisions of the act are upheld. Unrestricted access to all parts of the facility must be given as well as to patient records and to be able to interview patients in private;
- To report any case constituting a breach in human rights at any licensed facility to the appropriate competent authority giving recommending rectification of the breach and any other proportional actions he deems necessary;
- To report to the competent authority any healthcare professional for breach of human rights or any contravention to the provisions of the Act and this without prejudice to any other proportional actions he deems necessary;

- To present an annual report to the minister detailing his activity, this will be placed on the Table of the House of Representatives by the Minister and shall be discussed by the Permanent Committee for Social Affairs within two months of receipt.

99. Concerning psychiatric treatment, the MHA requires that if in the opinion of a qualified specialist the person does not have the mental capacity to give consent, or as a minor lacks sufficient maturity and understanding to be able to give consent then a responsible carer may give consent on their behalf. The only exemption is in cases of emergency and where the persons' life is in danger. Informed consent is also required in writing before any medical or surgical procedure involving a person suffering from mental disorder.

100. Special treatments may only be carried out on a patient with a mental health problem upon informed consent of the patient or the responsible carer if the patient does not have the mental capacity to express consent. The Commissioner for Mental Health must also give his approval for the treatment after an application is made by the caring specialist in psychiatry and on condition that the procedure will benefit the health and needs of the patient.

101. Electro-convulsive treatment may only be given if the conditions specified in the Act are satisfied. These are:

- A second opinion from another specialist other than the responsible specialist, and
- Informed consent from the patient, or from the responsible carer, if in the opinion of the responsible specialist, the patient lacks the mental capacity to give consent, or being a minor lacks sufficient maturity and understanding to consent to treatment.

102. In May 2014 the Department of Anaesthesia at Mater Dei Hospital (the government run State hospital in Malta) issued a Protocol detailing Anaesthesia for Patients with Intellectual Disabilities. This requires that the medical team understand the communication needs and/or aids required by the patient prior to any pre operative visit, it is mandatory to speak to the patient first, involving the carer if and when it is appropriate. Written and verbal instructions should be given to the patient, or carer when necessary, regarding preoperative fasting advice, premedication anticipated advice as the medications that should be taken or omitted on the day of surgery, arrivals, transport/escort, parking facilities, contents of an overnight bag, advice on post operative recovery, analgesia, establishment of routine diet and medications, contact numbers and management of complications. The use of easy to read formats can be used in this process if necessary and there is a recommendation that patients with intellectual disabilities should be the first on the list or persons for surgery on the day, to reduce potential high stress levels.

103. The MHA provides that psychosurgery, sterilisation, implantation of hormonal or any other invasive devices to modify sexual and/or emotional changes and/or behavioural changes arising from a mental illness are prohibited in minors with mental health problems.

104. The Disability Studies Unit (DSU) at the UOM gives a one hour lecture on disability issues to the medical and dentistry students at the fifth and final year of studies. This lecture emphasises the importance of treating people with disability with dignity in situations such as communicating bad news. The DSU also delivers a fourteen hour module regarding disability issues to physiotherapy, occupational therapy and podiatry students, emphasising the need to understand physical and attitudinal barriers encountered by persons with disability.

Article 18 – Liberty of movement and nationality

105. The Constitution of Malta guarantees liberty of movement and nationality to persons with disability on an equal basis to other citizens. The Civil Code Part VIII article 234 provides that all births should be registered, regardless of whether the infant has a disability or not.

106. Persons with disability are not prohibited from moving around or residing anywhere in the Maltese Islands on the same equal basis as other citizens.

Article 19 – Living independently and being included in the community

107. The Social Security Act²⁰ provides that persons with disability are entitled to a Disability Pension on reaching the age of 16. There are also pensions for carers and additional disabled child allowances that are paid in addition to the standard child allowance. Where a person has a visual impairment, they are entitled to a visual impairment pension from the age of 14. The disability pension is not offered to minors residing within any of the SAPPOR Residences.

108. Where assistance is required by a person with disability to live independently, Agenzija SAPPOR social workers will assess the case, which is then referred to the Service Allocation Committee, to request the service needed. The service may range from access to a support worker thus enhancing the independence of the service users. Care workers assist the service users' needs such as socialisation for a couple of hours a week, assistance with cooking and other daily needs, subsidised access to services provided by day centres or NGO's which revolve around activities for the further development of children and adults with intellectual disabilities, full time life in care assistance and full time residential care. The requested service is provided by Agenzija SAPPOR through its own support workers or by giving the applicant a direct payment to allow them to find a carer from a private company. Agenzija SAPPOR also runs a number of day centres and residential homes and has access to other homes that are run independently.

109. The Day centres for persons with diverse disabilities or sensory impairments who are unable to work provide a system of programs which are adjusted to each person's individual needs in a personalised support plan. These programs focus on maintenance, enhancement and acquisition of social and employability skills. A holistic approach is taken to their needs with the additional benefit of providing respite from home situations with the opportunity to socialise away from their families. The day centres concentrate on improving the disabled person's skills, increasing and enhancing independent living skills and enhancing the person's integration in the community.

110. The social worker allocated to a particular day centre holds an annual review of each person who attends the day centre. A consultation session is held with the service user, the family and any other person involved at a professional level. A consultation session is held when those involved cannot attend the case review. Short and long term goals are then given to the management of the day centre for each service user, which goals are then, included in their support plans.

111. Residential placements are currently offered to 52 persons with disability in Agenzija SAPPOR state run homes and 34 in homes that are run independently. In addition to these places allocated to Agenzija SAPPOR there are a further 149 places in other residences and 132 respite beds available during the year at 2 residential homes.

²⁰ The Social Security Act Chapter 318 (1987).

When a residential place becomes available the social worker team meet to discuss which case on the waiting list will be given priority according to a list of criteria. This process also involves a matching exercise to establish the compatibility of the person with the placing available and also with other residents to ensure that the person is placed into a residential home that fully caters for the individual requirements, and to assess the compatibility with the other residents of the home. This compatibility is established through a home visit held by the social worker of the individual as well as the leader of the residential placement.

112. The Maltese Government drafted standards for residential services and a consultation process ensued with the final document will be published this month. In the meantime the Government has also embarked into an extensive project entitled Fair Society for All to set up small residences in the community to cater for the great demand. By the end of this year three new small residences are targeted to be available.

113. With regards to private services if fees are paid for residential services in a private home for a disabled person, or at a respite centre for the disabled, a fiscal deduction in terms of the Income Tax Act may be availed of and this is capped to a maximum of €2,500.

114. The Independent Community Living Services provides support to enable for a person to live independently on their own in accordance with their own wishes.

115. Where persons with disability are able to, or wish to live independently and do not require the services of Agenzija SAPPOR, the Sonia Tanti Independent Living Centre (STILC) has been set up to give advice, training and assistive equipment to enable them to live independent lives. The centre offers a variety of services, including assessment and advice about seating systems, adapted driving assessments, including driving lessons in a modified car, and an adaptive equipment and demonstration unit.

116. Both the NCPD and/or the Malta Community Chest Fund (MCCF) have funds available to enable the purchase of such equipment upon application.

117. Foundation for Information Technology Accessibility (FITA) provides assistance and guidance in the area of assistive technologies to enable persons with disability to gain employment and improve their ability to communicate and live more independent lives.²¹

Article 20 – Personal Mobility

118. Persons with disability who require transport to access education or employment are assisted by PSDAA via a transport scheme.

119. STILC also provides assistance to persons with disability to find suitable equipment. There are also a number of retailers who supply assistive equipment in Malta and demonstrations are given by the trained sales people in the retail outlet. Driving assessments and lessons are also carried out at STILC.

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

120. The Constitution of Malta Article 41 grants the freedom of expression to all Maltese citizens. This encompasses not only the freedom to voice an opinion but also freedom to receive and communicate information.

²¹ The work of FITA has been discussed in Article 9 Accessibility.

121. The NCPD provides information to persons with disability in Maltese, English, easy to read Maltese, Braille, audio-visual, audio and signed.

122. Sign language interpreters are available for Deaf people. Part-time courses in sign interpretation are taught at MCAST and by the Life-Long learning Directorate. The first PhD in Maltese Sign language has just been completed in the year 2014. Interpretation Services will now also be provided by Agenzija SAPPOR.

123. FITA is the organisation which promotes web accessibility and accredits websites in compliance with Web Content Accessibility Guidelines 2 (WCAG2), allowing maximum accessibility for persons with a diverse range of disabilities. Web accessibility is still in its infancy in Malta and therefore much more needs to be done. FITA also provides Braille embossed printing as one of its services.

Article 22 – Respect for Privacy

124. The right to privacy is a fundamental human right enshrined in the Constitution article 38 Data Protection Act 2001 protects individuals against the violation of their privacy by the processing of personal data and for other matters connected, or ancillary to the data. This applies to medical records and rehabilitation information as well as standard personal data.

Article 23 – Respect for home and family

125. In terms of The Marriage Act (1975) all persons aged 16 or over are entitled to marry and found a family. The only exception is when a person has a severe intellectual impairment, in which case the right to marry may be refused on the basis that the person may not have the required capacity to understand the nature and effect of marriage. The law wants to ensure that the person has the required capacity to contract marriage.

126. With regards to adoption, the Civil Code does not prevent persons with disability from adopting children. The Adoption Board set up by virtue of the Adoption Administration Act (2008) is the competent body to assess a request by a prospective adoptive parent or parents and the paramount consideration is the best interests of the child.

127. Children between the ages of 0 and 5 that are suspected of having a developmental delay may be referred to the Early Intervention Service, which is part of the Student Services Department in the Ministry for Education responsible for offering support on a number of levels. The aim of the Early Intervention Service is to provide a family centred, comprehensive support system with the goal of minimising delays and maximising the chances of reaching typical milestones in development. There is also an assessment centre which uses screening procedures to increase the identification of difficulties in order to provide as much support to the family as possible. Individual Education Plans and Individual Family Support Plans help guide the family through transition periods between home, preschool and primary education.

128. The promotion of social inclusion of the child together with the family and their engagement in the community based systems improves the family's commitment to supporting the child. Raising awareness and building trust between the family and the service provider allows recommendations to be made with regard to the services available as well as supporting the family to provide a safe environment for the child.

129. With the aim of building networks of families who can support each other, play groups, training workshops and support help-lines are provided to link families to resources in the community. On-site support in childhood settings such as kindergartens, foster the

creation of inclusive learning environments designed specifically for children with developmental needs. This includes effective space use to meet needs related to mobility, the development of play and inclusive teaching. Schemes run as part of the Early Intervention Service include “It takes two to talk – the Hanen Programme” which supports parents who have children with language delays. “Sing Sign Tots” is a six week programme in signing for parents/carers and their toddlers aged 18-36 months, and this programme is to encourage early communication and interaction skills as well as language stimulation. There is a focus on learning of vocabulary through a multimodal approach including keyword signs, visuals, written and spoken word.

130. “Sensations” is a multi-sensory 7-week programme for children diagnosed with Autistic Spectrum Disorder (ASD), between the ages of 3 and 5 years. This weekly programme is highly structured and targets the areas of physical, sensory, play, social and communicative development. Children with ASD often have sensory difficulties and this group targets desensitisation in a fun and interactive way, such as creating crafts and touching different sensory material. Difficulties with proprio-receptive skills, gross and fine motor skills are addressed in the physical section, through the use of obstacle targets, trampolines and bean bags among others. Due to the nature of the condition, tasks targeting social and play are particularly difficult for these children to understand and carry-out and therefore they are given step-by-step instructions, aided by visual aids and individual prompting in order to improve these skills. Being in a group is challenging for children with ASD but at the same time provides opportunities for more fun, interaction and development of skills such as turn-taking. Perhaps the most significant and important part of the programme is the work carried out to help the children improve their communication skills. Children who use Augmentative and Alternative Communication are encouraged to bring their books/devices to the group in order to learn how to use them with different communicators and in different environments. Parents are given targets after each session to continue the work being carried out in the session, ensuring that this programme is a success in terms of skills, fun and teamwork.

131. For children with Down syndrome “Busy Babies” and “Busy Toddlers” programmes are available. Both programmes include singing and signing activities in order to encourage early Communication, interaction skills as well as infant stimulation. There is a focus on the child’s gross and fine motor skills. Furthermore, this programme will focus on the learning of vocabulary through a multimodal approach including visual signs, visuals, written and spoken word.

Article 24 – Education

132. In terms of The Education Act Chapter 327 the right to education is guaranteed. In the early 1990’s inclusion of children with disability in mainstream schooling was given more importance.

133. The National Policy on The Education of Persons with Disability (1993) established that it is the right of the parent to opt for special education services for their children with disability and that the State has a duty to provide educational establishments which cater for their development.

134. In line with the Salamanca Statement (1994) to which Malta is a signatory, special schools known as Resource Centres are both a place where a small number of children may receive education when they cannot be adequately served by mainstream education, as well as a training and resource centre for staff in mainstream schools to access. In this regard Malta has made some major reforms to the provision of Special Education, which resulted in the enactment of the Education Act in 2006. The aim of these amendments was to ensure that whatever their level of attainment students receive a quality education in line with the

national curriculum. The newly established resource centres are equipped to offer specialised services to students who attended mainstream schools. Services, support and training were offered to staff in an inclusive mainstream setting and the modern concept of resource centres is to act as catalysts on the introduction of innovative approaches to the education of children with Individual Educational Needs.

135. There are currently 4 Resource Centres in Malta, offering services to a small number of children and young people. There is a primary, a secondary, a secondary/post secondary and a post 16, Young Adult centre. The primary resource centre caters for children between the ages of 3 and 13. The National Curriculum is adapted to cater for children within lower attainment levels. Learners who come from mainstream schools receive a morning programme, while spending the rest of the school week in their own school. The secondary resource centre caters for children between the ages of 11 and 16. This Centre also offers part-time programmes to learners from mainstream schools. The secondary/post secondary resource centre caters for children with profound multiple learning disabilities, and the post 16 years Young Adult Centre caters for young people between the ages of 16 and 22. This programme aims to give learners a vocational and independence experience. A Special Unit in Gozo also caters for learners with complex needs. There are also 3 Learning Support Centres for children with social and emotional behaviour difficulties.

136. Children in the mainstream requiring special education services undergo a Statementing process which is discussed in paragraph 141 below.

137. In the mainstream schools peripatetic teachers are provided for children with visual and/or hearing impairments. Learning Support Assistants support regular teachers who have children with disability in their class. The over-riding principle for mainstream schooling is that the child with a disability has the right for education in the least restrictive environment, defined “that to the maximum extent appropriate, children with disabilities are educated with children who are not disabled and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily”. The education authorities are required to provide support services in mainstream schools as part of the application of the “least restrictive environment” principle. Teachers in mainstream schools are trained in order to ensure that learners with disability are included in class and in curricular activities.

138. Learners with a Statement of Needs are assessed by a multi-disciplinary team, and individualised education programs are tailored to achieve targeted curriculum and other developmental goals.

139. Students with disabilities are encouraged to pursue their education to tertiary level along with other non-disabled students. Vocational training of children with disability should be aimed at leading them to an area of employment and should be integrated into their general education.

140. The early detection of developmental delay was discussed in paragraph 127 above. In addition to the Early Intervention Service offered by the Ministry of Education, there is a Child Development Assessment Unit (CDAU) under the remit of the Ministry of Health, CDAU has a multi-disciplinary team to assess children from 0 to 16 years of age who have special need, disability or developmental challenges in their physical, mental, emotional, educational and social functional development. Following referral, the family and child are primarily assessed by a neurodevelopment paediatrician within CDAU: Other appropriate members of the multi-disciplinary team at CDAU are then involved for further assessment and support. Appropriate recommendations are made based on the expert opinions of all relevant professionals who have accessed the family and child. CDAU also offers on-going

therapy for children and provides links to other resources that may assist the family in caring for the needs of the child.

141. Students with a disability requiring assistance to be able to fully access the education system are given support through the Statementing Process. An Individualised Education Program (IEP) is proposed to address the additional needs of the child to allow full access to the National Minimum Curriculum. This plan is developed by the Head of school in conjunction with parents, teachers, learning support assistants and the student themselves.

142. The IEP and its implementation contain all the necessary information to be able to assess the student on a yearly basis to ensure that their educational needs are being met. The current educational performance of the student is described, with the learning outcomes expected for the following year. Any adaptation required to educational material, instructional and assessment methods are described together with the description of the support services that will be provided, by whom they will be provided and where the modified educational program will take place. In addition where the student is approaching a transition phase such as moving to another school or moving beyond compulsory education, plans are included to assist with their transition. The Head of School is required to ensure that the correct people are involved in the planning and that it is done in a timely manner. This process is a less formal process than the Statementing process, it aims to provide the student with the necessary support and ensure that the parents are active in the support of the program.

143. When a learner requires support that is not already available in the school or College. Referral for statementing can be done. Referral to the Statementing Moderating Panel is usually done after the learner has been assessed by a number of professionals, including a psychologist who issues their reports. The Statementing Moderating Panel will study all reports, interview the parents and child.

144. The Statementing Moderation Panel, governed by the “Inclusive Education – Policy regarding students with a disability” is required to ensure that the school has done everything that it can to accommodate the needs of the student in meeting their educational requirements. They gather and analyse trans-disciplinary reports written by professionals in public or private practice including areas such as educational, parental, psychological, medical, social, communicative and vocational aspects of the student. These reports are then discussed with parents and other professionals in determining the needs and support the student may require. Consultation with parents and if appropriate the student are mandatory whilst developing the Statement. When the nature of the additional needs of the child has been assessed the Statement is sent to the Director General of Education for follow-up action and the provision of the support indicated. The Director General informs the Head of School and the parents of the outcome of the Statementing process. At the end of the academic year the Head of School writes a report to the Director General informing him of the progress of the Statemented student. Statements are reviewed regularly, particularly in transition years, and on attainment of the age of 14 where a Transition Plan to Adult Services is developed.

145. The Statementing Process is triggered by a psychological report. Student Services and CDAU offer the relevant services. However, a major drawback is the shortage of psychologists available in public entities which has created a backlog of students waiting to get the service. This means that families often have to obtain the reports from private psychologists at their own expense. This is inequitable as it means that families who are not financially able to secure an appointment with a private psychologist must wait. In extreme cases, students are able to be seen quickly but this is an area that is being addressed

together with a major infrastructure project which is being planned to enhance the service provision. In 2012 there were 899 children with disability who had statements and attended State, Church or Independent schools in Malta and Gozo.²²

146. Students with challenging behaviour or autism are referred to specialised teams of support professionals to ensure that the child is able to remain in the mainstream school system.

147. To fulfil the inclusive education policy in the Education Act schools are required to be fully accessible. When a student with a mobility impairment is about to start a school any accessibility issues are addressed within the school to allow full access and inclusion. As already discussed in paragraph 52 above, the Foundation for Tomorrow's Schools is responsible to effect ad hoc alterations to schools and is responsible for designing school buildings addressing the diverse needs of all students with disability.

148. The Directorate for Educational Services provides teachers who are trained to provide services to assist students with hearing or visual impairments. At present out of 125 learners with a Hearing Impairment only 8 require the services of a sign interpreter in the compulsory education system. 72 students are being followed by teachers of the Visual Impaired.

149. As discussed in paragraph 54 above, the Access to Communication and Technology Unit (ACTU) is responsible for assessing students to establish the required type of technology the student may require and also give recommendations to family or carers. Needs assessment is also provided to mainstream schools where requested. ACTU is also responsible for awareness-raising in the benefits of multimodal forms of communication to further promote educational inclusion of students using Augmentative and Alternative means of Communication (AAC). Recommendations are given regarding natural instructions and interactive arrangements, expectations and support in all areas of the curriculum. Specialised training is also provided to professionals in the areas of AAC and adaptive computer technology.

150. Learning Support Assistants (LSA) are provided to support students with disability as part of the Statementing Process and are then required to complete a 70 hour, 10 week course after they have been employed. LSA's may further their academic qualifications by reading for a Certificate of Education for Learning Support Assistants or the Diploma in Inclusive Education. LSA's are employed by the Government and provide the services either on a one-to one basis or a shared basis depending on the outcome of the assessment.

151. Heads of School and the Senior Management Teams are given annual training in the inclusion of students with disability, and research show that ongoing training of teachers and Heads of School are vital to ensure the success of a fully inclusive educational system.

152. The UOM has a Disabled Students Support Unit (DSU), which offers support to students who attend the University. As a policy, the University of Malta precludes a student from having a Learning Support Assistant. The justification for this policy is that the preparation for adult and working life is crucial and therefore students are to be as independent as possible. Support is however provided by the Unit.

153. The DSU at the University of Malta is also planning to provide a new Certificate Course leading to a Diploma or Higher Diploma relating to Access in the Community. This course will target both persons with disability who want to further their education as well as non-disabled persons who want to gain an insight into areas of disability. The course will begin in October 2015 and at the end of each year the student will have the option to leave

²² Full details of children with Statements are shown in Appendix 5.

the course and receive the appropriate certificate for the level they achieved, or progress to the next year to take the next level of certification.

Article 25 – Health

154. Access to free or subsidised healthcare is provided to all citizens of Malta. The State Hospital Mater Dei is fully accessible and there are eight Health Centres distributed all over the island and one in Gozo, where general practitioners and other medical services may be accessed. When a particular treatment or intervention cannot be provided locally, the Government of Malta has agreements with two other countries (United Kingdom and Italy), to provide the treatment or intervention abroad. The costs of transport and medical procedures are covered by the Government and the Government also covers expenses incurred by parents in case of paediatrics patients.

155. Article 23 of The Social Security Act provides for free medication in cases of scheduled diseases and conditions if a set of criteria is satisfied. Currently, the schedule covers 81 conditions. Any person who has a condition on the list is entitled to free medication for their specific condition. Free medication is also available (a) throughout an inpatient stay and for the first 3 days after discharge, and (b) for listed items against a means test. All other medications will be borne out of pocket.

156. The National Sexual Health Policy (2010) is based on the following principle, that “Sexual health is a state of physical, emotional, mental and social well-being in relation to sexuality; it is not merely the absence of disease, dysfunction or infirmity. Sexual health requires a positive, respectful approach to sexuality and relationships and the possibility of having pleasurable and safe sexual experiences, free of coercion, discrimination and violence. For sexual health to be attained, the sexual rights of all persons must be respected, protected and fulfilled”. With regards to persons with disability the policy states the following: “At present there is no legislation that permits ‘capacity to consent’ for people with learning disability. It was suggested during the consultation process that a ‘capacity consent functional assessment’ should be introduced in Malta as has happened in other countries e.g. the United Kingdom, where it is regulated by law. This is specific for adults with learning disability. Work will be undertaken with the relevant stakeholders in order to issue guidelines for practice for carers and persons who work closely in settings and services for persons with learning disabilities”. Subsequent to this policy document, the MHA came into force and consequently “a person suffering from a mental disorder shall be deemed able and competent to make decisions unless certified by a specialist (in psychiatry) as lacking mental capacity to do so”, and “only a specialist (in psychiatry) may certify a person suffering from a mental disorder as having mental capacity or lack thereof”.

157. The National Sexual Health strategy states that services are to address medical, psychological, ethical and social needs in a user friendly manner based on the client’s individual needs to determine service development, provision, monitoring and evaluation. The strategy makes a strong emphasis on the need to have an easily accessible to and all inclusive (non-discriminatory) provision of services, taking into account all socio-economic inequalities, sexual orientations, people with disabilities, victims of rape, prisoners and detainees and sex workers. Specific mention is made to sexual health promotion and education amongst persons with disability (both intellectual and physical) since the strategy targets persons with disability as a vulnerable group in society.

158. As discussed in paragraph 104 above, the DSU at the UOM gives lectures to medical students as well as student studying to become health professionals.

159. Public awareness of health issues is accessible to persons with disability from websites, hospitals and health related premises.

Article 26 – Habilitation and Rehabilitation

160. Rehabilitation programmes for people with disability are provided by multi-disciplinary teams both in a hospital setting as inpatient and also in specific departments or units that are part of the health service depending on the intensity and level of the programme needed. In cases of an acquired impairment, medical professionals and counsellors are available to speak to patients and their families about facilities available and to discuss personalised care or treatment plans. Social workers, occupational therapists, physiotherapists, speech therapists and psychologists are also available to assist and guide accordingly. From an exercise conducted, it transpired that most hospital departments felt that their professionals were able to support the patients. However there were others who felt that there was lack of training about how to assist on an emotional level.

161. Personalised plans are initiated when the patient is still in hospital, which are then continued after discharge. Social workers are available to deal with any social or community problems which may arise following discharge and also to ensure that the patient is managing to adopt in the community.

162. The use of assistive technologies is still in its infancy and there is much room for improvement. In fact there is a general agreement that the quality of the service provided by various departments would be improved if assistive technologies are availed of.

163. Professionals voiced the need to separate the geriatric department from the rehabilitation department since the requirements of the two groups are quite distinct and different. The need for specialised rehab equipment, for example for spinal injury, was recognised. In the meantime, the Health Department submitted the relative plans to set up a rehabilitation unit distinct and separate from the geriatric department.

Article 27 – Work and Employment

164. The Government of Malta is committed to ensuring that persons with disability are given the opportunity to work and several schemes and initiatives were tailored to this effect. The Maltese Constitution in Article 7 states that “The State recognises the right of all citizens to work and shall promote such conditions as will make this right effective,” in Article 12 the State is obliged to “provide for the professional or vocational training and advancement of workers,” and in Article 17(3) it is established that “disabled persons and persons incapable of work are entitled to education and vocational training”.

165. As stated earlier, the EOA prohibits discrimination across the board including employment. Employers are required to provide goods and services to assist a person with disability to do the job they are employed to do, and cannot refuse to employ a person with disability due to modifications to working conditions and arrangements required. The same principles are espoused in the MHA for persons with mental disorders.

166. The Disabled Persons (Employment) Act provides for the setting up of a Register of persons with disabilities who want to work and this register is administered by the Employment and Training Corporation. This Act set a quota for jobs for persons with disability for companies employing twenty people or more. The quota is 2% of the whole workforce of the employer concerned and is a measure of positive discrimination to increase jobs for persons with disability.

167. The Social Security Act provides for a non contributory pension to persons with disability who are unable to work as a consequence of their impairment. However, if the person with disability finds employment, the pension will not be relinquished, as long as his

earnings do not supersede the statutory minimum wage. If this threshold is superseded the amount of the pension will be adjusted accordingly.

168. In May 2013 the Public Administration Human Resources Office in conjunction with the Employment and Training Corporation (ETC), and the NCPD issued a directive entitled “Initiatives to increase the employment of Registered Unemployed Disabled Persons in the Public Service or Public Sector”. Prior to the normal recruitment procedure departments and entities were required to resort to the ETC register of unemployed people with disability for a suitable candidate. In addition the principle of “reasonable accommodation” was widened to ensure that if the post required an examination to be taken, then special arrangements required to employ persons with disability will be deemed sufficient.

169. ETC statistics at the end of 2013 show that 1,237 people with disability that were registered with the ETC were in employment out of which 773 males and 216 females were employed full time and 154 males and 94 females were employed part time. It should be noted that there may be people with disability in employment who have not registered with ETC, but found employment on their own. The number of people with disability who are employed in Malta is low compared to other EU countries. From those employers who are legally bound to employ persons with disability, 71% do not employ any people with disability, whilst only 14% are fully compliant with the 2% quota.

170. The low employment of people with disability is due to a number of circumstances and factors. The NAO report of 2012 established that between 2005 and 2011 there was a skills gap between the educational standards demanded by the labour market and those attained by people with disability. Physical accessibility and socio economic factors further hinder the employment prospects of people with disability. Also persons with disability are misinformed because many still think that if they work they will lose their benefits and pensions.

171. ETC has a number of schemes in place to assist persons with disability to gain employment which are administered by the Inclusive Employment Service (IES).

172. When a person with disability applies to register for employment with the ETC, there is an assessment by a medical doctor, an occupational therapist and any other professional which may be required. The assessment will then assist the employment advisor in the relative matching exercise to find a suitable job for the applicant.

173. A Personal Action Plan is also drawn up to assist the applicant to choose the suitable career, training requirements, job searching and applications, job interview preparation and the job interview itself. According to the NAO report, persons with disability lacked the necessary skills and guidance to be able to successfully apply for jobs.

174. The Bridging the Gap scheme was launched in 2000 with the goal of introducing persons with disability into the workplace on a trial, at no expense to the employer. Employment advisors work with the employer to encourage retention and discuss any issues that may arise. The retention rate for this scheme is 66% with both employers and people with disability viewing the scheme as a positive initiative. Where persons with disability are not retained by the employer their experience is added to their Curriculum Vitae.

175. The Employment Aid programme was introduced in March 2009. By virtue of this scheme ETC pays part of the wages of the persons with disability who are employed for an indefinite period and ETC covers wages of the first three years of employment. As at June 2014, 86 persons with disability benefitted from this scheme out of which 76 were still in employment six months after the scheme ended. The retention rate is therefore 88.3%.

176. The employment of persons with intellectual disability has been encouraged through supported employment schemes and sheltered employment training programmes. ETC has created partnerships with companies who provide employment training tasks such as snack preparation, product assembly, document management and data processing. Sheltered employment centre was set up and job coaches were employed. It is offering sheltered employment training opportunities to 150 persons with disabilities.

177. Despite the number of schemes and initiatives targeted towards disabled persons, Malta's current employment rate for people with disability sits low at only 4.5%. Indeed, out of 4,805 attempts by the ETC to engage disabled persons into employment last year, only 23 or 0.5% were successful.²³ Short-term programmes/schemes are to be replaced with long-term policies in order to guarantee a steady flow of services to promote the activation of disabled persons into employment.

178. As stated in Chapter 11 of the National Employment Policy, policies on the activation of the disabled will focus on four specific measures:

- Open market employment;
- Social Cooperatives;
- Supported Employment;
- Sheltered Programmes.

179. The Public Administration Human Resources Department is currently running a Pilot project to provide support for persons who have been certified as long term sick, but are now able to return to work and provide support for these persons in re-entering the workforce. This scheme is planned to be extended to provide support for persons with disability who have recently been employed and need some assistance in adapting to their new role.

180. If a person with disability decides to become self employed there are exemptions available on commercial vehicles to promote this type of work and various other schemes and incentives to encourage entrepreneurship.

181. The right of association in a trade union in Malta is a basic human right.

Article 28 – Adequate Standard of Living and Social Protection

182. The Social Security Act Chapter 318 provides for a Disability Pension on the attainment of 16 years of age for persons with severe disabilities and from the age of 14 years of age for people with visual impairments. The Disability Pension is set below the minimum wage at €99.40 per week and is means tested. For parents who have a child with a disability there is an additional Disabled Child Allowance at the rate of €20.00 per week.

183. There are also a number of schemes available where a person with a disability may be given a grant in order to purchase and install assistive equipment in their houses. This is also means tested and there are thresholds of assistance depending on the income. The NCPD and the MCCF also offer grants and assistance to purchase of assistive equipment.

184. A rent subsidy scheme is available for persons with disability who need assistance to rent a private property. A subsidy is given based on the size of the family and income. The MHA states that any person suffering from a mental disorder shall have access to or provision of any available social service, including social housing, as any other citizen.

²³ The National Employment Policy 2014.

Furthermore the MHA provides for the Commissioner to make recommendations to the Minister for Social Policy in respect of social welfare, social assistance schemes and subsidies in order to address the needs of persons with mental disorders and to facilitate their integration in the socioeconomic environment.

Article 29 – Participation in political and public life

185. As already referred to in paragraph 3 above, Malta has a reservation with regards to the voting system in place for people with disabilities.

186. The current situation is that a Medical Board, constituted of professional trained specifically in areas of mental health, assesses persons with mental health difficulties in order to assess their capacity to vote.

187. Discussions are ongoing between the PSDAA, NCPD, the Electoral Office and other involved stakeholders regarding the way forward

188. Voting is generally carried out in school buildings which are accessible for persons with disability, there are no electoral provisions in place with regards to electronic voting as the technical infrastructure in polling booths and possibly counting halls are not in place. Facilities are provided for voting with Braille and with the use of headphones for those with visual impairments.

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

189. The Maltese Council for Sport recognises the contribution made by people with disabilities in the area of sport, and holds events that are designed to raise awareness about the abilities of persons with disabilities. It also supplies equipment to disability NGO's to hold sporting activities but cannot afford to buy the necessary equipment themselves. There are several NGO's who hold wheelchair events where non-disabled people and people with disabilities participate together using wheelchairs in mixed ability teams to play in basketball, handball, volleyball and rugby events.

190. The Ministry of Education and Employment also supports the Special Olympics NGO which works with students with disability who want to take part in sports disciplines. There are several athletes with disabilities who compete in the Special Olympic, Deaflympic and Paralympics Games. Most sports complexes in Malta are accessible for persons with disability, and several others are undergoing structural alterations to ensure full accessibility.

191. Access to HM sites is covered by the policy *Cultural Heritage for All – A Social Cohesion Approach* (see para. 62 above). Access to cultural sites is achieved through the use of portable/reversible ramps, where it is not possible to alter the site itself due to the age of the buildings.

192. Deaf culture in Malta is promoted by the Deaf Association supported by the Ministry for Education and Employment who used to provide sign interpreters and are now provided by the PSDAA so that these services are also extended to after school hours and activities.

193. The Deaf Association are responsible for the development of Maltese Sign Language and for raising awareness regarding the need for sign interpreters.

IV. Specific Convention provisions related to children and women with disability

Article 6 – Women with Disability

194. There is no legislation aimed specifically to protect the rights of women or girls with disability. The Equality for Men and Women Act Chapter 456 prohibits and regulates discrimination between men and women, especially in the area of employment. In addition the MHA provides that sterilisation or any other invasive devices to modify sexual and emotional changes that result from a mental illness are prohibited in Malta.

195. Based on the 2005 census research in the area of disability by gender relating to levels of education, employment, accommodation type and quality, access to the internet and participation in sport showed that in most of the areas women were more disadvantaged than men. This was confirmed in a research paper presented at The Symposium on Multiple Discrimination in Sliema, Malta in 2011²⁴ which showed that women and girls with disability faced double the discrimination of men with disability, and that they were also faced with more disadvantages, particularly in the area of employment.

196. Parents of young women with intellectual disability were also concerned that their daughters were more vulnerable than men, especially in the area of sexuality. They did not want their daughters to be sterilised, but felt that there should be more sheltered residences and protection for women and girls with disability. At present there is no legislation to permit “capacity for consent” for people with intellectual disability; however this issue was addressed in the draft National Disability Policy August 2014. The Policy will be published by the end of the year 2014.

197. The issue of Sexual health, especially that concerning women with intellectual disability has been a problem, with doctors assuming that no sexual health advice was needed. In 2010 the Government adopted a sexual health policy which acknowledged the gender-related vulnerability of women and also referred to the importance of sexual health services being responsive to women with disability.

198. The provision of shelters for women victims of domestic violence, are run by the church and by government entities. These shelters are almost all accessible for women with disability, and some offer the facilities to shelter women with disability or women with children with disability.

Article 7 – Children with Disability

199. There is no specific legislation in Malta relating to children with disabilities. However the MHA has an entire section devoted to minors with mental disorder which provide for: family contact if beneficial, shorter and more frequent assessments, and special consideration of minors who have sufficient maturity and understanding to consent to treatment themselves. Malta signed and ratified the UN Convention on the Rights of the Child (CRC). The EOA provides for protection to the rights of persons with disability regardless of their age and the Commissioner for Children Act provides protection for the rights of all children.

²⁴ “Gender and Disability” M. Debono and V. Gauci, paper presented at Symposium on Multiple Discrimination, Sliema, Malta November 2011. [http://www.europarl.europa.eu/RegData/etudes/etudes/etudes/2013/474427/IPOL-LIBE_ET\(2013\)474427_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/etudes/etudes/2013/474427/IPOL-LIBE_ET(2013)474427_EN.pdf).

200. It should be noted that whilst the Convention and the CRC have both been ratified by the Maltese government, they have not been incorporated into Maltese legislation, which means that the implementation of these conventions is dependent on the extent that they coincide with the Maltese laws.

201. The Commissioner for Children Act (2003), refers to children with disabilities, and requires they are given the opportunity to enjoy the same quality of life as their non-disabled peers. The act takes into account the evolving capacities of children by making distinctions between younger and older children in its policy documents. Maltese law considers the “best interests” of the child to be paramount in all legal proceedings, which is reinforced by the CRC Article 3. The Civil Code requires that the age and level of understanding of a child are both factors that need to be taken into consideration by the courts.

202. Whilst there is no body specifically set up to protect the rights of children with disability, the NCPD is the body that protects and advocates for their rights in terms of equality, non-discrimination and inclusion.

203. The Civil Code (Articles 33-134) provides for a Care Order is issued whenever a family is identified as unable to take care of their children. Following a Care Order being placed on the child that is issued by a Minister, a child may be removed from the family. A Children and Young Persons Advisory Board assumes parental responsibility for the child and on the recommendation by a panel of experts may advise that the child is placed in an “out of home” care placement, such as a residential setting, foster care or in the worst case in the Young People Unit in Mount Carmel, which is the state mental hospital. These cases are reassessed every 6 months by the social worker and the advisory board. The decision of the Young Persons Advisory Unit may be challenged in Court by the parents or carers of the child.

204. The right to be heard is covered by the Constitution of Malta in Article 32. In areas such as custody and adoption the courts are bound to hear the views of the child once they have reached the age of fourteen. A child’s advocate may be appointed to represent the views of the child in hearings, at the request of the court, a mediator or a parent. When social workers are involved in cases including a child with disability they will always ensure that they consider all aspects of the child’s care, including the impairment that the child may have and consult with other appropriate professionals before speaking to the child in question to hear their views.

205. In relation to the possibility of children with disability taking part fully in the cultural life of the country, a number of measures have been taken by different entities to ensure full inclusion. The Malta Policy for Local Governance (2008) states that community involvement should be extended to children, including children with disabilities, that their voices should be heard, they should be able to use open spaces during their play, and that school buildings should be utilised outside of school hours for sporting activities. This is achieved through continuous consultation with the Commissioner for Children.

206. Other provisions concerning children with impaired mobility are also found in the national standards regarding safety in public playgrounds²⁵ and in indoor play facilities.²⁶ These provisions do not ensure only that children with impaired or limited mobility can easily enter a play area but also that they can use and enjoy themselves in these areas like and with able-bodied children. Both standards lay down a requirement for play areas to contain play equipment that is designed for use by children with impaired or limited

²⁵ (MSA 3500:2014).

²⁶ (MSA 3600:2014).

mobility. Both standard's practical application has gained momentum in recent years, especially as far as the standard on public playgrounds is concerned, where the Department of Local Government, which is responsible for the upkeep of the playgrounds, has contracted the Malta Competition and Consumer Affairs Authority to inspect and certify all public playgrounds for their safety

207. In the area of sport, children with disability are able to attend programmes organised by the Malta Council for Sport and are provided with a specially trained LSA if they require one. The activities are designed to be adaptable to suit their needs. Children are encouraged to talk to coaches to see how they can achieve the best results from these activities. In 2014 a Committee for Sport of Persons with Disability was established by the PSDAA, chaired by a person with disability to encourage widespread participation of children and adults with disability in the sports arena. One of the first actions taken by this committee was to establish a national wheelchair basketball team.

208. An award named A+ was created by the PSDAA with the intention of offering additional funding with respect to accessibility for projects undertaken by local councils. The three winning projects submitted would be given a financial prize to undertake a further project. A number of the local councils resorted to this scheme to introduce accessible playgrounds, with wheelchair swings and accessible roundabouts. Consultation between local councils and NGO's in the disability sector have taken place in the design of these play areas, to ensure maximum levels of inclusion.

209. The entity Heritage Malta which is responsible for national heritage sites holds activities for children which are designed to cater for children of all abilities, and the Teatru Manoel theatre also has an educational programme for children from a young age, where there is also an activity in every programme that caters for children with disability.

210. Minors who reach Malta in an irregular manner are not detained. Any such minor who is with disability, be he/she unaccompanied or otherwise, is provided with suitable accommodation and other forms of support as necessary. All unaccompanied minors are issued with a care order.

V. Specific Obligations under the Convention

Article 31 – Statistics and Data Collection

211. The main source of statistics relating to the disability sector in Malta come from the census, and data is segregated by impairment, age, gender, locality and highest level of education attained. Further data concerning unemployment or inactivity is analysed by age, gender and locality. The final area data is provided for in the census is the type of housing that the person with disability is accommodated in. The National Statistics Office also provides periodic reports using census data.

212. The NCPD produces reports and research on the disability sector. The Disabled Person Advisory Committee which was set up under the auspices of the NCPD on ratification of the Convention also commissioned research concerning the situation of people with disability in Malta with regards to residence, income, employment, education, daily activities, support and assistance and voting rights. This research was conducted amongst a sample of persons with disability, since the age range of the NCPD register was skewed heavily towards retired people; the perceptions of the real levels of satisfaction with work, income, employment and residence were not reflective of the younger disabled population in Malta.

213. ETC keeps statistics regarding the numbers of people with disability on their registers who are part of employment schemes, or actively looking for work, as well as those who have been placed in employment.

214. The need for additional research in the disability sector is acknowledged, the UOM produces some research from student dissertations each year, and in 2014 the first set of Masters Degree in Disability Studies students will be doing their dissertations which will add to the body of research. The DSU at the University is also intending to conduct research in areas of interest to the disability sector.

215. One particular need that has arisen from the data that has been analysed is the need for one definitive register of persons with disability in Malta, as discussed in paragraph 11 above. At present there are several registers that are kept by different entities, there are plans in place to construct a National register to allow data collection and research to have a better picture of the disability sector in Malta.

216. As part of a project funded by the EU, a collaboration including the PSDAA, ETC and the FSWS, a database will be created to identify areas of disability that are not currently captured by the entities services.

Article 32 – International co-operation

217. There are various international forums and entities that organisations in Malta have joined forces with in order to improve the situation of the disability sector through the sharing of ideas and best practice concepts. The NCPD is a member of Equinet the European Network of Equality Partners; it also has strong links with the International Disability Alliance.

218. Government entities such as the FSWS have also developed good links with several programmes based in the United Kingdom, such as the Stepping Stone Project run by Sheffield Council and has taken part in various projects organised with North Lanarkshire Council in Scotland and the Brandon Trust Foundation, as well as the Crisis Prevention Institute and Mencap.

219. NGOs in the disability sector are encouraged to make international partnerships and seek advice from other countries, and the Federation of People with Disabilities, which is a Maltese umbrella organisation, encompassing much disability NGO's, also belongs to several EU based organisations.

Article 33 – National implementation and monitoring

220. The PSDAA is the cabinet portfolio, operating within the Ministry for Family and Social Solidarity. In accordance with article 33 of the Convention the Focal Point office has been established within this secretariat for the coordination of matters relating to the implementation of the Convention. It has appointed representatives in all Ministries, entities and departments and boards so that effective coordination of future policy implementation can be achieved.

221. The NCPD has been established as the independent mechanism for audit of the implementation of the Convention. A Disabled Persons Advisory Committee consisting of persons with a wide range of impairments has been established, in fulfilment of article 4 and article 33 to ensure that people with disability are involved and participate fully in the monitoring process of the Convention. In addition, the opinions of all NGO's in the disability sector have been sought.
