



Peer Review on “Social inclusion, health and the equalisation of opportunities for young people with disabilities”

Zagreb, Croatia, 13-14 September 2018

Peer Country Comments Paper - Malta

DG Employment, Social Affairs and Inclusion



EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion

Unit C1

Contact: Alberto Cortellese

E-mail: EMPL-C1-UNIT@ec.europa.eu

Web site: <http://ec.europa.eu/social/mlp>

European Commission

B-1049 Brussels

Peer Review on “Social inclusion, health and the equalisation of opportunities for young people with disabilities”

Zagreb, Croatia, 13-14 September 2018

Directorate-General for Employment, Social Affairs and Inclusion

Peer Review on Peer Review on “Social inclusion, health and the equalisation of opportunities for young people with disabilities”

Zagreb, Croatia, 13-14 September 2018

September, 2018

**Europe Direct is a service to help you find answers
to your questions about the European Union.**

Freephone number (*):

00 800 6 7 8 9 10 11

(*) The information given is free, as are most calls (though some operators, phone boxes or hotels may charge you).

LEGAL NOTICE

The information contained in this publication does not necessarily reflect the official position of the European Commission

This document has received financial support from the European Union Programme for Employment and Social Innovation "EaSI" (2014-2020). For further information please consult:
<http://ec.europa.eu/social/easi>

© European Union, **2018**

Reproduction is authorised provided the source is acknowledged.

Table of Contents

1	Disability as a Human Rights Issue.....	1
2	The Socio-Demographic of Disability in Malta.....	1
3	Policy Measures and Initiatives	2
3.1	Policy and Legislation.....	3
3.2	Health.....	4
3.3	Social Benefits	6
3.4	Education and Employment	6
3.5	Social Services.....	8
3.6	Housing	8
3.7	Human Resources	9
3.8	Participation	9
3.9	Governance	10
4	Addressing the Rights and Barriers of People with Disabilities: An Intersectoral Approach	12
5	Conclusion	13
6	References	15

1 Disability as a Human Rights Issue¹

All members of the human family are inheritably entitled to dignity and equal inalienable rights, without any distinction or discrimination. Disability activism and studies have promoted a shift from viewing disability through a stringent medicalized lens to one which focuses on the person's rights, abilities and opportunities. Undoubtedly, media and social education have had great influence on the perception of disability as an evolving concept. Locally, particularly through the work of the Malta Commission for the Rights of Persons with Disability (CRPD), persons with disability (PwDs) are increasingly being given a platform to discuss and challenge various issues related to disability.

Malta, as a signatory to the United Nations Universal Declaration of Human Rights (1948), the Convention on the Rights of Persons with Disabilities (UNCRPD) and the Optional Protocol² and other international documents ensures the protection of the fundamental rights and freedoms of PwDs. These rights and freedoms are also given protection under the Maltese Constitution.

This analysis recognises that whilst PwDs are autonomous and independent, disability can place them at greater risk of discrimination. Thus, increasing recognition towards addressing the vulnerabilities arising from disability requires a human rights approach that empowers the individual towards greater autonomy and self-actualisation. This human rights approach is being reflected through a shift from institutionalised and residential services to independent living and a more community-based approach which prioritises prevention and early intervention.

This comments paper provides an overview of the main policy measures and other initiatives which promote the social inclusion, health and the equalisation of opportunities for young PwDs in Malta.

2 The Socio-Demographic of Disability in Malta

Statistics on PwDs are mainly collated by the CRPD³, but also by specific entities such as JobsPlus⁴, the Department for Social Security (DSS), the *Directorate for Health Information and Research (DHIR)* and the *National Statistics Office (NSO)*.

As at April 2018, CRPD registered a total of 18,181 PwDs (8,947 females and 9,234 males), out of which around 1,700 were young persons aged 17-30 years, having physical (594), intellectual (665), psychological (311), hearing (125) and visual (96) impairments. In the same period, out of the total amount of 3,598 persons receiving the disability allowance, the increased severe disability allowance and the severe disability allowance payable under the Social Security Act, there were a total of 1,077 young persons aged 15-29 years. Moreover, PwDs registered at JobsPlus amounted to 3,726, out of which 453 were persons aged 16-24 years. A total of 283 persons were unemployed (71 females and 212 males), out of which 42 (17 females and 25 males) were under 25 years of age.

Consultations have started for the three registers of CRPD, Jobsplus and DSS to be incorporated into one national database, thereby creating a unified system in line with the UNCRPD.

¹ This peer commenting paper was prepared by government representatives who participated in the Peer Review on "Social inclusion, health and the equalisation of opportunities for young people with disabilities" on their initiative as Malta was not one of the original peer reviewing countries.

² Signed by Malta in March 2007, ratified in October 2012 and came into effect on the 9th November 2012 (<http://crpd.org.mt/un-convention/>).

³ The CRPD Register includes PwD to whom a Special ID card and/or an EU Disability Card was issued.

⁴ Malta's Employment and Training Corporation.

As at end December 2016, PwDs registered with CRPD (18,260), formed 3.97% out of Malta's total population⁵ (460,297), while young PwDs (1,445) aged 15-29 years made up 0.3% of the total population. Young persons aged 15-24 years made up 11.7% (around 53,855 persons) of the total population, while young persons aged 25-29 years made up 8% (around 36,824 persons). Young PwDs formed 1.8% (953 persons) and 1.3% (492 persons) of the young persons groups aged 15-24 years and 25-29 years respectively.

3 Policy Measures and Initiatives

Malta, through various public, voluntary and private entities, safeguards the rights of PwDs by various policy measures and initiatives. The main line ministries in this regard, are the Ministry for the Family, Children's Rights and Social Solidarity (MFCS); the Ministry for Health (MFH) and; the Ministry for Education and Employment (MEDE). The Government also entered into a number of Public-Social Partnerships (PSPs) with various voluntary organisations⁶ and with the Catholic Church⁷, which was at the forefront in providing care and promoting the participation and involvement of PwDs and their families in Malta.

The policy measures and initiatives offered by the Maltese government are in line with all the articles of the UNCRPD, especially those referring to the specific rights (Articles 5-30) which ensure the protection,⁸ equality, non-discrimination, justice, liberty, security, accessibility, awareness raising and the right to life concerning all PwDs, and in particular vulnerable groups such as children and women with disabilities. These measures also ensure freedom from torture or cruel, inhuman or degrading treatment or punishment, exploitation, violence and abuse, as well as safeguard their rights for movement and personal mobility, independent living, privacy, family, home and community inclusion. The initiatives also contribute towards ensuring the person's accessibility to information, education, work and employment, health, housing and rehabilitation, and an adequate standard of living and social protection, as well as the person's freedom of expression and participation in all spheres of life including the political, public, cultural and recreational⁹.

Attention is given so that these measures and initiatives are non-discriminatory, thus ensuring a more human right based approach to disability within all of society.

Several measures, pilot studies and policies were and are being designed and implemented in order to guarantee better social inclusion of young adults with disability in the community and social activities, thereby further protecting their fundamental human rights.

The importance of equal treatment and benefits to each and every individual of any disability, age, sexual orientation, race or gender with full realisation of human rights, is also reiterated in the associated professionals' code of ethics such as the Physiotherapy Code of Professional and Ethical Conduct and Code of Practice, which imposes the duty of equality on the respective profession.

One of the general obligations imposed on signatory parties of the UN Convention on the Rights of Persons with Disabilities is that of adopting appropriate legislative,

⁵ Data collected by the National Statistics Office (NSO).

⁶ A full list of these voluntary organisations can be found within the 2018 Malta Parallel Report to the UNCRPD Committee: https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MLT&Lang=EN.

⁷ Presently, the Catholic Church promotes the rights of PwD through the provision of various services offered by its entities.

⁸ In particular to protect the integrity of the person and to provide protection in situations of risk and humanitarian emergencies.

⁹ Including leisure and sport.

administrative and other measures so as to implement the rights recognized therein.¹⁰ Reaffirming the fundamental principles of the Charter of the UN and the Universal Declaration of Human Rights *inter alia* and endorsing this Convention, the Equal Opportunities (Persons with Disability) Act serves as its local counter-part.

As per Article 3(12) of the Equal Opportunities Act, PwDs shall have access to a wide-range of tools of support, community services and facilities. This ensures the possibility of early prevention of disability and adequate early intervention and support.

These initiatives will be presented under the main thematic areas of Policy and Legislation, Health, Social Benefits, Education and Employment, Social Services, Housing, Human and Other Resources, Participation and Governance.

3.1 Policy and Legislation

Malta signed the UN Convention on the Rights of Persons with Disabilities and the Optional Protocol in March 2007, which were ratified in October 2012 and came into effect on the 9th November 2012.¹¹ The UNCRPD is also currently in the process of being embedded in Maltese laws. The Office of Disability Issues, previously known as the Focal Point Office, at the Ministry for the Family, Children's Rights and Social Solidarity, is the office responsible for the implementation of the UNCRPD in Malta. In this regard, the Commission for the Rights of Persons with Disability has been appointed as the Independent Mechanism of the UNCRPD to protect, promote and monitor the implementation of the Convention.¹² The Commission monitors and collects feedback from non-governmental organisations (NGOs) and disabled people's organisations (DPOs) and other stakeholders on the implementation of the UNCRPD in Malta as well as on various areas that directly or indirectly impact persons with disability. Further action is taken accordingly based on the feedback provided, including awareness raising events and additional meetings with relevant stakeholders.

CRPD submitted the first Parallel Report¹³ to the UNCRPD Committee in March 2018, which referred to the sections outlined in the Initial Report on the Implementation of the Convention on the Right of Persons with Disability submitted by Malta's Focal Point Office in November 2014 as well as acknowledged the progress that has been achieved in the past years. This report made reference to key issues and various areas where people with disabilities encounter challenges and discrimination, as outlined in the Annual Reports drawn up by CRPD with regards to the Equal Opportunities Act. This report concluded by making recommendations on what still needs to be done and on updated information which needs to be provided.

Further to the above, CRPD established the Equal Opportunities Compliance Unit within its Secretariat, a Unit that is charged with promoting Equality of Opportunity and implementing the provisions of the Equal Opportunities (Persons with Disability) Act which came into effect on the 1st October 2000, and thus investigates acts of discrimination on the basis of disability, including complaints related to the points mentioned above. Further information can be found in the EOA Annual Reports.¹⁴

Malta has also recently issued the 'Protection of Vulnerable Older Persons and Adult Persons with Disability' Act for public consultation. This Act endeavours to facilitate assistance for older adults and adults with disability to provide them with protective

¹⁰ Article 4, UN Convention on the Rights of Persons with Disabilities.

¹¹ <http://crpd.org.mt/un-convention/>.

¹² <http://crpd.org.mt/un-convention/>.

¹³ https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MLT&Lang=EN.

¹⁴ <http://crpd.org.mt/ea/>.

intervention, if needed. A number of other legislations¹⁵ have been put in place to guarantee the representations of PwDs in the main government committees.

In 2015, the Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing (PSDAA), published the National Policy on the Rights of Persons with Disability¹⁶. The main thrust of this policy is seen to promote and safeguard the equality, dignity and social inclusion of PwDs by enhancing their prospects of being treated in the same manner as persons without a disability. The recognition that PwDs are not a homogenous group is very important, since such recognition acknowledges the individual needs and aspirations which should be understood and addressed so as to promote and/or enhance a person's social inclusion.

The policy comprises 122 measures spread over 15 areas, namely: i) the right to a dignified life; ii) accessibility; iii) education; iv) employment; v) access to information; vi) health; vii) independent living; viii) residential homes, community and rehabilitation centres; ix) research; x) legislation and access to justice; xi) culture, sports, arts and leisure; xii) sexuality and parenthood; xiii) family of PwDs; xiv) disability activism and; xv) other minority issues. The various themes presented in this policy, together with the corresponding principles and measures comprehensively encapsulate the various aspects which impinge on a person's empowerment and dignity and in so doing determine his/her overall well-being and social inclusion prospects.

The contemplated measures regarding the right to a dignified life do not only safeguard against unfair treatment but are also seen to contribute towards the promotion of social inclusion. Similarly, the principles and measures proposed in terms of 'accessibility' contribute towards promoting the dignity and social integration of persons with a disability, while those laid down under 'education' do not only support the educational and skills development of the person but also enhance one's employment prospects thus promoting financial independence, a prospect that is further strengthened by the principles and measures contemplated under 'employment'. The media is seen as an important component since the way that this projects PwDs has a determining role for their dignity and social inclusion. Similarly, the principles and measures laid down under health; independent living; legislation and access to justice; sports, arts and leisure; residential homes, community and rehabilitation centres, all contribute towards the empowerment of PwDs, thus enhancing their overall wellbeing and social inclusion prospects.

Of particular note are the policy's focus on (a) scientific research to promote better insight and understanding about disability and the needs and aspirations of persons with disabilities through the development of evidence based policies and strategies; and (b) the family whose important role characterised by commitment and dedication, may not always be fully acknowledged and appreciated.

3.2 Health

Health issues are addressed across the lifecourse, starting from pre-natal screening to palliative care.

3.2.1 Early Prevention of Disability

Locally, early prevention of disability takes place mainly through the following exercises: - early child screening, free vaccines, monitoring of all children within the community (Well Baby Clinic), pre-natal classes offered at Malta's General Hospital, Mater Dei Hospital (MDH), which promote maternal health during the pregnancy (Parentcraft), Autism spectrum screening (within the Lenti programme) and the services for free

¹⁵ The Bill of Rights that introduced 19 new rights for PwD; Act No. XVII of 2016 providing for the setting up of the Sign Language Council of Malta, and for other related matters; and the Persons within the Autism Spectrum Empowerment Bill.

¹⁶ <https://activeageing.gov.mt/en/Documents/Book%20design%20english.pdf>.

prosthetics and orthotics offered by the Orthotics and Prosthetics Unit (OPU). Early screening involves an examination through blood sampling, early detection for developmental delays, early identification of social and educational problems *inter alia*. These exercises usually take place following the mandatory examination of new born babies in postnatal wards at MDH by paediatricians and are followed by a multidisciplinary assessment and follow-up at the Child Development Assessment Unit (CDAU).

Perhaps the most crucial mechanism that stimulates the chances of prevention and better management of impairment progression is the training of professionals. Resident professionals receive regular training in order to keep updated with innovative aids and equipment available to PwDs. This ensures that the needs of persons with disability are put at the forefront of the services provided and not simply feature in professional agendas.

3.2.2 Early Intervention Support

In accordance with Article 3(2) of the Equal Opportunities Act, "every person has the right to know at the first possible opportunity whether he or she has any disability." Consequently, this provision imposes on the State the obligation to provide information and early and comprehensive intervention to children with disability and their families.

Once a GP or paediatric consultant makes a referral for further services at CDAU, children with disability are provided with regular (weekly) physiotherapy services at the physiotherapy clinics as well as with at-home physiotherapy visits by the Early Intervention Resource Workers. Such Resource Workers are encouraged to attend subsequent physiotherapy session with their clients to ensure that clients are provided with the same and continuous information. Furthermore, upon a referral of a child to MDH, Occupational Therapy Services draw up an assessment to determine the individual's strengths and deficits, and children under 2 years of age are provided with frequent sessions at the CDAU to ensure that intervention is maximized. Joint sessions among healthcare professionals are also carried out on a regular basis in order to further assess the specific needs and improvements of particular patients. This involves the interdisciplinary discussion of goals in order to come up with one common intervention plan which will be implemented by the whole team. Accordingly, annual visits to the child's residence, child care centre and school are also carried out.

Moreover, institutions and departments such as the Agenzija Sapport and the Psychiatric Day Centres are also shifting their focus to providing community based services and programmes for adolescents with intellectual disabilities. Through inter-sectoral cooperation, several programmes have been specifically developed and introduced including: the Teen.com programme (targeting social communication for teenagers with learning difficulties) and the Speech Language Pathology(SLP)-Heritage programme (targeting intellectual impaired teenagers and young adults with disability access to local museums and heritage sites).

Outreach measures as a means of early intervention are also being provided by several departments, including the Speech and Language Department. This includes training to public and other professionals as well as regular media interventions particularly through the use of social networking in order to raise awareness of the services offered by them along with information about their profession and role.

At the moment, efforts towards deinstitutionalisation and community re-integration are also being undertaken in respect of children and young persons with psychosocial disability and acute mental health challenges, who are currently housed at the Young People Unit (YPU), a paediatric psychiatric ward within Mount Carmel Hospital, the national adult psychiatric hospital. The Commissioner for Children, the Commissioner for Mental Health and other stakeholders, such as MFH and MFCS are key collaborators.

3.3 Social Benefits

The Department of Social Security (DSS) certifies PwDs in terms of Article 27 of the Social Security Act (Cap. 318) that they are able to claim disability benefits, namely the: Disability Allowance, Severe Disability Allowance, Increased Severe Disability Allowance, Allowance for Visual Impairment, and the Disabled Child Allowance (in terms of Article 77).

Apart from the Disabled Child Allowance and the Disability Allowance¹⁷, young people with disability benefit from: i) custodial care benefits¹⁸ such as Children's Allowance and Foster Care Allowance, which are paid up to the age of 16 years and; ii) Invalidity Pension¹⁹.

Furthermore, as from 2014, Malta registered the following progress with regards to social welfare benefits: i) an increase in the allowance payable to children with disability from €16.31 per week to €20 per week; ii) the full Disability Allowance given to PwDs even when they enter the labour market irrelevant of their income; iii) the automatic²⁰ payment of the Age Pension rate as soon as the person who is in receipt of the Disability Allowance reaches the age of 60 years and; iv) a reform in the Disability Allowance based on 3 tiers.²¹

3.4 Education and Employment

A number of legislative and policy structures and procedures are in place to promote and protect the rights of PwDs to inclusive education - through the Education Act (Cap. 327) - and reasonable accommodation in employment - Persons with Disability (Employment) Act (Cap. 210).

Besides the Education Act (Cap. 327), inclusive education is also safeguarded by the Maltese Sign Language Recognition Act (Cap. 556) and the Persons within the Autism Spectrum (Empowerment) Act (Cap. 557). Correspondingly, a number of policy documents have been launched by the Ministry for Education and Employment (MEDE), including: 'A National Curriculum Framework for All' (2012); 'Respect for All Framework' (2014); 'Framework for Education Strategy for Malta 2014–2024', 'Addressing Bullying

¹⁷ Youths aged 16 years and over who are certified by a Medical Panel appointed by the Minister for the Family, Children's Rights and Social Solidarity (MFCS), as suffering from a disability as listed in the Social Security Act Chapter 318 (section 27), are entitled for the Disability Allowance (14 years old in case of persons who are visually impaired).

¹⁸ No benefits are allocated personally to unemployed persons having less than 18 years of age.

¹⁹ Persons who are unable to continue working due to medical reasons, are awarded an invalidity pension at a rate which is based on the number of social security contributions paid. A contributory invalidity pension is awarded to those persons who paid 250 contributions, completed a minimum of six months of uninterrupted employment or a year of Jobsplus' Part 1 registration (Part 1 of the Register under Jobsplus is available for persons who never entered the labour market, or who are made redundant. Through this register, Jobsplus provides the unemployed with information about new work opportunities, matches job preferences and competences, and provides training), and are found by the Social Security Department's medical board to be permanently unable to work due to physical or mental illness. Eight different rates of invalidity pension are available, depending on the applicant's civil status and his/her paid/or credited social security contributions.

²⁰ Without the need to submit an application.

²¹ Falling within the first tier are persons who cannot participate in gainful occupation according to the Barthel Index and who will receive the highest allowance, rising gradually to become equivalent to the Minimum Wage. The second tier includes those persons whose disability falls within the parameters of the Social Security Act and who are working or are able to work, so as to facilitate their entry into gainful employment. The third tier includes the gradual coverage by law of a number of disabilities and the provision of benefits to PwDs who did not receive any benefits. Persons receiving the Disability Allowance in the first tier will not have their income considered in the assessment of eligibility for the Pink Card, and persons within the second tier will no longer have their income from employment considered in the assessment for Pink Card eligibility. Recipients of the Disability Allowance who have a Pink Card and are thus entitled to free medication, will have this card valid for one year rather than for three months.

Behaviour in Schools Policy 2014'; 'An Early School Leaving Strategy for Malta 2012'; 'A Whole School Approach to a Healthy Lifestyle: Healthy Eating and Physical Activity Policy 2015'; 'A National Literacy Strategy for all in Malta and Gozo 2014-2019', and the 'National Youth Policy Towards 2020: A shared vision for the future of young people'.

Physical accessibility standards, both for newly built and older schools, fall under the responsibility of the Foundation for Tomorrow's Schools (FTS). Besides this, the three directorates – the Inclusive Education Directorate, the Special Education Directorate, and the Education Psycho-social Services Directorate – falling under the National Schools Support (NSSS) at MEDE, all aim to provide learning and responsive environments "to the differing developmental capacities, needs, and potential of all students from kindergarten (including child care centres and private kindergartens) to tertiary and adult education" (education.gov.mt, 2016). Various services and resources are provided to reach this aim, including: i) spot-checks in schools by Inclusion and Education Officers (EOs)²²; ii) learning support zones/nurture groups; iii) services for unaccompanied minors; iv) the Autism Spectrum Support Team (ASST); v) home tuition; vi) the supply of teachers for the hearing and visually impaired; vii) the Statementing Moderating Panel which ensures that students are provided with a trans-disciplinary assessment report²³ establishing the nature and level of educational support needed, follow-up action and periodic reviews; viii) the Access to Communication & Technology Unit (ACTU) providing assistive technologies, augmentative and alternative communication (AAC) technologies; ix) the Early Intervention Service; x) the Social, Emotional and Behavioural Difficulties (SEBD) service; xi) Hospital Classes; xii) Resource Workers and Youth Workers, even at the YPU; xiii) Learning Support Centres; and xiv) services within the four Resource Centres. In addition, inclusion is part of the daily responsibilities of the Assistant Head in each school, and complaints can be received by the Commissioner for Education at the Office of the Parliamentary Ombudsman which also holds yearly conferences within the field of inclusive education.

With regards to employment, the Persons with Disability (Employment) Act (Cap. 210) has been recently strengthened and enforced, particularly through the quota system requiring 2% minimum quota of people with disabilities in all companies employing more than 20 people on a full-time basis. The national employment agency, Jobsplus, is responsible for the quota system's monitoring and enforcement as well as for liaising with the Lino Spiteri Foundation²⁴ which provides support to both PwDs and employers through profiling and guidance, job coaching and corporate relations which also promote job carving. Jobsplus also introduced such measures as work trial schemes, wage subsidies, fiscal incentives and the employer's national insurance exemption, to support employers prior and during the employment of PwDs. Young PwDs also benefit from the Youth Guarantee Scheme whereby all youths up to the age of 23 years who are not engaged in studies or work are encouraged to join this Scheme offered by MEDE which provides a work placement or a training programme to enhance their skills, together with support from psychologists, occupational therapists and job coaches.

In 2015, the employment rate for PwDs stood at 25.8%, the lowest in the EU as well as in contrast with the EU average of 47.4%. However, the measures that have been recently introduced to support the employment of PwDs, and address the gap in the educational attainment between people with and without disabilities²⁵, have yielded significant improvements during these last two years as the employment rate of PwDs increased to 28.8% in 2016 and to 38.4% in 2017. Since the 2015 amendments made

²² Inclusion is not only restricted to disability, but also encompasses other areas such as ethnicity, religion and gender.

²³ From various professionals in public or private practice including educational, parental, medical, psychological, social, communicative, vocational, etc.

²⁴ A Public Social Partnership (PSP) between Jobsplus and the private sector.

²⁵ The largest in the EU for Malta in 2015.

to the Persons with Disability (Employment) Act, there was a significant increase²⁶ in enterprises hiring workers with disabilities. This was coupled with programmes to increase work placements²⁷ and training to employers on workplace adaptation. Furthermore, the number of people with a disability looking for work has been on the decline with the figure decreasing from 533 in December 2013 to 358 in December 2016. This decline can be attributed to the fact that Malta has specifically promoted the active inclusion of PwDs due to their higher vulnerability to experience poverty and social exclusion, especially that arising from barriers to employment.

3.5 Social Services

Apart from access to universal social services, Malta provides various targeted services for PwDs. As from 2014, MFCS together with PSDAA, Sapport²⁸ and the Department for Social Security (DSS)²⁹ continued to invest in initiatives that enhance the quality of life and prospects of PwDs, namely through: i) an exemption from paying the National Insurance Contribution when employing a live-in carer³⁰; ii) improvements to *respite services* in specialised residential centres³¹; iii) the extension of services³² provided by day care centres for persons with a disability; iv) the setting up of a call centre aimed at improving the services provided to PwDs and their families; v) the 'Sharing Lives' scheme to support families caring for young people and adults with disability; vi) the Empowerment Programme for PwDs wishing to live independently and which also aims to improve respite services; vii) the refurbishment and embellishment of ten existing day care centres for persons with disabilities and the expansion and modernisation of another day care centre; viii) a scheme providing a personal assistant to persons with disabilities according to their needs at a subsidised rate and; ix) a planned Hub for PwDs³³.

3.6 Housing

Article 19 of the Convention stresses that PwDs shall have the opportunity to choose their place of residence without being compelled to a particular living arrangement. To ensure this independence, PwDs shall have access to in-home, residential as well as other community support services.

PwDs are offered financial assistance to purchase aids and equipment that encourage independence within the home environment. This equipment is provided on the advice of health care professionals who carry out home visits and select the equipment that is best suited for the individual's needs and specific home environment. Such benefits may be funded either through the Empowerment Scheme or the Community Chest Fund. Correspondingly, the Housing Authority is issuing financial help for the installation of lifts in both public and private residences in order to render housing accessible. A number of community homes have also been established, which enable young persons with disability to live independently with adequate support from paid staff instead of family members.

Additionally, Sapport offers Home Help services to assist family members with the required care or respite, besides offering also out-of-home care respite services in various residential centres for PwDs in Malta and similar in Gozo.

²⁶ From 11 % in 2014 to almost 60% (820 enterprises) in 2017.

²⁷ An initiative envisaged at creating 80 job opportunities for persons with a disability in Gozo,

²⁸ An autonomous public agency that provides services for PwD.

²⁹ Within MFCS.

³⁰ To help them continue living in their own homes.

³¹ To give relief to parents of children with a disability. There is also the possibility whereby families are able to provide this service on a basis similar to that of fostering.

³² Including the setting up of a Learning Hub in Gozo.

³³ Bringing together various facilities into one location and set up in the community to strengthen integration.

Within the Ministry for Family, Children's Rights and Social Solidarity (MFCS), the Housing Authority (HA)³⁴ also provides a specific scheme for PwDs which entails financial and technical support to execute adaptation work in their home as required by their disability. Since 2014, HA has carried out the installation of lifts in government-owned blocks (social housing), thus rendering such residences fully accessible for all, and also promoted and provided supportive semi-independent housing by allocating units, issuing a rent subsidy or refurbishment grants for units rented for this purpose.

3.7 Human Resources

Training on inclusivity and disability is included in certain courses offered by the University of Malta³⁵, MEDE's Institute for Education, in the training for Learning Support Educators as well as in continuous professional development for educators.

Besides offering an opportunity for persons interested in furthering their knowledge and skills in the area of disability specifically through the Department of Disability Studies under the Faculty for Social Wellbeing at the University of Malta, both at an undergraduate and postgraduate level, government has in the last number of years provided training to persons already working in the care for PwDs.³⁶ In particular, the project provided focused training for carers in the disability sector through Support and CRPD, thereby ensuring a higher quality workforce specialised in the care of PwDs.

3.8 Participation

Apart from participation in education and employment, a number of measures are addressed to ensure the participation of young people in leisure, culture, sports and all other aspects of social life.

The leading role in the field of youths is played by Aġenzija Żgħażaġh (AZ). While organising activities for youths with a disability, AZ adopts and implements an open-door, low threshold and inclusive policy. AZ's approach in supporting young people with disability is mainly addressed by:

- the National Youth Policy 'Towards 2020 — A shared vision for the future of young people' which focuses on awareness-raising, listening to and supporting the voice of young people, and on the implementation of a wide range of cross-sectoral³⁷ initiatives and opportunities;
- its physical infrastructure and environment which includes AZ's headquarters as well as Youth Activity Centres and youth cafés;
- its ethical and good practice guidelines for youth workers and young people, including young people with disability;
- its tailored supports for young people with disability such as through the Youth.inc project in line with the national youth policy objective which stresses that "young people with disabilities will be encouraged and supported to integrate fully in social and community life".

Apart from AZ, the youth association Għaqda Żgħażaġh b'Dizabilità acts as a representative organisation that furthers awareness and advocacy work on disability with particular focus on youth.

³⁴ For further information, access housingauthority.gov.mt (<http://housingauthority.gov.mt/en/Pages/default.aspx>).

³⁵ Such as those managed by the Faculty of Education, the Faculty of Health Sciences and the Department of Psychology within the Faculty for Social Wellbeing.

³⁶ Through the EU co-funded project (ESF 4.242) entitled 'Capacity Building in Care for the Elderly and Persons with Disability'.

³⁷ Education and training, employment and entrepreneurship, arts and culture, social inclusion, volunteering and community activities, and sports and recreation.

Malta's 2011 Cultural Policy³⁸ considers "[a]ccess to and participation in culture are a prerequisite for an inclusive society and, more generally, for a society that is dynamically animated through individual and community action." The Arts Council Malta (ACM) and Festivals Malta ensure that all artistic spaces and initiatives are designed to be fully accessible and to allow the full participation of PwDs. Furthermore, the artistic content of the events contains inclusive and interactive activities that engage the entire audience, irrespective of disability.

Malta's National Sports Policy³⁹ presently in its public consultation phase, emphasizes inclusivity in sport through participation in mainstream and unified events as well as targeted initiatives such as Special Olympics and Paralympics. It also facilitates access to all award schemes and modified games.

SportMalta⁴⁰, Malta's government agency for the promotion of sport through its collaboration with schools and the OnTheMove programme (formerly SkolaSport) offers mixed-ability sports programmes by regional Sports Complexes and financial assistance.

The National Sports School currently has over 400 students with disability out of a total of 7,250 children. Around half of these are students with intellectual and developmental disabilities, particularly attention deficit hyperactivity disorder (ADHD) and autism, while the other half include other students with disabilities, such as students with hearing impairment and students with physical disabilities.

3.9 Governance

The above mentioned measures and initiatives are co-ordinated through various governance mechanisms as MFCS, Sapport and CRPD, which will be further explored in the following section. The structures aim to promote an inter-sectoral approach with the aim of providing a more holistic and targeted approach to PwDs.

3.9.1 The Ministry for the Family, Children's Rights and Social Solidarity

The promotion, implementation and monitoring of rights falls within the remit of the Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing (PSDAA) within the Ministry for the Family, Children's Rights and Social Solidarity (MFCS). In fact, active inclusion, participation and independent living are the main focus of this secretariat.

During the last few years, various major milestones were achieved by PSDAA with regards to PwDs, namely: i) the National Policy on the Rights of Persons with Disability launched in 2014; ii) the National Standards for Residential Services for Persons with Disabilities published in 2015; iii) the National Disability Strategy published for Public Consultation in 2016 and; iv) the setting up of a Focal Point on Disability Issues to oversee the implementation of the UNCRPD.

Besides specific measures targeting PwDs, such as the support services *Home Help, Empowerment Scheme* and *Parent Workshops* offered to parents of children with disability by Sapport, there are policies and strategies⁴¹, as well as universal benefits and generic services, aimed at reducing poverty and offering better social inclusion prospects, and in so doing promoting a good quality of life for PwDs, such as the LEAP

³⁸<https://www.artscouncilmalta.org/files/uploads/misc/POLICY%20ENG%202011%209%20jun%20low%20res%20.pdf>.

³⁹ www.sport.mt/et/file/.../malta__national_sports_policy_201720271.pdf.

⁴⁰ An agency falling under the Parliamentary Secretariat for Research, Innovation, Youth and Sport within the Ministry for Education and Employment.

⁴¹ 'National Strategic Policy for Poverty Reduction and for Social Inclusion 2014-2024'; 'National Children's Policy'; 'National Strategic Policy for Positive Parenting 2016-2024'.

Centres⁴², the Fund for European Aid to the Most Deprived (FEAD) programme⁴³ and social welfare benefits as mentioned above.

In 2015, the Directorate General (Social Policy) within MFCS in collaboration with MFH and MEDE, set up the Inter-Ministerial Administrative Committee on Disability (IACD). This Committee advises Government on service provision so as to ensure the quality of the services being provided, assess trends and advise Ministries concerned regarding actual and envisaged needs. In view of this, in 2016, the Inter-Ministerial Interdisciplinary Professional Board on Disability (IIPBD) composed of professionals from the three Ministries, was set up to: i) develop reference benchmarking in respect of various disability conditions so as to define basic service needs and guide the planning and procurement of services that are required along the lifecourse; ii) undertake the identification and adoption of standardised evidence based assessment tools; iii) develop best practices in service provision including the introduction of new services and; iv) draw up and disseminate information to the general public in order to facilitate early detection of disability conditions and to raise public awareness of services provided by Government and non-governmental organisations. The Disability Unit within the Directorate General (Social Policy) is the executive arm of the Committee and the Board, and thus liaises with all stakeholders so as to compile the necessary personal information on individuals with a disability in line with the General Data Protection Regulation (GDPR).

3.9.2 Support

Support⁴⁴, an autonomous entity which developed from the Supported Living Division⁴⁵ within the Foundation for Social Welfare Services (FSWS) under the Ministry for Social Policy⁴⁶ provides PwDs and their families with support in order to enhance their quality of life through innovative personalised support, expertise, and advocacy to enable independence and community living.

PwDs having severe challenging behaviour, those at risk of institutionalisation and those already living in institutions, are presented with a holistic, person-centred approach yielding opportunities that facilitate equality, mutual support, interdependence and inclusion at all levels of society. In view of this, Support operates through a multi-disciplinary team that includes the Social Work Service, Community Services, Day Services, Residential Services and the Independent Community Living Fund services that are all completely free of charge. The social work service is the initial unit that manages intake⁴⁷, advocacy⁴⁸, interventions⁴⁹ and support groups⁵⁰. Skills development and independent living are fostered by two different services - community and day services. People with disability and primary caregivers assisting people having severe disability are supported through the coordination of community services by the provision of personal assistance in everyday activities when required and where the person

⁴² Providing a one-stop shop approach through multiple services and support in a number of areas including training, employment, social benefits, childcare service, as well as a wide range of social work and community services to reduce poverty and promote social inclusion.

⁴³ The EU co-financed FEAD entails the distribution of food packages to eligible households, out of which 0.5% of the households are composed of PwD.

⁴⁴ Set up in February 2003.

⁴⁵ Set up in August 2001.

⁴⁶ At present entitled Ministry for the Family, Children's Rights and Social Solidarity.

⁴⁷ Disseminating information upon request about all support and interventions by Support and by all other entities within the local context.

⁴⁸ Ensuring that the person is not excluded from, and participates in, all aspects of community life such as education, employment and recreation.

⁴⁹ Carrying out personal assessments, networking and assistance towards the accessibility of the wide range of services offered by Support and other entities, including the facilitation of requests for funds which the service users are eligible for.

⁵⁰ Organising regular support groups for parents and siblings of persons (both children and adults) with disability.

resides, works, studies and recreates. Similarly, the twelve Day Centres for PwDs in the Maltese Islands take into account the needs and potential of the service users to enable them to acquire independent living skills, including employability skills. Programmes designed by these day centres cater for the persons' physical and psychological wellbeing through empowering educational, social, cultural and leisure activities⁵¹ that enhance their participation in the community and their quality of life. Apart from carers and supporting staff, the Centres also engage speech language pathologists and adult educators.

Residential services operate through small and personalised apartments and houses provided by Sapport⁵². When the individuals complete the transition programme that helps them to acquaint themselves with the new environment, residents and staff, individualised support plans are designed according to the required support which can be either basic, intermediate or intensive. The plans include support in daily living, teaching of skills and inclusion in the community⁵³ where healthy relationships with family, friends and significant others are put at the forefront.

The Independent Community Living Fund is managed by the Service Allocation Committee (SAC), which guarantees a non-discriminatory allocation of services. For this purpose, intersectoral cooperation takes place between MFCS, Sapport and CRPD.

3.9.3 Commission for the Rights of Persons with Disability (CRPD)

CRPD was established to safeguard the rights of PwDs and is the Public Regulator in matters regarding rights of PwDs in Malta.

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

CRPD was set up as Kummissjoni Nazzjonali Handikappati (subsequently changed to Kummissjoni Nazzjonali Persuni b'Dizabilità or KNPD) on the 3rd November 1987 and received legal status on the 10th February 2000, following the enactment of the Equal Opportunities (Persons with Disability) Act, Chapter 413 of the Laws of Malta.

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

4 Addressing the Rights and Barriers of People with Disabilities: An Intersectoral Approach

Adequate accessibility to services enables PwDs to fully enjoy all human rights and fundamental freedoms on equal basis with others. For such purpose, Article 9 of the Convention obliges State Parties to adopt measures which help identify and eliminate obstacles and barriers to accessibility. The aforementioned services are provided to all

⁵¹ Activities include card-making, pottery, food preparation, music, arts, drama, needlework, woodwork, animal husbandry, computer skills and literacy programmes. Occasionally, events that gather service users from different Centres to interact as well as to share their knowledge and newly acquired skills are organised.

⁵² Foreseen client needs and the resources available are the basis of the housing stock that includes three apartments, twelve flatlets and four large houses, one of them being in Gozo. Besides these government-owned buildings, Sapport also manages residential arrangements in five other houses which one of them is also in Gozo.

⁵³ Sapport also provides assistance in the home of the person with disability, or at any other location place approved by the entity and the person.

persons with disabilities, irrespective of age, gender, ethnicity or social background and at all stages of life.

The barriers faced by people with disabilities, and specifically those experienced by young people, demand a multi-disciplinary and inter-disciplinary approach, given that these barriers impact on all areas and quality of life.

Persons with disabilities benefit from all entitlements and services as any other citizen and any discriminatory behaviour on the grounds of disability is considered to be unlawful. However, in addition to this, PwDs shall also have the right to targeted services which are specifically required by such persons.⁵⁴ The aim is to facilitate autonomy within the community by highlighting the fact that all stakeholders involved view and value PwDs as individuals with rights, rather than dependant persons requiring constant care.

In line with legislative provisions, services are increasingly adopting a multi-disciplinary and trans-disciplinary approach. This creates a procedure which guarantees the protection and promotion of human rights of PwDs in all policies and programmes. Collaboration among professionals from different fields promotes the sharing of expertise and resources, thus ensuring a more holistic and effective service provision.

5 Conclusion

Throughout these last years, disability issues in Malta have experienced positive developments. From a taboo subject, disability developed into a paternalistic care oriented approach, where persons with a disability were considered in need of care and protection. Later, it shifted to a more human rights approach that recognises PwDs as active and equal participants in society, including its governance. This "shift to a human rights model was contingent on both reinforcing a shift in approach to the way disability is viewed in Malta, as well as the creation and/or strengthening of necessary mechanisms to back up said approach" (first Parallel Report to the UNCRPD Committee submitted by CRPD in March 2018, p.4).⁵⁵

Despite these important milestones, which have led to the development of various support and enabling services and the protection of fundamental rights and freedoms as well as the shift from a medical model to a social model of disability, ensuring the wellbeing of PwDs, demands an ongoing commitment to safeguard and promote equality. Although in 2015, the poverty or social exclusion rate and the unemployment rate in Malta declined, PwDs were among the most vulnerable groups that still faced substantial risks in this regard, coupled with high levels of people with disabilities being early school leavers. Hence, adequate attention needs to be addressed to mainstream disability issues across the wider policy agenda and in turn ensure that disability policies take due account of factors and circumstances such as sexism, racism and xenophobia, violence and abuse, that may place PwDs at higher risk of vulnerability, disadvantage and social exclusion.

The success of the opportunities provided for PwDs also depends on adequate financial and human resources as well as robust governance structures, as indicated by the Host and Peer Countries. Indeed, access to support services for young people with disabilities, as well as for the general population of persons with disabilities, is hindered by insufficient human and financial resources as well as by shortcomings in vertical and horizontal coordination. These are the main obstacles for the effective and efficient implementation of measures envisaged by NSEOPD 2017-2020 (Kekez Koštro, 2018).

⁵⁴ Article 13A(2) Equal Opportunities (Persons with Disability) Act, Chapter 413, Laws of Malta.

⁵⁵https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MLT&Lang=EN.

6 References

CRPD (2018). *CRPD Annual Report 2017*. Retrieved from <http://crpd.org.mt/wp-content/uploads/2018/07/CRPD-Annual-EN-2017-updated.pdf>.

CRPD (2018, June 4). *2018 Malta Parallel Report to the UNCRPD Committee: CRPD/C/MLT/Q/1/Add.1*. Retrieved from https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/countries.aspx?CountryCode=MLT&Lang=EN.

education.gov.mt (2016). *Inclusive Education Support*. Retrieved from https://education.gov.mt/en/education/student-services/Pages/Inclusive_Education/Inclusive-Education-Support.aspx.

Kekez Koštro, A. (2018, September). *Peer Review on "Social inclusion, health and the equalisation of opportunities for young people with disabilities": Host Country Discussion Paper – Croatia: On the right track: measures to promote social inclusion of young people with disabilities*. Brussels: European Commission.

