



# European Semester 2021-2022 country fiche on disability equality

Malta

March 2022

**EUROPEAN COMMISSION**

Directorate-General for Employment, Social Affairs and Inclusion

Directorate D — Social Rights and Inclusion

Unit CD — Disability & Inclusion

*European Commission*

*B-1049 Brussels*

# **European Semester 2021-2022 country fiche on disability equality**

With comparative data Annex provided by EDE

## **Malta**

Vickie Gauci  
Anne-Marie Callus  
Lara Bezzina

European Disability Expertise (EDE) provides independent scientific support to the Commission's policy Unit responsible for disability issues. It aims to mainstream disability equality in EU policy processes, including implementation of the United Nations Convention on the Rights of Persons with Disabilities.

This country report has been prepared as input for the European Semester in 2022.<sup>1</sup>

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<sup>1</sup> For an introduction to the Semester process, see <https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/>.

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Manuscript completed in March 2022

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## **1 Executive summary and recommendations**

### **1.1 Key points and main challenges for Malta in 2022**

A new national Disability Strategy (2021-2030) entitled *Freedom to Live* was launched on Tuesday, 28 September 2021, which provides important context for reporting and policy development in the Semester period.

#### **Disability and the labour market**

There was improvement in the employment rates of persons with disabilities in Malta, but the COVID-19 pandemic has affected this negatively. Gender differences in labour market participation remain of concern. Further research is needed to explore retention rates and opportunities for promotion for employees with disabilities. The new Centre for Vocational Education Excellence is expected to improve chances of young people with disabilities for employment, if reasonable accommodation and universal design for learning principles are put in place.

#### **Disability, social policies and healthcare**

In 2021, Parliament passed the United Nations Convention on the Rights of Persons with Disabilities Act and the Equal Opportunities (Persons with Disability) (Amendment) Act. This is an encouraging step in Malta's obligations towards the UNCRPD. The New Hope Guarantee Scheme was launched to provide people who have been denied life insurance on disability or life limiting illness grounds, and therefore a mortgage, with a public guarantor. Objective 1 of the National Disability Strategy proposes to reform disability assessment and to unify the different systems utilised in relation to education, employment, health and disability services (to be managed by Aġenzija Sapport) and to take into consideration all aspects of the person's life.

#### **Disability, education and skills**

Although early school-leaving rates are still of concern, the numbers of students with disabilities in post-secondary and tertiary education are steadily increasing. Together with the launching of the Centre for Vocational Excellence Education, this is expected to improve these young people's futures in employment. The concern highlighted in last year's European Semester country fiche on disability equality for Malta regarding investment in segregated educational provision for students who are considered as unable to attend mainstream schools still stands.

#### **Investment priorities for inclusion and accessibility**

The University of Malta is developing the Maltese Speech Engine, first developed by the Foundation for IT Accessibility. A text-to-speech engine will, for the first time, be able to read Maltese in digital texts. This will be beneficial to many persons with disabilities in Malta.

Various components in the RRP indicate investments that will be beneficial to persons with disabilities, although this is not directly stated. Further detail in the relevant sections below.

## 1.2 Recommendations for Malta

These recommendations are based on the evidence and analysis presented in the following chapters of our report.

**Recommendation:** The planned Gender Equality and Mainstreaming Strategy Action Plan needs to take into account the intersectionality between gender and disability and put in place actions that target the significant imbalance between men and women with disabilities, especially in the field of employment.

**Rationale:** In its 'Pillar 8: Intersectionality' there are no concrete actions or timeframes regarding issues specific to women with disabilities. The disparities are shown in the statistical annex and chapters of our report.

**Recommendation:** The revised Employment Strategy should take into account that, whilst numerous initiatives have been implemented towards increasing the recruitment of persons with disabilities in the open labour market, a focus on job retention is now called for.

**Rationale:** Through ongoing education and awareness-raising programmes for both employers and prospective employees, recruitment of persons with disabilities should be facilitated but the real success will be seen in the long-term retention and promotion of these people in their jobs.

**Recommendation:** Plan practical targets and implement concrete actions against poverty amongst persons with disabilities which, due to the COVID-19 pandemic, has become an even greater reality because of loss of jobs.

**Recommendation:** Develop a national deinstitutionalisation strategy.

**Rationale:** This is still a reality in Malta that is not necessarily being solved through the opening of small homes in the community. It needs to be accompanied by training of staff and residents towards a philosophy of true independent living. The strategy will need to give priority to this target, together with realistic timeframes for deinstitutionalisation to happen.

**Recommendation:** The setting up of a Centre for Vocational Education Excellence needs to take accessibility and inclusion into account from the design stage, not only in the physical environment but also in curricula, modes of teaching and assessment, and in all the opportunities for the full participation of students with disabilities.

**Rationale:** In order for the centre to offer the same opportunities to students with disability as it does to students without disabilities, reasonable accommodation has to be put in place. Only in this way will these students have increased possibilities for transitioning into the world of work.

## 2 Mainstreaming disability equality in the Semester documents

Country Reports and Country Specific Recommendation of direct relevance to disability policy were not published in this exceptional policy cycle. For a commentary on the last published documents please see our country fiche for the previous Semester 2020-21.

### 2.1 [Recovery and Resilience Plan](#) for Malta (RRP)

The following key points highlight where the situation of persons with disabilities or disability policies was considered in these plans. We address the most relevant of these and other issues arising from the RRP/NRP in the next chapters.

The Recovery and Resilience Plan for Malta makes limited direct reference to disability or persons with disabilities (or vulnerable groups), except for the education component. While the Plan in itself consists of quite a skeleton outline, rather than a detailed plan, it misses opportunities to clearly mainstream disability issues throughout, such as in:

- Component 3 – Fostering a digital, smart and resilient economy: While this component includes promoting digital services that are ‘accessible to all’, reducing the digital divide and promoting digital skills, it fails to elaborate on the manner in which these will be addressed, and on how persons with disabilities are affected by digitalisation and the opportunities the same digitalisation offers persons with sensory impairments.
- Component 4 – Strengthening the resilience of the health system: Once again, despite the effect that COVID-19 has had on persons with disabilities including in (health-related) service provision (see section 4.1),<sup>2</sup> this component does not address either the role – or the inclusion – of persons with disabilities in making the health system more sustainable. This component focuses rather on disease prevention, having a strong workforce and establishing a Blood, Tissue and Cell Centre.
- Component 5 – Enhancing quality education and fostering socio-economic sustainability: This component addresses aspects which also affect students with disabilities in Malta, such as early-school leaving, vocational education, and inclusive education. Nonetheless it does not address the latter in terms of what steps will be taken for the education system to be inclusive of students with different types of impairments. Rather, the focus is on meeting labour market needs. This notwithstanding the claim that, ‘The component [5] also underlines the commitment to ensure that all reforms and investments will be implemented in line with the Gender Equality and Mainstreaming Strategy and Action Plan which is currently being drafted and the Malta National Disability Strategy, which

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<sup>2</sup> Gauci, V., Callus A-M. and Camilleri Zahra, A. 2021. *European Semester 2020-2021 country fiche on disability equality*. Available: <https://op.europa.eu/en/publication-detail/-/publication/d01dba38-a70b-11eb-9585-01aa75ed71a1>.



was launched this week,<sup>3</sup> as well as the legislative measures being developed to ensure compliance with policies related to accessibility.<sup>4</sup>

- Investment Plans: None of the investment plans proposed in the RRP mention accessibility standards. See quote in previous bullet point from p. 10 of the RRP.

## 2.2 Semester links to CRPD and national disability action plans

Relevant recommendations and issues arising from participation in the United Nations Convention on the Rights of Persons with Disabilities (CRPD) are highlighted in each chapter.

It is also important that Semester plans align with national disability strategy. In Malta, this refers to the 'Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons (Consultation Document, launched in 2021).<sup>5</sup> A National Policy on the Rights of Persons with Disability<sup>6</sup> was published in 2014. In 2015, this was followed by the launch of the Malta National Disability Strategy (consultation document) for consultation, which was never finalised and has now been replaced by the new disability strategy consultation document. Consultation on this document was closed in July 2021 and the final strategy, *Freedom to Live*, was launched on 28 September 2021. The final document has not yet been uploaded on the Ministry's website. Each objective in the Strategy is compared to the relevant UNCRPD article and the SDG targets. During the 14th Conference of the States Parties to the United Nations Convention on the Rights of Persons with Disabilities, in which Minister Julia Farrugia Portelli participated together with a delegation from Malta, Prof. Gerard Quinn, UN Special Rapporteur on the Rights of Persons with Disabilities, remarked that Malta's linking of its Strategy to the UN SDGs was a best practice example to be followed.<sup>7</sup>

In July 2021, Parliament passed the United Nations Convention on the Rights of Persons with Disabilities Act and the Equal Opportunities (Persons with Disability) (Amendment) Act.<sup>8</sup>

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<sup>3</sup> <https://timesofmalta.com/articles/view/national-2021-2030-strategy-for-disability-sector-announced.903845>.

<sup>4</sup> Office of the Prime Minister. 2021. *Malta's Recovery & Resilience Plan*. p. 10. Available: [Malta's Recovery Resilience Plan - July 2021.pdf \(gov.mt\)](https://www.gov.mt/Portals/0/Recovery-Resilience-Plan-July-2021.pdf).

<sup>5</sup> [https://meae.gov.mt/en/Public\\_Consultations/MISW/Pages/Consultations/Maltas20212030NationalStrategyontheRightsofDisabledPersons.aspx](https://meae.gov.mt/en/Public_Consultations/MISW/Pages/Consultations/Maltas20212030NationalStrategyontheRightsofDisabledPersons.aspx).

<sup>6</sup> <https://www.crpd.org.mt/wp-content/uploads/2021/09/National-Disability-Policy-English.pdf>.

<sup>7</sup> <https://www.facebook.com/ODIMalta/>.

<sup>8</sup> <https://www.facebook.com/ODIMalta/>.

### 3 Disability and the labour market - analysis of the situation and the effectiveness of policies

In 2018, the UN CRPD Committee made the following recommendations to Malta:

[Article 27 UN CRPD](#) addresses Work and Employment.

'40. The Committee recommends that the State party adopt further enforcement mechanisms and incentives to ensure the implementation of the quota system under articles 15 and 16 of the Persons with Disability (Employment) Act and other measures to support persons with disabilities to work in the open labour market, in accordance with the Convention and target 8.5 of the Sustainable Development Goals, and ensure the achievement of full and productive employment and decent work for all. It also recommends that the State party:

- (a) Amend article 17 (3) of its Constitution to bring it in conformity with article 27 of the Convention;
- (b) Review the quota system under the Persons with Disability (Employment) Act in order to make it applicable to enterprises with less than 20 employees;
- (c) Replace any assessment of suitability to work with an assessment that considers the needs and requirements for reasonable accommodation at work for persons with disabilities;
- (d) Step up efforts to raise awareness among employers on the rights of persons with disabilities to work in the open labour market, in particular the provision of reasonable accommodation, and on the benefits of employing persons with disabilities.'

Malta's next state report to the UN CRPD is due in 2026.

#### 3.1 Summary of the labour market situation of persons with disabilities

With reference to (a) above, the Office of Disability Issues have informed us that, "While no constitutional amendments were effected, since our last correspondence, Article 27 is now directly justiciable in terms of the UNCRPD Act (Cap. 627 of the Laws of Malta), while further guidance as to its implementation is contained in Objective 9 of the 2021-2030 National Disability Strategy, being formally launched on 28 September."<sup>9</sup> Summary of the labour market situation of persons with disabilities

Data from EU-SILC indicate an employment rate for persons with disabilities in Malta of 47.1 % in 2019, compared to 75.8 % for other persons against a national employment target of 70 % and approximately -4.1 points below the EU27 average. This results in an estimated disability employment gap of approximately 29 percentage points (EU27 average gap 24.2, see Tables 2-4) or an employment chances ratio of 0.6. With regard to employment rates, Maltese women with disabilities are still at a disadvantage (34.4 %) when compared to men with disabilities (60.2 %) (Table 2). The gap is also considerable when compared to the EU27 average - whilst for men with disabilities the difference is of +6.3 %, for women the difference is -4.6 %. Therefore, when compared to statistics from 2018, there has been a 4.6 % increase in the employment rate for persons with disabilities in 2019, such that the gap with EU27 has been decreased by 4.1 points from 2018.

The same data indicate very low unemployment rates of 3.7% and 1.4 %, for persons respectively with and without disabilities in 2019 (see Tables 5-7) and the economic

<sup>9</sup> DeGaetano, A. 2021. Personal Communication. Office of Disability Issues, Malta.



community about what disability really is, and what persons with disabilities can really offer' (p. 71).

While the Strategy commends the pre-employment efforts that are being implemented through various programmes, it urges a renewed focus on job retention and the exploration of new job niches such as youth work and social enterprise (p. 72). Greater emphasis needs to be placed on the obligation of provision of reasonable accommodation at the place of work and the introduction of certification for inclusive employers. It is hoped that the new national Employment Policy supports these recommendations.

The Commission for the Rights of Persons with Disabilities Annual Report 2020<sup>13</sup> reports that during 2020, 'A pattern arose whereby the number of cases [alleged discrimination complaints] filed in relation to accessibility and education fell steeply, while cases in relation to employment increased at an equally sharp rate' (Directors' Introduction to the report, p. 7), with 24 complaints of alleged discrimination related to employment in 2019, rising to 42 in 2020. This appears to be due to the COVID-19 pandemic and the lack of reasonable accommodation in order for persons with disability to be able to work from home.

Evaluation of the European Disability Strategy 2010-2020 identified employment as priority for future actions and the Maltese strategy also reflects this. The EU strategy points to two areas of particular interest for Malta.<sup>14</sup> In particular, Commission commitments to ensure rigorous application of the Employment Equality Directive<sup>15</sup> and report in 2021 (p. 14) will be interesting opportunity to analyse Malta's application of the Directive. In addition, the Digital Education Action Plan 2021-2027 will support Member States to secure assistive technologies and accessible digital learning (p. 13) and this is of utmost importance for countries like Malta where assistive technologies have to be imported from other countries and thus are very expensive to purchase.

Employment service data is available from the JobsPlus Annual Report for 2020,<sup>16</sup> which showed that 340 persons with disabilities or disadvantaged persons were recruited throughout 2020 through the Jobsplus VASTE Programme. Since its inception in 2016, 1 587 participants have benefitted from the programme. The number of jobseekers with disabilities who were assessed by the Occupational Therapists at Jobsplus to be matched with job vacancies also increased, with 234 in 2020, when compared to the 136 in 2019. This increase could be due to the loss of jobs resulting from the COVID-19 pandemic effects on the economy. The Lino Spiteri Foundation managed to introduce 236 persons with disabilities to employment during 2020. This is comparable to 2019, when 234 persons with disabilities were employed through the Foundation's support. Furthermore, 60 persons with disabilities in Gozo (5 less than 2019) were working within the Document Management Project with the support of job coaches. In order to further assist local companies during the pandemic, the 2 % quota legislation was not enforced during 2020. This resulted in a 75 % drop in the

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<sup>13</sup> [https://www.crpdp.org.mt/wp-content/uploads/2021/08/CRPD\\_AnnualReport2020\\_A4\\_EN-1.pdf](https://www.crpdp.org.mt/wp-content/uploads/2021/08/CRPD_AnnualReport2020_A4_EN-1.pdf).

<sup>14</sup> European Commission. 2021. Union of Equality Strategy for the Rights of Persons with Disabilities 2021-2030. p. 13. doi:10.2767/31633.

<sup>15</sup> Council Directive (2000/78/EC): Establishing a general framework for equal treatment in employment and occupation.

<sup>16</sup> <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=30226>.

contributions obtained when compared to the previous year. The impact of these losses on the operation of the Lino Spiteri Foundation, will need to be taken into consideration throughout 2021.

A new national Employment Policy is expected to be launched prior to the Budget 2022<sup>17</sup> which will take place on 11 October 2021. The revised employment policy should take into account that, whilst numerous initiatives have been implemented towards increasing the recruitment of persons with disabilities in the open labour market, a focus on job retention is now called for, especially in the light of the impact of the pandemic on jobs for persons with disabilities.

Overall, as indicated later (in chapter 5.1), on the one hand, Malta is still experiencing high early school leaving rates and persistent barriers to employment for persons with disabilities, and on the other, the number of students with disabilities in tertiary education is constantly increasing. This augurs well in relation to the quality of jobs that these people will presumably have access to in the future. Further research will be able to evaluate this in the coming years.

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<sup>17</sup> <https://timesofmalta.com/articles/view/employment-strategy-leading-to-2030-to-be-launched.902534>.

#### **4 Disability, social policies and healthcare – analysis of the situation and the effectiveness of policies**

In 2018, the UN CRPD Committee made the following recommendations to Malta:

[Article 28 UN CRPD](#) addresses Adequate standard of living and social protection but no observations were provided on this issue.

[Article 19 UN CRPD](#) addresses Living independently in the community.

‘30. The Committee recommends that the State party take into account its general comment No. 5 (2017) and:

(a) Ensure that existing residential institutions that contribute to the isolation of persons with disabilities are closed and that the provision of appropriate community-based services is strengthened;

(b) Ensure that all projects supported by public funds are carried out in a community setting, do not contribute to isolation of persons with disabilities, are monitored by organizations of persons with disabilities and are provided with sustainable continuous funding;

(c) Adopt the legal and other measures, such as the planned bill on personal autonomy and the bill on the Convention, necessary to make article 19 of the Convention justiciable;

(d) Ensure that financial and other measures are in place to allow persons with disabilities to be provided with personal assistance and that personnel supporting persons with disabilities in the community are appropriately trained, if necessary.’

[Article 25 UN CRPD](#) addresses Health.

‘38. The Committee urges the State party to withdraw its interpretative declaration on article 25 (a) of the Convention in order to allow persons with disabilities to enjoy the right to health on an equal basis with others.’

Malta’s next state report to the UN CRPD is due in 2026.

##### **4.1 Summary of the social situation of persons with disabilities**

Data from EU-SILC 2019 indicate the poverty risk rate for working age persons with disabilities in Malta was 22.6 % in 2019, compared to 12.6 % for other persons of similar age - an estimated disability poverty gap of approximately 10 percentage points (see Table 14). For people aged over 65, the disability poverty gap was 2.8 points (29.8 % for older persons with disabilities and 27.0 % for other persons of similar age). The tables in annex also indicate the respective rates of risk of poverty or social exclusion and break these down by gender as well age.

For persons with disabilities of working age in Malta (age 16-64) the risk of poverty before social transfers was 47.9 % and 22.6 % after transfers. The in-work poverty rate for persons with disabilities aged under 60 was 9.6 %.

Of interest to health policy are the data on self-reported unmet needs for medical examination (too expensive or too far to travel or waiting list). Disability equality gaps are evident here too and, on this basis, the rate for persons with disabilities in Malta was 0.2 %, compared to 0.0 % for other persons, which is below the EU27 average of 1.7 %.

### **Standard of living and social protection**

The pandemic has affected the standard of living of persons with disabilities in various ways. A research study commissioned by the Commission for the Rights of Persons with Disability (CRPD)<sup>18</sup> and carried out by the Faculty for Social Wellbeing at the University of Malta,<sup>19</sup> found that one of the strongest impacts was a sense of isolation experienced by persons with intellectual disabilities persons on the autism spectrum. This also led to persons with autism experiencing the deterioration of certain hard attained social skills. The pandemic also had an impact on the routine of persons with disabilities, affecting persons with mental health difficulties; and on the mental health of the population in general.<sup>20</sup>

Furthermore, restrictive measures led to the discontinuing of certain disability services, leading to a state of worry where persons with disabilities were not informed of any alternative measures. Persons with psychosocial disabilities, challenging behaviour and those who are non-verbal, who found themselves without the necessary support, were particularly affected. Such measures also impacted families of persons with disabilities, who were not always able to support them and found themselves with additional care responsibilities.<sup>21</sup>

Wearing of masks also adversely affected persons with different types of disabilities in unforeseen ways (due also to the fact that no prior consultation on restrictive measures was held with persons with disabilities), such as on persons with hearing impairments who depend on lip reading.<sup>22</sup>

Positively, in March 2021, it was announced that benefits were extended to parents of persons with disabilities aged 16 and over who were unable to go to work (and have to take unpaid leave) due to the closure of schools and other services. This financial assistance was given to such parents during the second school / service closure due to COVID, in March / April 2021. Furthermore, the medical benefit scheme and the disability benefit scheme were also given to persons with disabilities (and other vulnerable persons) who were unable to work due to being obliged to stay at home.<sup>23</sup>

Furthermore, on 1 September 2021, a new housing scheme (New Hope Guarantee Scheme<sup>24</sup>) was launched, which enables persons with disabilities to get a guarantee on a mortgage through a government-backed scheme if they have been denied life insurance and therefore are unable to obtain a mortgage, as well as persons, for example, in remission of cancer or other life impairing conditions (from a defined list).

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<sup>18</sup> <https://www.crpdpd.org.mt>.

<sup>19</sup> <https://www.um.edu.mt/socialwellbeing>.

<sup>20</sup> L-Universita' ta' Malta (Faculty for Social Wellbeing) for the Commission for the Rights of Persons with Disability. 2020. *The Impact of Covid-19 on Persons with Disability*. Available: <https://www.crpdpd.org.mt/resources/covid-19>.

<sup>21</sup> L-Universita' ta' Malta (Faculty for Social Wellbeing) for the Commission for the Rights of Persons with Disability. 2020. *The Impact of Covid-19 on Persons with Disability*.

<sup>22</sup> L-Universita' ta' Malta (Faculty for Social Wellbeing) for the Commission for the Rights of Persons with Disability. 2020. *The Impact of Covid-19 on Persons with Disability*.

<sup>23</sup> Ministry for Finance and Employment. 2021. *Update of Stability Programme 2021-2024*. Available: [https://ec.europa.eu/info/sites/default/files/2021-malta-stability-programme\\_en.pdf](https://ec.europa.eu/info/sites/default/files/2021-malta-stability-programme_en.pdf).

<sup>24</sup> [https://housingauthority.gov.mt/en/Pages/Schemes/SKEMA-NEW-HOPE--SKEMA-TA%E2%80%99-GARANZIJA-\(2021\).aspx](https://housingauthority.gov.mt/en/Pages/Schemes/SKEMA-NEW-HOPE--SKEMA-TA%E2%80%99-GARANZIJA-(2021).aspx).

### **Health**

COVID-19 posed more health risks to persons with disabilities in general than to the rest of the population. The same CRPD study found that for persons on the autism spectrum and those with an intellectual disability, going to hospital was often overwhelming: for persons on the autism spectrum, hospitals can already lead to sensory overload in normal circumstances. The pandemic then added to the vulnerability of persons with disabilities such as those having cerebral palsy and who could have added complications if they encounter the virus. Lack of timely information on such cases led to persons exposing themselves to greater risks without knowing. Furthermore, using public transport – where mask wearing was not always enforced – posed a greater risk for persons with disabilities.<sup>25</sup>

## **4.2 Analysis of social policies relevant to the Semester**

For reference, see also the 2021 [Recovery and Resilience Plan](#) for Malta and the 'Freedom to Live', the 2020-2030 National Disability Strategy (consultation version).

As mentioned in section 2, the RRP for Malta does not directly target or refer to persons with disabilities in the text.

While the COVID-10 response in Malta throughout the first few months (in 2020) was rapid, research participants taking part in the CRPD study mentioned above are of the view that such policies 'were not nuanced enough to accommodate the disability sector' (p.6). Examples of this are briefly described here:

- The list – issued by the Superintendence of Public Health – of persons who are vulnerable and thus more at risk, was not as comprehensive as necessary.
- Policies on leaving hospital care against medical advice put persons with disabilities in a situation where they were obliged to choose between their immediate safety and access to outpatient services.

The National Strategy on the Rights of Disabled Persons (Consultation Document) launched in 2021, however, targets the relevant areas, each described below. Positively, this strategy (unlike the previous one) lays down the timeframes within which each action is to be achieved, as denoted next to each objective / action above, whether it is within the next 2, 5 or 9 years.

### **Standard of living and social protection**

Objective 1 (Reforms and Equality) of the Strategy proposes to reform the current disability assessment systems and ensure that different systems utilised by the various agencies working with persons with disabilities (related to education, employment, health and disability services) are unified into one holistic system managed by Aġenzija Sapport<sup>26</sup> (the national agency for disability services). The reformed system would take into consideration all aspects of the person's life, 'to ensure that assessments focus on what support persons with disabilities require to realise their life plans.' This action is planned to be completed within the next nine years.

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<sup>25</sup> [https://housingauthority.gov.mt/en/Pages/Schemes/SKEMA-NEW-HOPE--SKEMA-TA%E2%80%99-GARANZIJA-\(2021\).aspx](https://housingauthority.gov.mt/en/Pages/Schemes/SKEMA-NEW-HOPE--SKEMA-TA%E2%80%99-GARANZIJA-(2021).aspx).

<sup>26</sup> <https://sapport.gov.mt>.



Such proposal is a much-needed improvement, once it is implemented, to the current medicalised criteria used for many disability assessments in Malta, as well as to the multiple assessments a person with disabilities is required to go through in order to access services and pensions.<sup>27</sup> However, the Objective makes no mention of other aspects of ensuring an adequate standard of living and social protection, such as the reduction of poverty, a concerning aspect, particularly during the COVID-19 pandemic which caused many persons with disabilities to lose their jobs.<sup>28</sup>

### ***Living independently in the community***

Objective 10 of the Strategy (Living Independently and in the Community, and De-Institutionalisation) is wholly dedicated to this aspect. The strategy proposes a five-pronged approach to achieve this objective, including their monitoring through CRPD:

- addressing gaps in mainstream community services in terms of accessibility and support for parents (to be achieved within 5 years);
- strengthening personal assistance schemes in terms of identifying gaps and enhancing and widening such services (including reforming disability assessment and eligibility procedures – to be achieved within 5 years);
- setting up a Train-the-Practitioner Unit within Aġenzija Sapport to train and accredit professionals and staff working with persons with disabilities (to be achieved within 9 years);
- ameliorating coordination among service providers (to be achieved within 2 years);
- developing a national de-institutionalisation strategy (to be achieved within 9 years).

The actions to be taken under this objective are all much-needed improvements in the area of independent living. Nonetheless, the development of a deinstitutionalisation strategy needs to be given priority, especially when taking into consideration the UN Committee's noted concerns on institutionalisation<sup>29</sup> through care orders for children with disabilities and the continued institutionalisation of persons with disabilities in residential institutions.

### ***Health***

Objective 8 (Healthcare) proposes four actions in this regard:

- revising the Code of Ethics for practising medical professionals in order to move away from traditional disability discourses (to be achieved within 9 years);
- providing specialised training to medical professionals on breaking news to persons with disabilities and their families in a disability-sensitive manner (to be achieved within 2 years);

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<sup>27</sup> Bezzina, L., Camilleri Zahra, A. and Gauci, V. 2019. *Disability Assessment – Malta Country Report*. Available: <https://www.disability-europe.net/country/malta>.

<sup>28</sup> Gauci, V., Callus A-M. and Camilleri Zahra, A. 2021. *European Semester 2020-2021 country fiche on disability equality*. Available: <https://op.europa.eu/en/publication-detail/-/publication/d01dba38-a70b-11eb-9585-01aa75ed71a1>.

<sup>29</sup> United Nations Committee on the Rights of Persons with Disabilities. 2018. *Concluding observations on the initial report of Malta*. Available: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=4&DocTypeID=5).

- implementing disability sensitisation in Medical Boards in order for such professionals to have a better knowledge of disability and the needs of persons with disability (to be achieved within 5 years);
- producing regular reporting on access to services by persons with disabilities on matters related to health, including on actions taken and gaps identified (to be achieved within 9 years).

## 5 Disability, education and skills – analysis of the situation and the effectiveness of policies

In 2018, the UN CRPD Committee made the following recommendations to Malta:

[Article 24 UN CRPD](#) addresses Education.

'36. Recalling its general comment No. 4 (2016) on the right to inclusive education and Goal 4 of the Sustainable Development Goals, especially targets 4.5 and 4.a, the Committee recommends that the State party:

- (a) Ensure the implementation of its laws on education, and accelerate the adoption process of the bill on the Convention, to ensure that violations of the rights under article 24 of the Convention become justiciable in the State party;
- (b) Adopt measures to ensure that students with disabilities, including students with intellectual or psychosocial disabilities, are provided with reasonable accommodation at all levels of education, and allocate the resources necessary to guarantee reasonable accommodation according to individual requirements in consultation with the person concerned, including the provision of learning support educators and their replacements when they are absent;
- (c) Ensure accessible mechanisms for accountability and redress in cases in which educational institutions, such as childcare centres and summer schools, or teachers discriminate against students on the basis of their disability;
- (d) Review the curriculum of students with disabilities through individualized education plans to ensure that the curricula allow them to learn the skills required to access the job market on an equal basis with others;
- (e) Carry out research on the extent to which accessibility standards are being complied with in the State party to obtain a full understanding of the barriers persons with disabilities face in the education system and the solutions required to enable their full participation, and to make research findings on the socioeconomic and cultural benefits of inclusive education available to all relevant stakeholders.'

Malta's next state report to the UN CRPD is due in 2026.

### 5.1 Summary of the educational situation of persons with disabilities

The EU-SILC 2019 estimates concerning educational attainment should be treated with additional caution due to relatively wide confidence intervals, but they consistently indicate disability equality gaps (an average of 2-3 years provides a more stable indication). Table 16 indicates early school leaving rates disaggregated by disability status in Malta. Youth with disabilities (aged 18-24) tend to leave school significantly more than peers of the same age groups without disabilities (and this is reinforced by widening the sample size to age 18-29). Table 17 shows completion rate of tertiary education disaggregated by disability and age group. Persons with disabilities (age 30-34) are less likely to complete tertiary education than their peers (and this is reinforced in the wider age range 30-39).

Despite the lower attainment rates of students with disabilities at post-secondary levels of education, there are also signs that the situation is gradually improving. The number of students at the University of Malta who requested access arrangements in the 2020/2021 academic year was 235 (an increase from the 183 of the previous year). Likewise, 56 students who had access arrangements will be graduating this year,

compared to 47 last year. It should also be noted that 19 students with access arrangements moved on to reading for a master's degree after graduation.<sup>30</sup>

On the other hand, as seen in Chapter 3, the full benefits of education for students with disabilities still need to be realized since they continue to experience barriers to employment.

The concern highlighted in last year's European Semester country fiche on disability equality for Malta regarding investment in segregated educational provision for students who are considered as unable to attend mainstream schools still stands. As stated in last year's report, this stance goes contrary to the ethos of inclusive education which requires mainstream schools to adapt to the needs of children with disabilities rather than expecting the latter to fit into the former. On the other hand, the direct references to inclusion and accessibility in the education component of the 2021 Recovery and Resilience plan are highly encouraging. This component is discussed in the next section. Malta's membership of the EU means that it also needs to take into account the European Accessibility Act, the European Pillar of Social Rights, the Sustainable Development Goals education targets and the Marrakesh Treaty.

## **5.2 Analysis of education policies relevant to the Semester**

For reference, see also the 2021 [Recovery and Resilience Plan](#) for Malta and the 'Freedom to Live', the 2020-2030 National Disability Strategy (consultation version).

A key component of the 2021 Recovery and Resilience Plan (RRP) is 'Enhancing quality education and fostering socio-economic stability' with a budget of around EUR 41 million. The focus of this component is on vocational training, the prevention of early school leaving and skills development. This focus should be of benefit for students with disabilities, especially those who may need additional support beyond the compulsory school-leaving age to develop vocational skills. The fact that learning support educators are provided for students with disabilities in mainstream schools up to the age of 16 means that particular attention needs to be given to those students who continue to experience difficulties in accessing the curriculum in post-secondary and vocational environments. Reference is made to the Malta National Disability Strategy in the description of the component. Likewise, the list of reforms includes 'Developing new education pathways towards inclusive and quality education'.

The several references to the inclusion of students with disabilities can be translated into concrete action, among others, through the investment related to this component, which is the 'Setting up of a Centre for Vocational Education Excellence'. Apart from the European legislation mentioned in Section 5.1 above, the setting up of this Centre will need to take into account the requirements of the Equal Opportunities (Persons with Disability) Act (2000) (EOA) in order to ensure that there is no discrimination against persons with disabilities. In this regard, it should be noted that failure to provide reasonable accommodation is considered as a form of discrimination under the EOA. This means that the setting up of this Centre needs to take accessibility and inclusion into account from the design stage. This requirement relates not only to ensuring that the building is physically accessible but also to ensuring that educational practices

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<sup>30</sup> Personal communication dated 3 September 2021.

take impairment-related needs of prospective and current students with disabilities into account, that the Centre is also accessible to and inclusive of prospective and current employees with disabilities, and that information about the provision of access is provided in accessible formats.

Many of the actions identified in Objective 7 of the draft National Disability Strategy 'Freedom to Live', which concerns informal, formal and non-formal education, are directly relevant to the education component of the RRP. These actions include extending the system of individualised educational plans (IEPs) to further education – thus ensuring that the necessary educational supports are in place beyond the age of 16, that IEPs become legally binding and that students with disabilities are involved in the development of their own IEPs and transition planning. The latter is also identified as an action in its own right and, by default, includes transition from secondary to post-compulsory education. Another directly relevant action is the proposed study of accessibility of educational institutions in terms of physical, sensorial and curricular access. Furthermore, the strategy identifies a number of stakeholders that should play a role in the implementation of the RRP education component, namely the Further and Higher Education Authority, the Foundation for IT Accessibility and Aġenzija Żagħżagħ's Youth.Inc programme. Significantly, the 'Freedom to Live' strategy also takes into account the sustainable development goals related to education. These too are highly relevant for further education since they mention, among others, increased opportunities for youth and adults to develop skills related to employment and entrepreneurship, vocational education for persons with disabilities and increasing access to ICT.

The focus on further education in the RRP does not obviate the need to ensure that primary and secondary education continue to become more inclusive. In fact, the education-related actions in the 'Freedom to Live' Strategy are also relevant for these levels of education, including the need for students to be involved in their IEPs and in transition planning (including from primary to secondary), making IEPs legally binding, accessibility studies in primary and secondary schools and reports on identified gaps and access to digital learning for students with disabilities at all levels among others.

The timeframe for the completion of the actions in the Strategy under Objective 7 vary from 2 to 5 to 9 years. It is hoped that, for those actions for which a longer timeframe has been set, there are no delays since these can have a direct negative impact on the future prospects of those students who are currently in secondary schools.

These policy documents, together with the *National Inclusive Education Framework*,<sup>31</sup> indicate that Malta is committed to implementing the recommendations made by the Committee for the Rights of Persons with Disabilities, quoted at the start of this chapter. In fact, in addition to the actions discussed above, there is also a commitment to identify and enact legislative changes that are needed to strengthen the rights of students with disabilities. It is to be hoped that these various commitments result in real and lasting change without any delays.

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<sup>31</sup> National Inclusive Education Framework:  
[https://meae.gov.mt/en/Public\\_Consultations/MEDE/Documents/MEDE\\_Inclusion\\_Framework\\_A4\\_v2.pdf](https://meae.gov.mt/en/Public_Consultations/MEDE/Documents/MEDE_Inclusion_Framework_A4_v2.pdf).

## 6 Investment priorities in relation to disability

### 6.1 Updates on use of existing EU funds (up to 2021)

The Reach project, reported on last year, has not yet been implemented. According to recent press reports, building work on the site identified for the project have been at a standstill for over a year and a half, with the contractor.<sup>32</sup> On the other hand, the VASTE project which was also reported on last year continued to be implemented.<sup>33</sup>

Although it is not funded by the EU, it is worth mentioning the project for the University of Malta to further develop the Maltese Speech Engine that was first developed by the Foundation for IT Accessibility. Through this project, a text-to-speech engine will be created that will, for the first time, be able to read Maltese in digital texts. This development will be beneficial to persons with disabilities in Malta.<sup>34</sup> Having this facility will be a significant step towards digital inclusion for persons with disabilities in Malta.

No information was available about new relevant projects.

### 6.2 Priorities for future investment (after 2021)

New measures and reforms to services and benefits. Consultations with persons with disabilities and their families should happen during the planning process, rather than making changes after implementation (for example as happened with COVID-related measures discussed in Chapter 4). Furthermore, as noted above, any investment – whether stemming from the RRP or not – should take into account accessibility standards and the needs of persons with disabilities. This applies for investment in education, employment, health services and social security among others.

Other areas of investment established in the RRP are also of relevance for persons with disabilities. Investments covered in Component 1 – related to addressing the challenges of climate change – are bound to create new jobs. It is important to maximise openings for employment for persons with disabilities in the opportunities created. With regard to the second component, any investment in carbon-neutral means of transport needs to ensure that public services are accessible to all. Finally, the development of digitalisation addressed in Component 3 needs to ensure that accessibility to the digital world is addressed. Here too there can be opportunities for employment of persons with disabilities.

Further opportunities for investment in creating a more inclusive and accessible society for persons with disabilities in Malta can be created through the next European Structural Funds programme. In fact, the consultation document for the 2021-2027

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<sup>32</sup> Paul Cocks 'Naxxar "disability hub" is hole in the ground as mediation underway'. *Malta Today* 22 June 2021.

[https://www.maltatoday.com.mt/environment/townscapes/110394/naxxar\\_disability\\_hub\\_is\\_hole\\_in\\_the\\_ground\\_as\\_mediation\\_underway#.YSz2NC0Ro11](https://www.maltatoday.com.mt/environment/townscapes/110394/naxxar_disability_hub_is_hole_in_the_ground_as_mediation_underway#.YSz2NC0Ro11).

<sup>33</sup> Jobsplus Annual Report 2020. <https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/publications/fileprovider.aspx?fileId=30226>.

<sup>34</sup> 'UM to further develop Speech Engine for the visually-impaired'. <https://www.um.edu.mt/newspoint/news/2020/02/maltese-speech-engine>.

programming period has many references to disability.<sup>35</sup> Various disability organisations were involved in the consultation process for this document.<sup>36</sup> References to disability issues are found primarily in Priority 2: Fostering active inclusion for all, Priority 3: Quality and inclusive education and Priority 4: Addressing material deprivation.

With regard to Priority 2, the main focus is on enhancing employment prospects for persons with disability with a reference also being made to developing community-based services. The latter are very important for persons with disabilities who have great difficulty in finding and retaining employment. The reference to the need for raising public awareness about disability issues is also very welcome. As Gauci (2020) notes, many persons with disabilities in Malta are well aware of their rights, but the rest of society is lagging behind and still perceives them as worthy recipients of charity but not necessarily as rights holders.<sup>37</sup>

When it comes to education, the focus on quality and inclusiveness for all students and at levels of education augurs well for students with disabilities. This approach can help ensure that the educational needs of students with disabilities are seen as part of a spectrum of needs by different learners. What is important is to achieve the right way of mainstreaming disability issues while not losing sight of the specific needs of individual students with disabilities.

Including persons with disabilities in Priority 4 was an important step as they are often at risk of poverty on an individual level, unless they are supported by their family. This situation is not conducive to promoting independent living for persons with disabilities who often required additional support which, unless it is provided by the state, inevitably means additional expenses to meet impairment-related needs. Digitalisation and digital accessibility are also taken into account in this consultation document.

There are overlaps, directly or indirectly, between the RRP investment priorities and the proposed priorities for the next iteration of the ESF programme. These overlaps are a strength that can be built on so as to ensure that the work carried out to implement one set of priorities complements that carried out for the other set of priorities to become a reality. Ultimately, the priorities and actions identified in both documents are in line with the requirements of the UN CRPD. Keeping these requirements in mind should help ensure that both European and national funds are invested in projects that truly safeguard the rights of persons with disabilities while addressing their needs, thus avoiding problematic projects such as the 'Reach' project.

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<sup>35</sup> EU Funds for Malta 2021-2027 Public Consultation Document European Social Fund Plus. [https://eufunds.gov.mt/en/EU%20Funds%20Programmes/EU%20Territorial%20Programmes/Documents/Public%20Consultation%20Document\\_26%20July%202021.pdf](https://eufunds.gov.mt/en/EU%20Funds%20Programmes/EU%20Territorial%20Programmes/Documents/Public%20Consultation%20Document_26%20July%202021.pdf).

<sup>36</sup> Consultations on the Multi-Annual Financial Framework 2021-2027. [https://eufunds.gov.mt/en/Information/Documents/List%20of%20Consulted%20Stakeholders\\_MFF%2021-27.pdf](https://eufunds.gov.mt/en/Information/Documents/List%20of%20Consulted%20Stakeholders_MFF%2021-27.pdf).

<sup>37</sup> Gauci, V. (2020) Il-persuni b'diżabilità – storja, sterjotipi u stigma (it-tieni u l-aħħar parti) [Persons with disability – history, stereotypes and stigma (second and final part)] *Il-Leħen* 13 September 2020. [https://www.um.edu.mt/\\_data/assets/pdf\\_file/0008/467837/IL-LEENSETTEMBRU132020\\_VGPart2.pdf](https://www.um.edu.mt/_data/assets/pdf_file/0008/467837/IL-LEENSETTEMBRU132020_VGPart2.pdf).

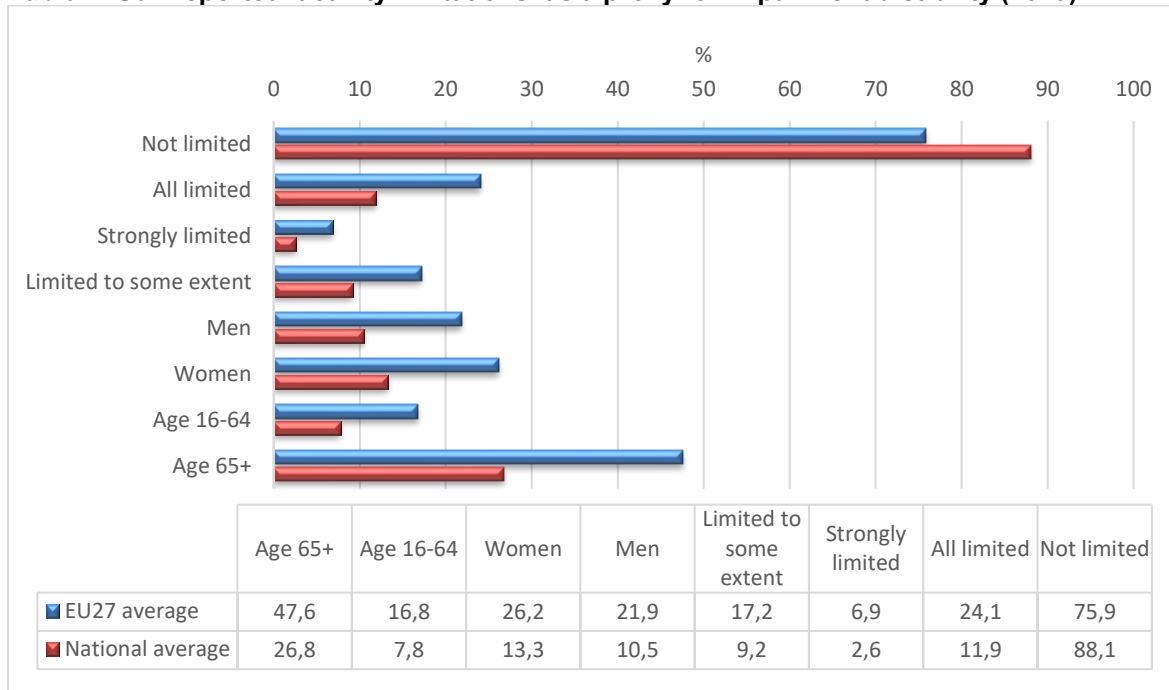
## 7 Annex: disability data relevant to the Semester

See also disability data published in the Eurostat database<sup>38</sup> and statistical reports.<sup>39</sup>

Unless specified, the summary statistics are drawn from the most recent EU-SILC data available to researchers from Eurostat. The EU-SILC sample includes people living in private households and does not include people living in institutions (congregative households). The sampling methods vary somewhat in each country.

The proxy used to identify people with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.<sup>40</sup>

**Table 1: Self-reported ‘activity limitations’ as a proxy for impairment/disability (2019)**



Source: EU-SILC 2019 Release 2021 version 1.

In subsequent tables, these data are used to indicate ‘disability’ equality gaps and trends relevant to the analytical chapters – for the labour market, social policies and healthcare, and education – by comparing outcomes for persons who report and do not report ‘activity limitations’.<sup>41</sup> National estimates for Malta are compared with EU27 mean averages for the most recent year.<sup>42</sup> Fewer people in Malta reported limitations than the EU average, which may affect the outcome indications.

<sup>38</sup> Eurostat health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

<sup>39</sup> Eurostat (2019) *Disability Statistics* [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics).

<sup>40</sup> The SILC survey questions are contained in the Minimum European Health Module (MEHM) [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum\\_European\\_Health\\_Module\\_\(MEHM\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum_European_Health_Module_(MEHM)).

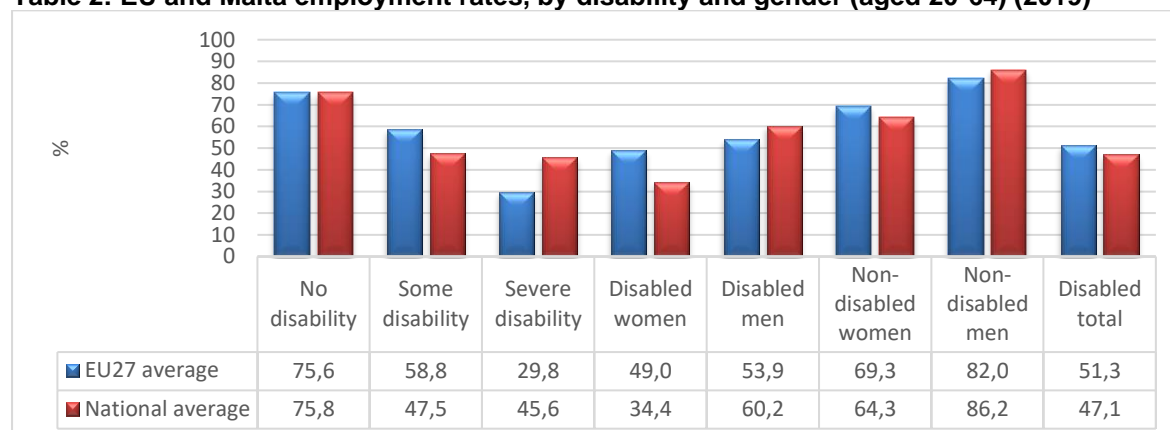
<sup>41</sup> This methodology was developed in the annual statistical reports of ANED, available at <http://www.disability-europe.net/theme/statistical-indicators>.

<sup>42</sup> The exit of the United Kingdom from the EU changes the EU average. Averages were also affected in 2015 by a discontinuity in the German disability data due to a definitional change.

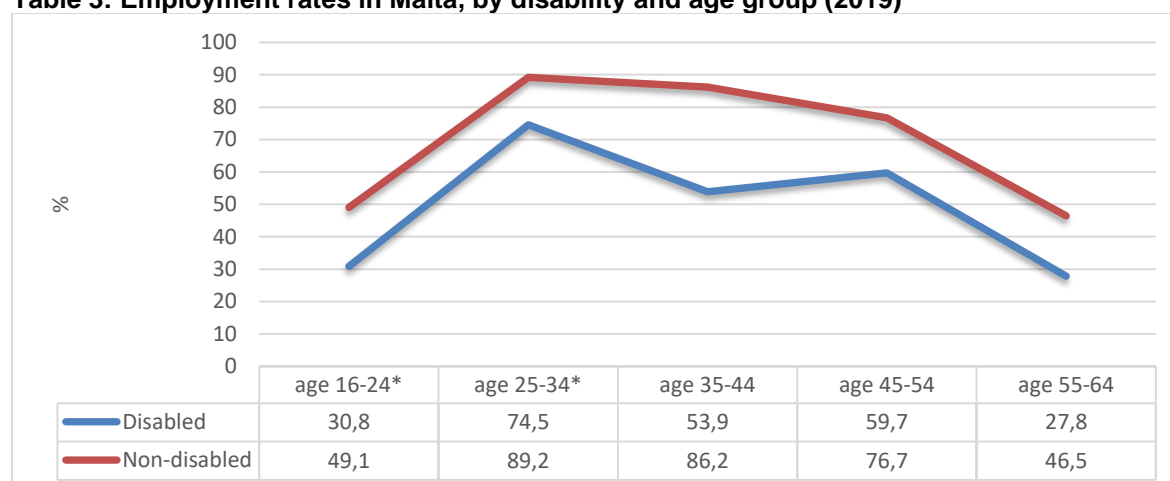


## 7.1 Data relevant to disability and the labour market

**Table 2: EU and Malta employment rates, by disability and gender (aged 20-64) (2019)**

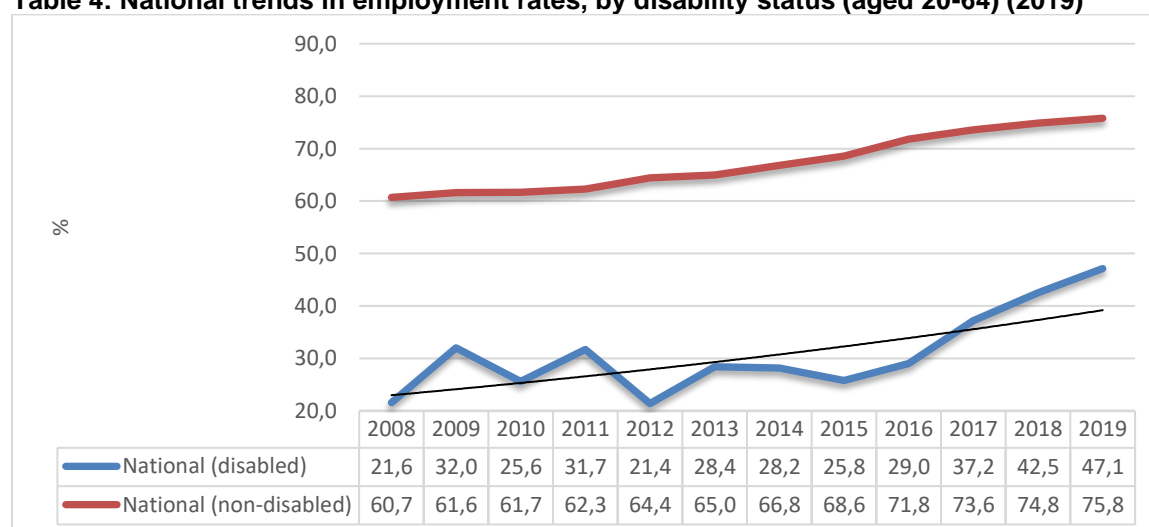


**Table 3: Employment rates in Malta, by disability and age group (2019)**



\* There were fewer than 50 observations in younger disability groups.

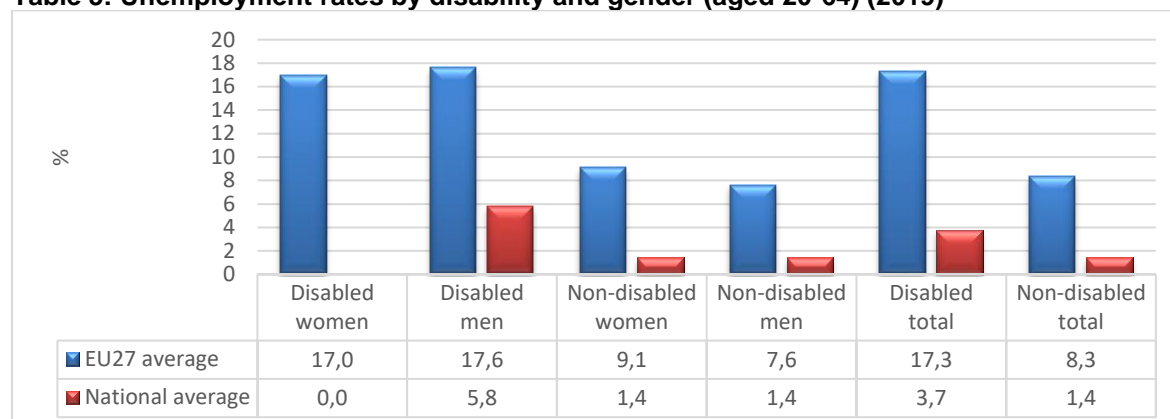
**Table 4: National trends in employment rates, by disability status (aged 20-64) (2019)**



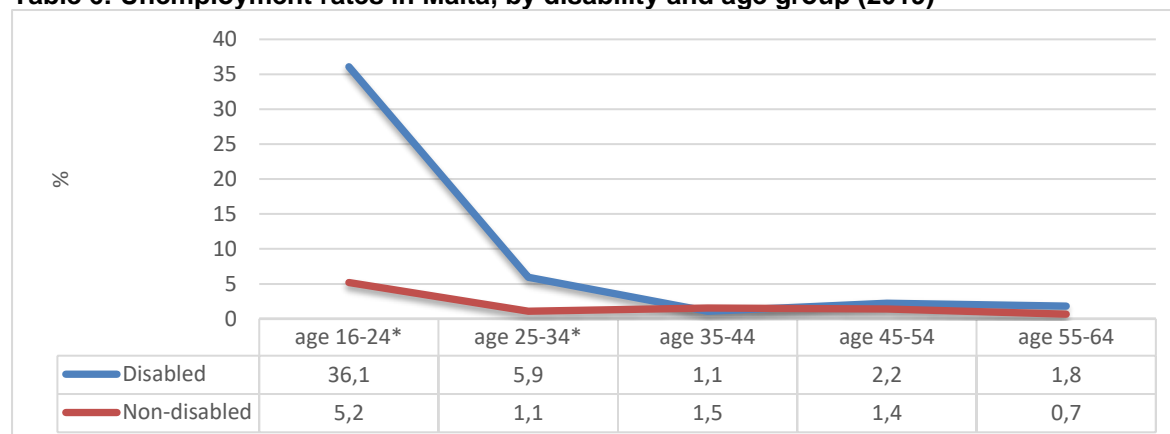
Source: EU-SILC 2019 Release 2021 version 1 (and preceding UDBs).

## 7.1.1 Unemployment

**Table 5: Unemployment rates by disability and gender (aged 20-64) (2019)**

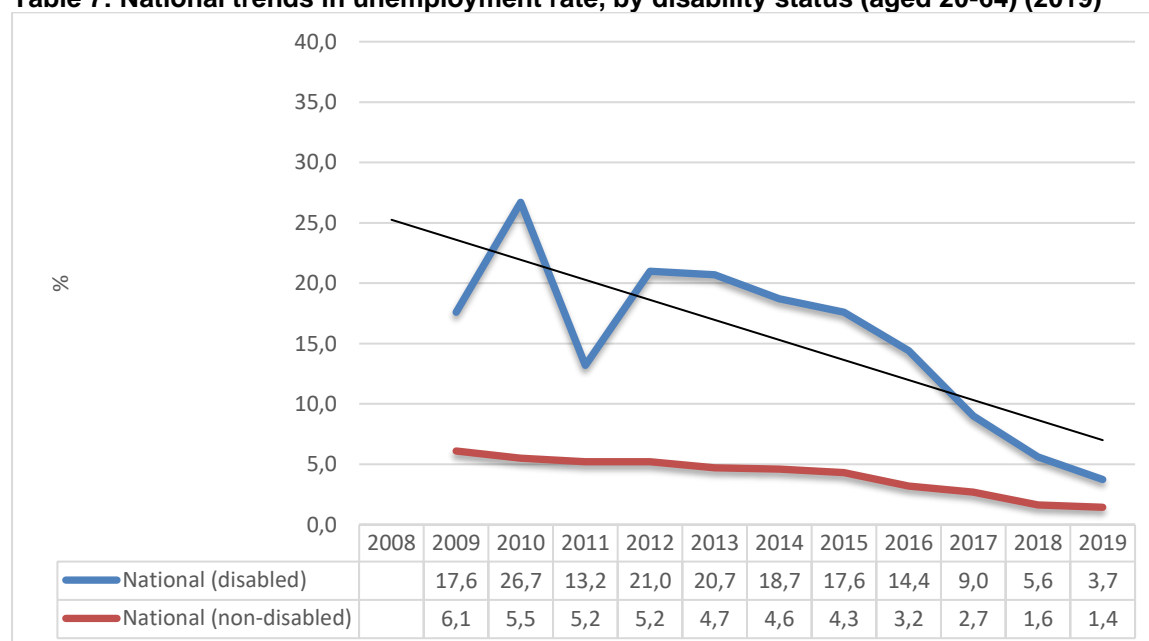


**Table 6: Unemployment rates in Malta, by disability and age group (2019)**



\* There were fewer than 50 observations in younger disability groups.

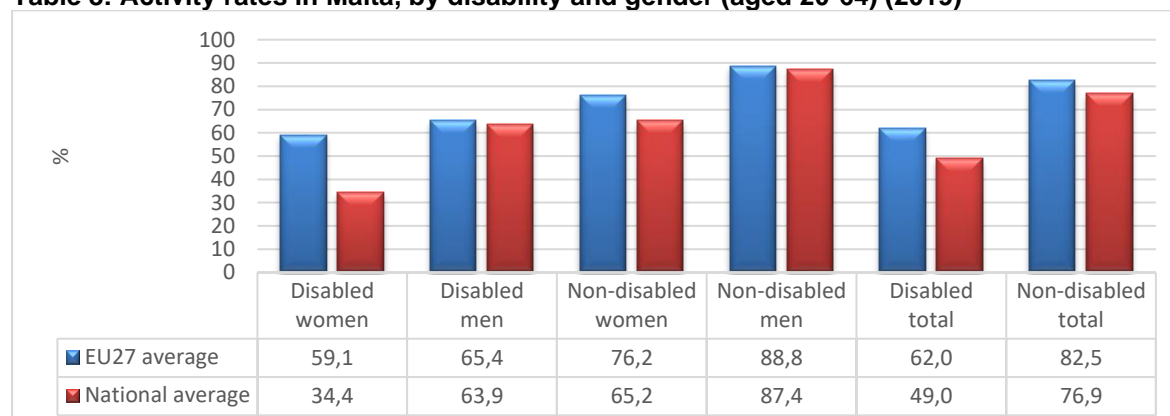
**Table 7: National trends in unemployment rate, by disability status (aged 20-64) (2019)**



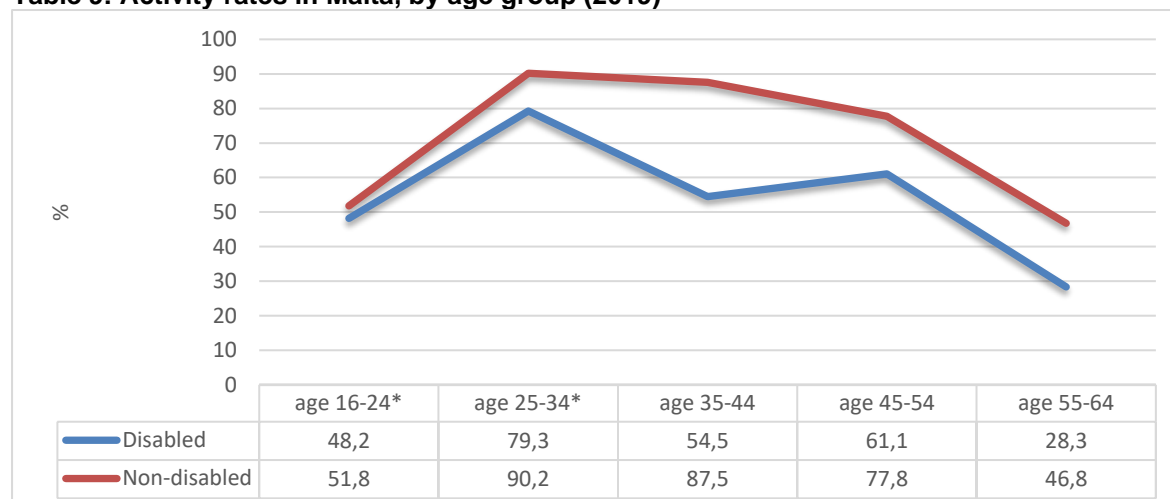
Source: EU-SILC 2019 Release 2021 version 1 (and preceding UDBs).

## 7.1.2 Economic activity

**Table 8: Activity rates in Malta, by disability and gender (aged 20-64) (2019)**

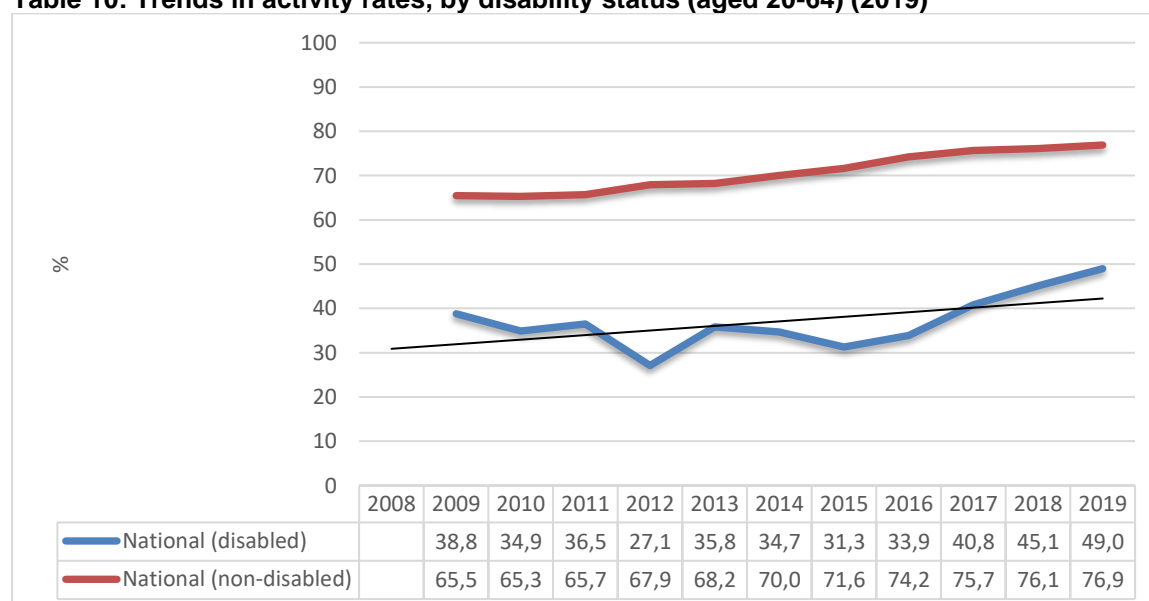


**Table 9: Activity rates in Malta, by age group (2019)**



\* There were fewer than 50 observations in younger disability groups.

**Table 10: Trends in activity rates, by disability status (aged 20-64) (2019)**



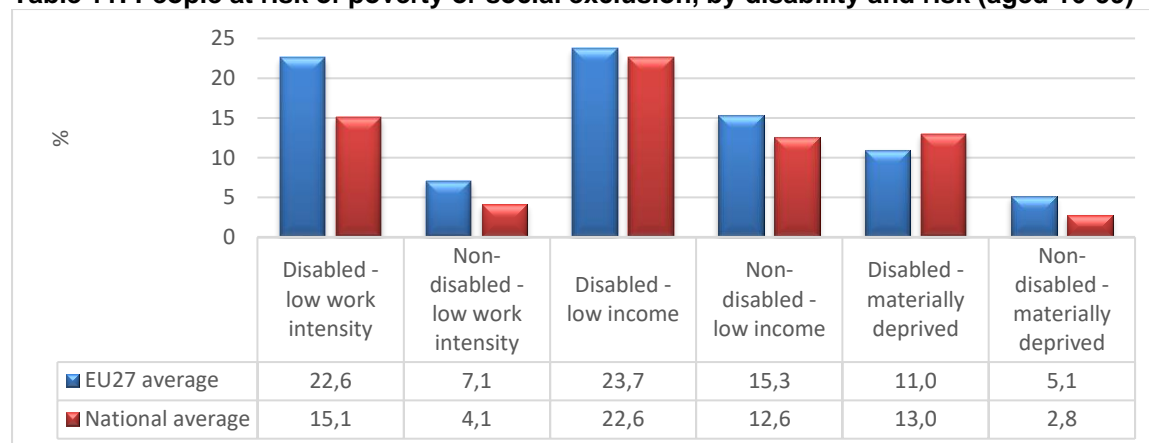
Source: EU-SILC 2019 Release 2021 version 1 (and preceding UDBs).

### 7.1.3 Alternative sources of labour market data in Malta

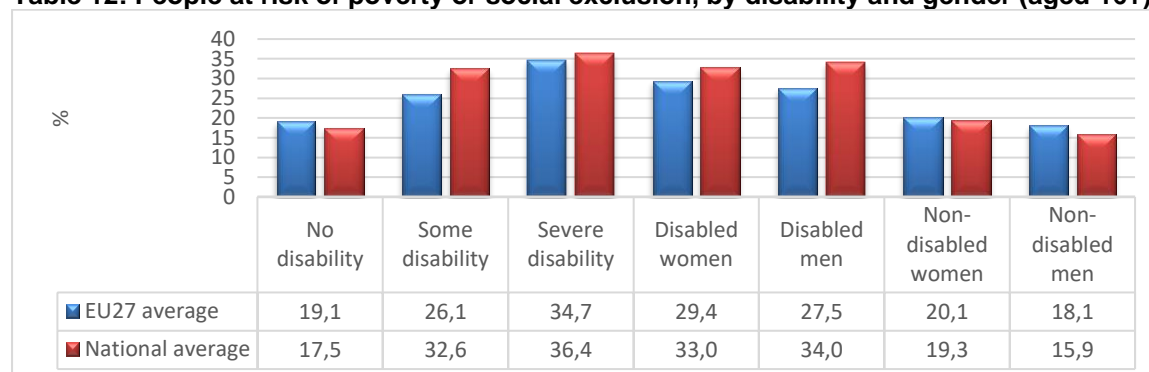
Disability data is not yet available from the core European Labour Force Survey but labour market indicators for Malta were disaggregated from ad modules conducted in 2001 and 2011. These can be found in the Eurostat disability database.<sup>43</sup>

## 7.2 EU data relevant to disability, social policies and healthcare (2019)

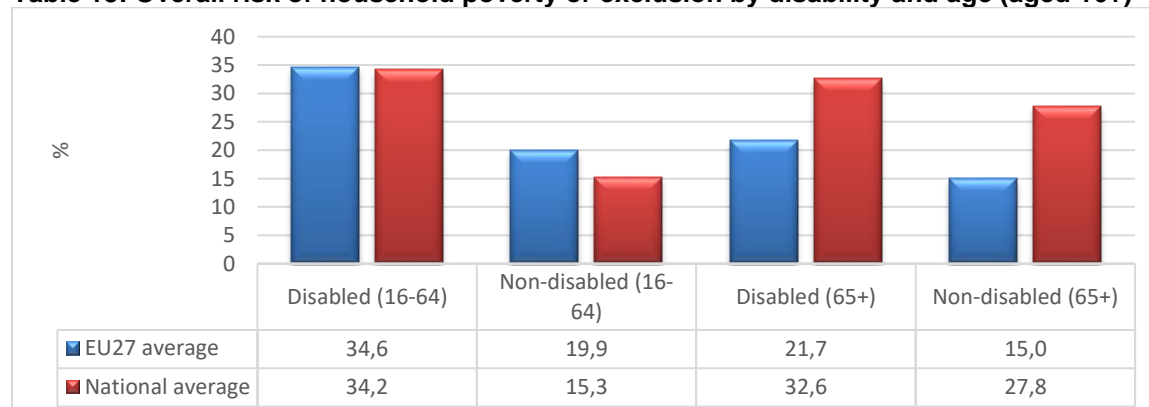
**Table 11: People at risk of poverty or social exclusion, by disability and risk (aged 16-59)**



**Table 12: People at risk of poverty or social exclusion, by disability and gender (aged 16+)**

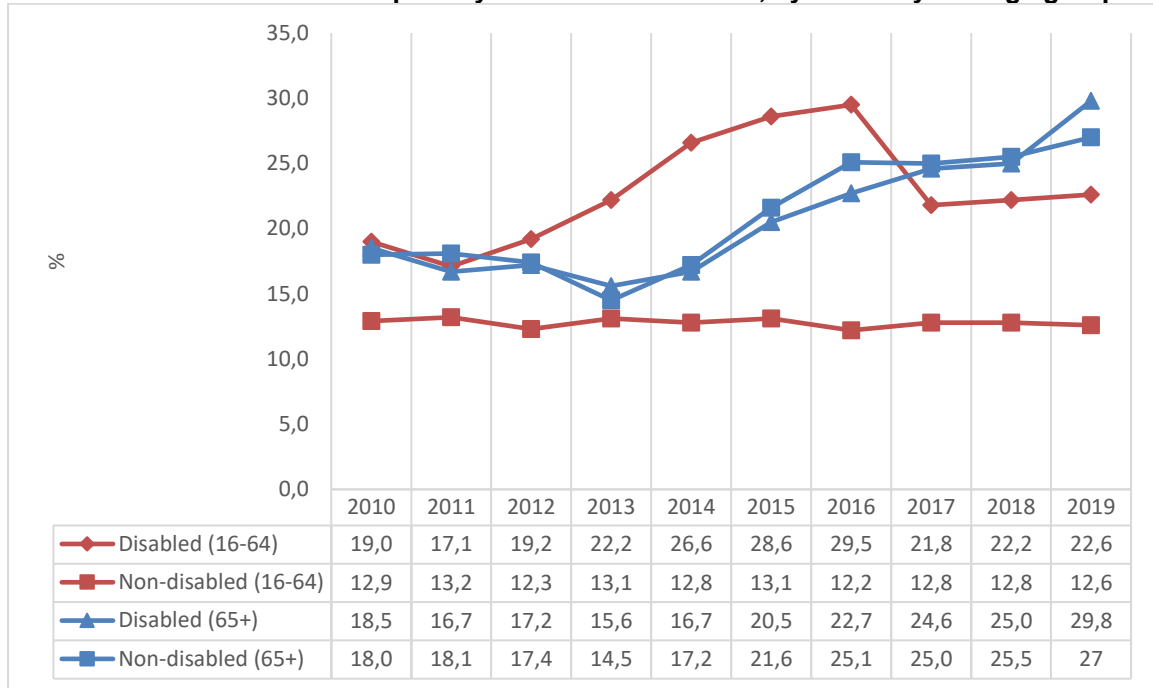


**Table 13: Overall risk of household poverty or exclusion by disability and age (aged 16+)**



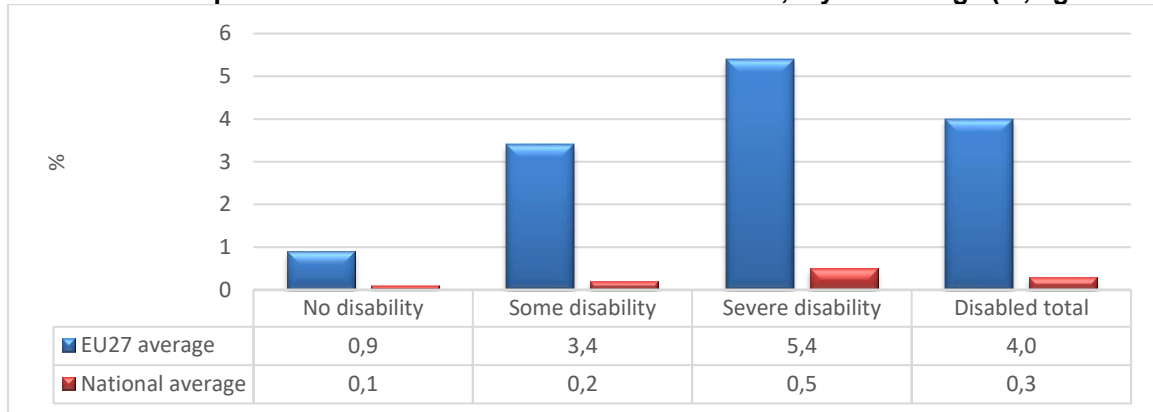
Source: EU-SILC 2019 Release 2021 version 1 (and previous UDB).

<sup>43</sup> Eurostat Health Database: <https://ec.europa.eu/eurostat/web/health/data/database>.

**Table 14: Trends in the risk of poverty after social transfers, by disability and age group**


Source: Eurostat Health Database [[hlth\\_dpe020](#)] - People at risk of poverty.

Note: this table shows national trends in financial poverty risk, rather than the general AROPE indicator (which is not as comparable between age groups due to the effect of paid employment); the survey does not distinguish 'activity limitation' for children under 16.

**Table 15: Self-reported unmet needs for medical examination, 3-year average (% , aged 16+)**


Source: Eurostat Health Database [[hlth\\_dh030](#)] – 'Too expensive or too far to travel or waiting list'.

Note: due to large variations an average of three years is indicated. EU mean averages are also skewed by high values in a minority of countries within disability groups but median averages for the total disability and no disability groups in 2019 are consistent with the 3-year mean values.

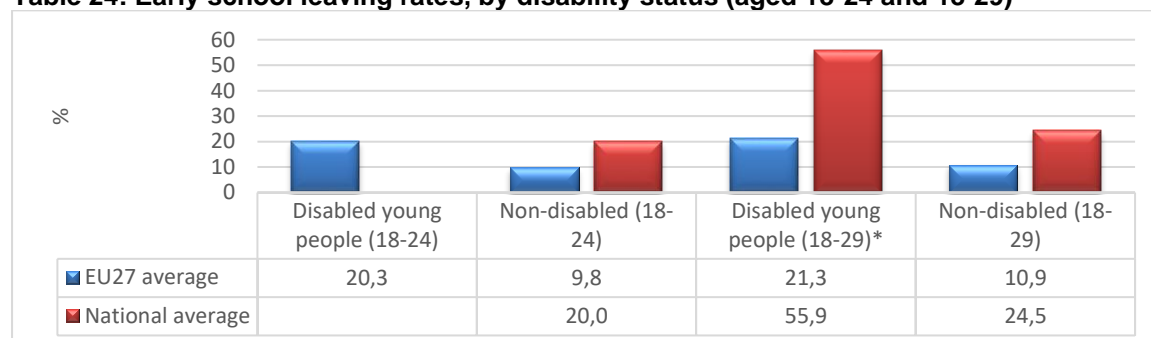
### 7.2.1 Alternative sources of poverty or health care data in Malta

The EU-SILC data provides a comprehensive and reliable source concerning poverty or social exclusion rates. In addition to the summary tables presented so far, the Eurostat disability database also contains breakdowns concerning disability and poverty before and after social transfers, as well as in-work-poverty.<sup>44</sup>

<sup>44</sup> Eurostat Health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

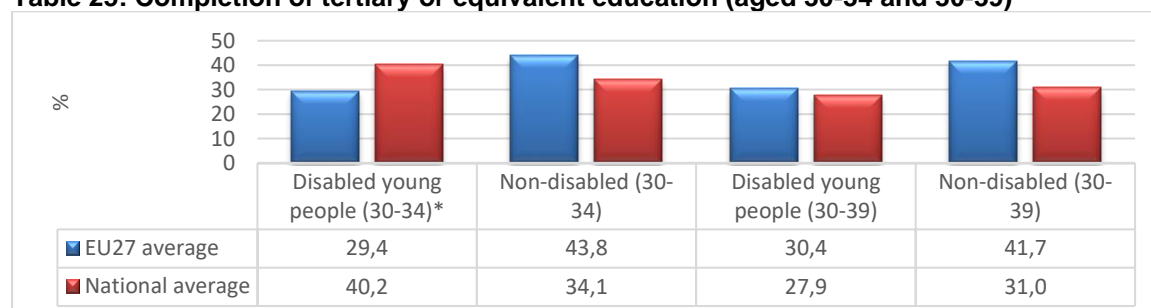
### 7.3 EU data relevant to disability and education

**Table 24: Early school leaving rates, by disability status (aged 18-24 and 18-29)<sup>45</sup>**



\* There were fewer than 20 observations in the 18-24 disability sample and fewer than 50 in the 18-19 disability sample.

**Table 25: Completion of tertiary or equivalent education (aged 30-34 and 30-39)**



Source: EU-SILC 2019 Release 2021 version 1 (and preceding UDBs).

Note: Confidence intervals for the disability group are large and reliability low (due to the small sample size in the target age group). An average of several years may be needed to establish trends or to compare breakdowns by gender. \* There were fewer than 50 observations in the 30-34 disability sample.

#### 7.3.1 Alternative sources of education data in Malta

The current situation is outlined in chapter 5.1.

<sup>45</sup> There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition after this time.

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