

**WORKING TOWARDS THE IMPLEMENTATION
OF THE UNITED NATIONS CONVENTION ON THE
RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD)**

**A REPORT BY THE NATIONAL COMMISSION
PERSONS WITH DISABILITY (KNPD) – MALTA**

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Foreword

The development of a United Nation's Convention on the Rights of Persons with Disability came about as a natural progression from 1980s thinking encapsulated in documents such as the World Health Organisation's International Classification of Impairment, Disability and Handicap (1980), and the United Nation's World Programme of Action Concerning Persons with Disability (1982). By the 1990s and the publication of the UN's Standard Rules on the Equalization of Opportunities for Persons with Disability (1993) there was also a growing awareness of the need for anti-discriminatory legislation focusing on the *civil rights* of disabled persons in various countries.

The new millennium brought with it an insistence on the need for an international instrument to safeguard the *human rights* of disabled persons and disabled people's right to be directly involved throughout the drafting process. Under the rallying cry of 'Nothing About Us, Without Us', the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol came into being on 13th December 2006.

Disabled people are, of course, protected under the 1948 Universal Declaration of Human Rights. However, there was a general feeling that this was not enough. Disabled people argued that (a) in many countries disabled people are barely considered human, if at all, and (b) disabled people are the only vulnerable group to experience exclusion and oppression on account of structural barriers.

The CRPD is based on the social model of disability. This means that besides addressing the commonality of attitudinal barriers, it also seeks to remove and minimise socially-constructed structural barriers and the modification of certain social practices and policies so that disabled persons can move towards the mainstream of society.

The UNCRPD and its Optional Protocol were opened for signatories on 30th March 2007. Malta was one of those first countries that signed the Convention

and the Optional Protocol. Malta ratified the Convention and Optional Protocol on 10th October 2012 and both came into effect on 9th November 2012.

The CRPD does not give disabled people any *new* rights but, as Article 1 affirms, it is there to *“promote, protect and the ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.”*

After almost five years laying the ground-work, Malta ratified the CRPD in November 2012. Ratification is a dead letter unless the laws of the country allow for the implementation of the obligations which the CRPD requires if it is to be truly effective.

Some changes required post-ratification could take place almost immediately. A case in point is the Disability Matters (Amendments) Act of 2012 which made a number of long-overdue adjustments to local legislation which brought them more in line with CPRD thinking. Other changes need to take place over a period of time. Thus, public and private entities need to be aware of their obligations under the CRPD and then to ensure that make the necessary adjustments to ensure what CRPD calls “the progressive realisation” of rights enshrined in the Convention.

KNPD began paving the way for these changes to happen immediately after Malta signed the CRPD in 2007. As a first step KNPD began to prepare itself for its new role as Independent Mechanism and its work to protect, promote and monitor the implementation of the Convention. To this end, KNPD has employed a full-time official to manage and coordinate the multifarious tasks which this new role requires.

As its first act as Independent Mechanism, KNPD has compiled this report which sets out the tasks that need to be carried out by different government entities for the effective implementation of the CRPD in Malta. Some of the tasks fall under the remit of KNPD itself. In fact, KNPD has embarked on the creation of a Disabled Persons Advisory Committee (DPAC). The DPAC will be

made up of disabled persons from different impairment groups and from different disabled people's organisations, as well as a representative each of a parent or guardian of a disabled child, living at the same address and a parent or guardian of a disabled person with complex dependency needs, living at the same address.

The aim of DPAC is to fulfil the obligations under Articles 4, 33.3 and 33.2, that is, to ensure the full participation of disabled people in all aspects of the implementation process of the CRPD. KNPD will be working hand-in-hand with DPAC to ensure that the grass-roots concerns of disabled people and their parents/ guardians are kept on top of the national agenda to the fullest extent possible.

The setting up of KNPD in 1987, the enactment of the Equal Opportunities (Persons with Disability) Act (Cap.413) in 2000 and the ratification of the United Nations' Convention on the Rights of Persons with Disability in 2012 have all been major milestones in the Maltese disability sector. They have not only enshrined disabled people's rights with a seal of moral authority, but they have also provided us with the tools we need to ensure that these rights are fully and concretely respected.

We must, however, never lose sight of the fact that we, disabled people ourselves, are the only effective safeguard of our own rights. We have come a long way from being completely invisible and voiceless, but there is no guarantee, other than our own involvement and commitment to disability issues, that we will not find ourselves in that black hole again. KNPD, the Equal Opportunities Act and the CRPD are and remain tools. As tools they are only effective if we learn to use them skillfully and positively. It is up to us, disabled people alone, to make certain that the CRPD really will make a difference to our quality of life. Let's join together to make it work.

Joseph M. Camilleri
St Venera, 2nd March, 2013

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Introduction

On 13th December 2006, the disability sector was marked by a highly significant achievement, the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol by the United Nation's General Assembly. This Convention scored a number of firsts. It was the first treaty of the 21st century to be legally enforceable and specifically targeted towards disabled people. It is also the longest and the fastest negotiated treaty of its kind, and for the first time the people whose rights are addressed by the treaty were directly involved in its drafting, thus practising disabled people's rallying call of: 'Nothing About Us Without Us'.

Mexico was the country to initiate the process in December 2001. It proposed to the United Nation's General Assembly the establishment of an Ad Hoc Committee that would receive proposals of a convention which would promote and protect the rights and dignities of disabled people. The Convention was then negotiated between 2002 and 2006, during eight sessions of the Ad Hoc Committee. The UNCRPD and its Optional Protocol were opened for signatories on 30th March 2007. On that day, there were 82 signatories to the Convention, 44 signatories to the Optional Protocol, and 1 ratification to the Convention. Malta was one of those first countries that signed the Convention and the Optional Protocol on 30th March 2007. Malta ratified the Convention and Optional Protocol on 10th October 2012 and both came into effect on 9th November 2012. To date there are 154 signatories to the Convention, 90 signatories to the Optional Protocol, 125 ratifications to the Convention, and 74 ratifications of the Optional Protocol.

Why the need for a specific convention?

According to a report published by the World Health Organization (WHO) in December 2011, 15% of the world's population, or 1 billion people, live with a disability. Although this is a significant number of the world's population, and

although disabled people often were and still are the target of persecution and discrimination, till before 2006 there was no specific treaty targeted towards them.

Traditionally, disability has been understood and described by what is known as the medical model. Simply put, this means that the problems encountered by disabled people are seen as stemming from the disabled person's own impairment or limitation. It has been the custom of the vast majority of professionals and also society to try to change the disabled person so as to fit perceived 'norms'. However, the CRPD is based on the social model of disability and it further aims at giving concrete substance to this model.

The social model of disability was created by disabled people themselves, in reaction to the medical model, and as a result of their own experiences of isolation and oppression. It aims at shifting the focus away from the disabled person's impairment and focusing instead on the need to change 'socially constructed' disabling barriers. It emphasises the conviction that it is society's duty to change in order to accommodate the disabled person, and not the other way around. The CRPD contributes by focusing on the need to modify certain social practices and policies so that disabled persons are seen as citizens and equal bearers of human rights. The CRPD does not give any new rights to disabled people but provides a concrete form of human rights specifically for them.

The Convention and the Optional Protocol

The CRPD consists of a Preamble and 50 Articles. The Preamble is an introduction to the CRPD, which explains its purpose and its underlying philosophy. The Articles touch upon various aspects of disability and go through the different stages of one's life. The articles include Living Independently and Being Included in the Community (Article 19), Education (Article 24), Work and Employment (Article 27), and Participation in cultural life,

recreation, leisure and sport (Article 30) amongst others. The Optional Protocol can be signed and ratified separately from the CRPD. However, Malta has signed it together with the CRPD. The Optional Protocol consists of 18 Articles and it includes an inquiry procedure as well as a complaints procedure.

By signing the CRPD and Optional Protocol, countries are agreeing to refrain from acting in any way which would defeat the purpose and object of the Convention and Optional Protocol. The process following signing is that of ratification, which means that the country is now bound to fulfil the requirements of the convention. By ratifying, the country is also agreeing to the implementation and monitoring of the CRPD and Optional Protocol.

Ratification of the Convention

Prior to 2004, when the United Nations Committee came together to start drafting the Convention, work in relation to the disability sector in Malta had already gathered a certain amount of momentum with the enactment of the Equal Opportunities (Persons with Disability) Act in 2000. This was the first act of the millennium and was aimed at moving away from the concept of charity, towards empowering disabled people with specific rights targeted towards them. Work on inclusion in Education (Inclusion Policy) had also started in 1996, and this was another stepping stone towards achieving equality amongst disabled persons. Amongst other initiatives, one cannot fail to mention the setting up of Agenzija Sapport which, among other services, provides community-based residential services for disabled persons. It is in the light of these initiatives and the commitment already shown towards disabled persons that this report is being written.

Although Malta's ratification to the CRPD is relatively recent, work towards its implementation has already been in progress for some time. One of the major steps that was necessary for Malta to start moving towards being in line with the CRPD was The Disability Matters (Amendments) Act of 2012. The amendments included substitutions of what is nowadays considered as

offensive terminology, and which were not in harmony with the CRPD's underlying philosophy. One of the amendments also gave the authority to the Ministry for Social Policy to designate a competent authority to act as Focal Point, and KNPD the authority to act as Independent Mechanism, to protect, promote and monitor the implementation of the UNCRPD, fulfilling Article 33.2 of the Convention. Amendments to this Act showed the country was committed towards guaranteeing the rights of disabled persons, and eventually to the implementation of the CRPD itself.

In February 2012 work towards the Guardianship Bill was also put into motion and the proposed legislation was eventually enacted by Parliament in December 2012. This was another mandatory step towards the implementation of the CRPD, particularly Article 12 Equal Recognition before the Law. This Act introduces the system of guardianship for disabled persons who need support to varying degrees, so as to be able to manage their own affairs.

Another very important milestone has been the new Mental Health Act (Cap. 525) which was also enacted by Parliament in December 2012. This Act provides better safeguards for the rights of persons with mental health difficulties and also established the Office of the Commissioner for Mental Health and Older Persons.

Working Towards the Implementation of the CRPD

Implementing the CRPD is an ongoing process, and one which can never be considered completely finalised. This report is intended primarily to kick-start the implementation process. Prior to starting to implement the tasks as outlined in this report, it is being expected that a cost-benefit analysis is carried out, where applicable. The cost-benefit analysis is to be carried out by the Government in collaboration with each entity, so that each respective entity is allocated the resources it needs to implement these recommendations. These entities could include non-governmental organisations which the government can enter into partnership with, where appropriate. One should keep in mind

that most recommendations do not require substantial funding. While KNPD recognises that in times of economic austerity funding these measures may prove challenging, it is important for Government to keep in mind that disabled people's rights remain paramount and by extension, service provision has a direct impact on their quality of life.

As stated in Article 33.2 of the CRPD, and in the newly amended Equal Opportunities (Persons with Disability) Act (Cap 413), KNPD has been appointed the Independent Mechanism of the Convention. As part of its role, it has drafted a list of tasks stated in this report, aimed at ensuring the better implementation of the CRPD, which tasks are to be undertaken by the relevant Ministries and/or government entities.

The Convention contains two kinds of obligations:

- a) obligations that need to be fulfilled immediately so that Malta will be in line with the Convention; and
- b) obligations that are to be realised progressively, over a number of years, to the maximum of Malta's available resources --- these include, for example, economic, social and cultural rights

Thus, these obligations were taken into consideration in the recommended timelines for the implementation of each task hereunder. Given the amount of tasks that need to be carried out simultaneously, the timeframes set aim at being realistic without giving rise to unnecessary delays. For the purpose of clearer presentation and organisation of the tasks to be implemented, KNPD has grouped together those Articles in the Convention that are considered to be closely related to each other.

The table with the groups of Articles that are closely related to each other was then disseminated to organisations that work in the disability sector for consultation. Following this, KNPD drafted the report by considering the different tasks that are needed to implement the Convention in Malta. This draft report was disseminated for further consultation and the feedback received

taken into consideration when finalising the report. The list of organisations that sent their feedback is found in the Appendix. Given that the publication of this report coincided with the general elections and therefore a new legislature, the deadlines stated in this report will commence from 1st May 2013.

Implementation of the UNCRPD

Article 1 Purpose, Article 2 Definition, and Article 3 General Principles

Articles 1, 2, and 3 are grouped together due to their introductory nature. These three articles are concerned with underlining the purpose of the CRPD; stating the definitions of certain terms used in the CRPD; and with setting the general pillars of the CRPD. Due to this specific nature, no particular tasks were designated for this group of Articles. However, this does not in any way decrease the importance of these Articles, since their content lays out the platform for the underlying philosophy of the Convention, and thus their meaning and impact should be given due regard.

As specified in Article 1, the CRPD protects the rights of all persons with disabilities including ‘those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others’. Consequently, the scope of this Report covers all persons with disabilities irrespective of their impairments.

Article 4 General Obligations, Article 5 Equality and Non-Discrimination

Immediately after ratification, the first general task to be implemented with regards to this group of Articles is to transmit the general obligations of the CRPD to all ministries, public service, and public sector entities. Through the Principal Permanent Secretary, Government should issue a circular to all

Permanent Secretaries making them aware of the new obligations derived from this Convention that ministries, public service, and public sector entities will be obliged to implement. This means that on receipt of the circular, all the entities should start applying the general obligations of the CRPD to their own policies and action plans. The Focal Point, which falls under the remit of the Ministry responsible for Social Policy, as is stated in Article 33.1 of the Convention, shall be in charge of the communication between all entities in this regard. A specific deadline is not being stated for this task since the application of general principles should be an ongoing process and is only expected to be achieved once the recommended actions of this report are fully implemented. Notwithstanding this, a deadline of 3 months from 1st May 2013 is being set for the transmission of the Circular by the Principal Permanent Secretary to make all the entities aware of the general obligations of the Convention.

Another task to be implemented, as requested by Article 4 of the Convention is the mainstreaming of disability legislation, that is, all new bills and legislation, including subsidiary legislation, put forward shall take into consideration the relevant disability issues and priorities related to the disability sector. With reference to the Equal Opportunities Act, KNPD is to be consulted at the drafting stage of any new legislation. This task is considered to fall under the remit of the office of the Attorney-General and it should be implemented with immediate effect. Furthermore, also falling under the remit of the Attorney General and Parliament is the task of amending already existing legislation, including the General Elections Act, and the Social Security Act, and enacting new legislation which is specific to the disability sector in order to ensure that the requirements of the CRPD become effectively entrenched into Maltese legislation. Reference to deadlines for these acts mentioned above is made later in the report.

With particular reference to Article 4.3, it is important that disabled people are consulted in the implementation of the recommendations contained in this Report and in other decision-making processes that affect them. This can be achieved through consultations with disabled people and their representative

organisations, as well as through the setting up of service-user groups within services that are directly targeted towards disabled people.

Another salient implementation, which is directly related to Article 5, is an amendment to the Constitution of Malta, whereby it should include a specific article outlawing discrimination against disabled people, also giving due regard to the risk of multiple discrimination. This is to be taken on by the office of the Attorney-General. Although this is of high importance, KNPD is aware that amendments to the Constitution do not take place hastily, thus it is proposing a deadline of 3 years.

With reference to Article 4.3 and Article 33.3, the CRPD requires commitment from the concerned entities towards the direct involvement of disabled people and their representative organisations, in the drawing up of policies and legislation that are particularly targeted towards disabled people themselves. This shall be an ongoing task and no deadline is specified. However, it is expected that within 6 months from 1st May 2013, the Ministry for Social Policy, through the Focal Point, should have the mechanism in place for this task to be initiated.

Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information

As explained above, for the purpose of this report, Article 6, Article 7, Article 9 and Article 21 are being considered by KNPD as cross-cutting articles for the full implementation of the CRPD.

The CRPD recognises that women with disabilities are subject to multiple discrimination. For this reason, as explained above, Article 6 (Women with Disabilities) is being considered as a cross-cutting article. Gender mainstreaming can be used as a means of identifying, raising awareness and meeting the needs of men and women with disabilities. Hence, the drafting and

implementation of policies as well as the provision of services should take into account the different needs of men and women with disabilities. This applies for both present and future policies. In this regard, the National Sexual Health Policy for the Maltese Islands should also target the specific sexual health needs of disabled men and women with different impairments. In order to assist in the implementation of gender mainstreaming in the initiatives and measures proposed in this report, use should be made of the set of tools published by NCPE to assist policy makers when drafting and implementing policies and programmes.

Another group which the CRPD recognises as being in need of particular attention are children with disabilities (Article 7). This Article gives primary importance to the best interest of the child and to ensuring that children with disabilities exercise their right to express their views freely on all matters affecting them, taking into consideration their evolving capacities. Children's rights are set out in the Manifesto for Children published by the Office of the Commissioner for Children in 2013. Due consideration should therefore be given to children's rights and their particular needs when implementing the recommendations set out in this report. This Article is referred to throughout this report.

Article 9 (Accessibility) is also being considered as a cross-cutting article. As is clearly stated in this Article, accessibility refers to the elimination of obstacles and barriers in buildings, roads, transport and other indoor and outdoor facilities; and information, communication and other services. It also refers to the use of technology to increase accessibility by addressing the specific difficulties encountered by disabled persons with different impairments. Furthermore, this Article states that this technology should be provided for disabled people at a minimum cost. This Article is referred to throughout the report.

However, a very important task that needs to be mentioned with reference to Article 9 is to initiate work towards considering Maltese Sign Language as an official language. This will require an amendment to the Constitution of Malta.

KNPD in liaison with the community of Deaf people and their representative organisations, and with the Foundation for Maltese Sign Language shall work together in this regard. This task falls within the remit of the Attorney-General. A deadline of 3 years is being proposed for the implementation of this task.

Furthermore, KNPD considers it a priority for all ministries, public service, and public sector entities to do their utmost to continue combating the physical, architectural and communication obstacles within their area of responsibility. This includes the provision of Sign Language Interpreters at hospitals, and other services offered by Government. KNPD suggests that a plan of action for progressive realisation for the next ten years is drawn up within 6 months from 1st May 2013, especially when it is taken into consideration that the Equal Opportunities Act has been in place since 2000. This task falls under the remit of every Minister and Director of the relative ministry, public service or public sector entity respectively, but should be initiated and required by the Principal Permanent Secretary in conjunction with the Focal Point.

In addition to the above, the CRPD also obliges the government to continue with its general improvements to the built environment, such as pavements, roads and public transport infrastructure. An audit of the current state of the infrastructure should be carried out, leading to a plan for progressive realisation for the next 10 years. Access to pavements and bus shelters should be given priority and realised within 2 years. This particular task falls under the responsibility of Transport Malta and the Local Councils. A deadline of 1 year is being set for the publication of the Progressive Realisation report.

The fourth article which is considered to be cross-cutting is Article 21 (Freedom of expression and opinion, and access to information). This includes the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication. Given the great importance placed by the CRPD on the involvement of disabled people and their representative organisations in the implementation of the CRPD itself, this is a crucial article and is therefore referred to throughout this report. Representative organisations are those grass-roots organisations which are controlled by

disabled persons or family members of disabled persons who cannot represent themselves.

Article 8 Awareness Raising

Awareness-raising across all levels is considered to be a very important pillar in combating discrimination. With particular reference to Article 8, ministries, public service and public sector entities should be made aware of the appropriate use of language when referring to or communicating with disabled persons. This will greatly assist in the daily struggle against stereotyping, prejudice and harmful practices in relation to disabled people. KNPD is proposing that a Circular is sent by the Principal Permanent Secretary to all public service and public sector officers. It should include guidelines about the appropriate use of language. Reference should be made to the 'Drittijiet mhux Karità/Rights not Charity' guidelines published by KNPD, available from www.knpd.org. Although the work involved is ongoing, a deadline of 3 months from 1st May 2013 is being set for the Circular to be sent.

Positive representation of disabled people in the media should also be taken more seriously since it would further assist in combating discrimination, leading to less prejudice in other important areas of life, such as education and employment. This should specifically address the prejudice experienced by people with certain types of impairment, especially mental health difficulties. The set of guidelines mentioned above, entitled 'Drittijiet Mhux Karità (Rights not Charity) published by KNPD, and Subsidiary Legislation 350.7 entitled 'Requirements as to Standards and Practice Applicable to Disability and its Portrayal in the Broadcasting Media' (<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10172&l=1>) already exist. In view of this, KNPD is proposing a deadline of 6 months for the appropriate action to take place in relation to the above. In order for the tasks mentioned above to be accomplished, it will be necessary for the Malta Broadcasting Authority to communicate with the media. It will also be the

responsibility of the Broadcasting Authority to enforce the provisions of the circular as well as the guidelines published by KNPD.

It is also being suggested that more awareness is raised with regards to the rights of disabled people, including those who are at risk of multiple discrimination such as women and children, as identified by the CRPD. First and foremost, this should aim at making disabled people aware of their own rights, with reference to the CRPD and the Equal Opportunities Act, and by further empowering them to report cases of discrimination against them on the basis of their disability. Secondly, more awareness needs to be raised among parents and other family members of disabled persons about both the rights and the potential of these persons. Thirdly, post-secondary and tertiary educational institutions should provide the necessary awareness-raising course programmes for all professionals. Finally, awareness-raising should also aim at making the general public more aware of the rights of disabled people, with the hope that this will lead to a more widespread acceptance and implementation of the general policies and the removal of discrimination against disabled people. Most of this work is already being carried out by KNPD, in its role of Independent Mechanism as stated in Article 33.2 of the Convention, and due to KNPD's responsibility of raising awareness as specified in Article 22 of the Equal Opportunities Act. Notwithstanding, this shall continue to be an ongoing practice, and KNPD should continue to have a year long awareness raising programme.

With reference to the above-mentioned tasks, it is important that due consideration is also given to the cross-cutting Articles. These articles are Article 6 Women with disabilities, Article 7 Children with disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information.

Article 12 Equal Recognition before the Law, and Article 13 Access to Justice

The Guardianship Act was one major step towards fulfilling Article 12, particularly point 2 which states that, “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspect of life”. KNPD is now looking forward to the setting up of the Guardianship Board and hoping that the provisions of the Act will be in place within 3 months from the setting up of the Guardianship Board. It is important for regulations to be drawn up to guide the work of this Board and to ensure that the focus is on supporting disabled people to exercise their legal capacity in keeping with the word and spirit of the CRPD. Recognising all disabled people as equal before the law is fundamental in ensuring that they can enjoy their rights as set out in the CRPD, and therefore declaring a person as not having legal capacity undermines these rights. This means that disabled people who are currently under an interdiction or incapacitation order should be referred to the Guardianship Board. The target should be that within 3 years no disabled person shall be any longer interdicted or incapacitated. This task falls under the authority of the Ministry for Social Policy in collaboration with the Ministry for Health, especially in relation to persons under interdiction or incapacitation orders living in institutions which fall under the remit of the Ministry for Health.

Furthermore, legislation should be put in place for advanced directives, or ‘living wills’ as they are also referred to, to be legally recognised. This would enable any person to dictate how they would like to be cared for if they find themselves in a state of high dependency such as severe dementia or persistent vegetative state. It is being proposed that this recommendation will be in place within 3 years. This task falls under the remit of the Ministry for Social Policy.

Another task to be implemented, as required by Article 13, is to establish a more effective means of evidence-gathering in court from disabled people, especially persons considered to be vulnerable suspects or witnesses who present communication and behaviour difficulties. Such means could constitute accepting video conferencing as a way of gathering evidence from adults, or accepting the presence of a trusted person. This task falls under the remit of the Ministry for Justice. A deadline of one year from 1st May 2013 is being proposed for the implementation of this task.

With reference to Article 13.2, KNPD is also proposing that the police force should adopt an equal opportunities policy and best practice guidelines on how to communicate and behave with disabled persons. Disability Equality Training already takes place. However it is currently on an ad hoc basis and mostly focuses on the use of the Blue Badge. KNPD proposes that this kind of training should be more extensive and also include information on how evidence can be gathered from persons who present communication and behaviour difficulties. In addition KNPD is also proposing that this training should also include information about how to communicate with persons with mental health issues, especially when they are experiencing a mental health crisis. Disability Equality Training should become compulsory and form part of the formal structure of studies for all levels of the police force. Court staff and other professionals who work within the judicial system would also benefit from such training and should also adopt an equal opportunities policy. A deadline of one year is being proposed for the structured inclusion of Disability Equality Training in the compulsory studies for the Police Force and for court staff. There also needs to be a plan for police stations to become accessible to all within five years. The tasks above both fall under the remit of the Minister for Home Affairs.

With reference to the above tasks, due regard should also be given to the cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information.

Article 10 Right to Life, Article 11 Situations of Risk and Humanitarian Emergencies, Article 14 Liberty and Security of Person, Article 15 Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment, Article 16 Freedom from exploitation, violence and abuse, Article 17 Protecting the integrity of the person and Article 18 Liberty of movement and nationality

With reference to Article 17, KNPD proposes the provision of structured support to disabled prisoners and disabled asylum seekers. This task falls under the remit of the Corradino Correctional Facility and the Office of the Commissioner for Refugees respectively. A deadline of 1 year is being proposed for this support to become embedded within the current system.

Disability Equality Training should also become compulsory for personnel who work with disabled prisoners and disabled asylum seekers. A code of practice for such personnel should also be drawn up. The training developed by the National Commission for the Promotion of Equality, in this regard, should be referred to. Furthermore, it is being proposed that personnel should become aware of the services available that disabled prisoners and disabled asylum seekers can be referred to. A deadline of 18 months is being proposed for the implementation of this task. This task falls under the remit of Corradino Correctional Facility and the Office of the Commissioner for Refugees.

With reference to Article 11, emergency services also need to be accessible to all. Particular mention should be made to video-phone devices, through which persons with hearing impairment can reach the emergency service. There also needs to be training for emergency service personnel to communicate with disabled persons who have communication difficulties. A deadline of 2 years is being set for these tasks to be accomplished by the Civil Protection Department.

With reference to Article 15, freedom from degrading and inhuman treatment can only be guaranteed through the enactment of adult protection legislation.

This will enable the relevant authorities to investigate reports of abuse of adults with disabilities and take the necessary action, including legal proceedings. At present, only children with disabilities are covered by such legislation and persons with disabilities over the age of 18 are vulnerable to abuse and neglect without any person or entity being able to take the necessary action to stop this abuse. A deadline of 3 years is being set for this task to be accomplished. This task falls under the remit of the Ministry for Social Policy.

With reference to the above-mentioned tasks, due consideration should also be given to the four cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with disabilities, Article 9 Accessibility, and Article 21 Freedom of expression and opinion, and access to information.

Article 19 Living independently and being included in the community, Article 20 Personal Mobility, Article 22 Respect for privacy, Article 23 Respect for home and the family, Article 28 Adequate standard of living and social protection, and Article 30 Participation in cultural life, recreation, leisure and sport

All of these articles concern the salient right of living independently, as well as the whole participation of disabled persons in all of life's events, ranging from the right to have a family to the right of participating in cultural and recreational events on an equal basis with others. A very important task highlighted by KNPD in this regard is to raise awareness amongst policy makers and service providers about the 'right of choice' of disabled persons, with the highlight being on their right to choose where to live and with whom to live. A progressive realisation report for the next 10 years making use of the recommendations published in the 'Policy on Independent Supported Living for Disabled Persons in Malta' by KNPD in 2011 needs to be compiled and its implementation initiated. Furthermore, respite care services should be expanded and adequate resources ensured for this service to meet current needs. The Ministry for Social Policy and Aġenzija Support shall be in charge of implementing this

report. A deadline of one year is being proposed for the report to be compiled and to start being implemented.

With particular reference to Article 19, it should be noted that some disabled persons cannot work, neither in open nor in sheltered employment on a full-time basis, or cannot work at all. For these persons, being included in the community entails being provided with community-based individualised day services. These services should be developed to address the current shortage of day-services and a deadline of 3 years is being set for this task. This task falls under the Ministry responsible for Social Policy and should be implemented through Agenzija Support.

With reference to Article 28 Adequate standard of living and social protection, KNPD believes that the current Disability Pension does not guarantee a disabled person's financial independence, and neither does it allow one to have a reasonable standard of living, especially when the added costs of impairment are taken into consideration. This inevitably leads to disabled people having to depend on their parents or their families to be able to have a decent standard of living. In certain situations this leads to cases of abuse and threat. KNPD believes that there needs to be a reappraisal of the assessment system which decides who should receive benefits and how much one receives. Reference should be made to Policy Recommendation 07 in the *Policy on Independent Supported Living for Disabled Persons in Malta* published by KNPD relating to the introduction of Independent Supported Living legislation to enshrine in law the right of disabled persons to independent living with the necessary support. This will entail, among others, the reappraisal of the current system for awarding the disability pension under the Social Security Act. This should also include those disabled persons who currently do not qualify, including people with mental health issues. This legislation should also introduce an assessment process of disabled people's needs that is based on their functional impairments. It is inevitable that such changes will entail a long process, thus a deadline of 5 years is being proposed for the necessary studies to be carried out and for the legislation to be enacted by Parliament. This particular task falls

within the remit of the Ministry for Social Policy with special reference to the Department for Social Security.

Following the publication of the Independent Supported Living Policy by KNPD, the government set up the Community Living Fund within Agenzija Sapport. It is important for this fund to continue to grow to meet the needs of disabled persons in this area. These needs can be met within the disabled person's own home or in a community residential setting, depending on the preferences and needs of the disabled person. With further reference to this policy, there should be incentives for families to set up trusts for disabled persons, if they can afford this in line with Policy Recommendation 29.

With reference to Articles 19 and 20, KNPD recommends the adequate provision of necessary equipment or assistive means so that disabled people can maximise their individual potential. This can be achieved through the strengthening of schemes which will aid disabled persons in purchasing and maintaining adequate assistive means. Such schemes are already in place, such as the Assistive Apparatus Fund (Servizzi Għajnuniet Speċjali) currently administered by KNPD and the subsidies given by the Malta Community Chest Fund. However, due to the changing needs of disabled people and the increase in the ageing population, a restructuring and strengthening of such schemes needs to take place. Furthermore, the services provided at the Sonia Tanti Independent Living Centre should continue to be developed. KNPD should work on implementing the above task. A deadline of 4 years is being proposed for the above mentioned scheme to be reappraised and for the restructuring to be in place.

Another important strategy that is needed in order to increase mobility amongst disabled people, especially in light of the increased pedestrianized zones, is the introduction of mobility services, with scooters and wheelchairs being made available on site, at all main shopping destinations and in locations where services are provided on a large area, such as the University of Malta, the Malta College of Arts, Science and Technology (MCAST), and also at Mater Dei Hospital to complement the portering system that is already in operation. A

deadline of six months is being set for this task, for each of the entity concerned.

Furthermore, with reference to the above Articles it is very important that a set of standards for the services provided in residential care are set. Work in this regard is already in the stage of initial discussion between KNPD and the Department for Social Welfare Standards. It should be noted that the CRPD also obliges the government to ensure the provision of rights to service users, to protect themselves in the case of abuse, or inadequate or substandard service. This is to be included in the criteria developed in the standards document. A deadline of two years is being set for both the publication and for the introduction of a system for their implementation. Furthermore, another 3 years is being proposed for the introduction of standards for all the other services for disabled people. These tasks fall under the remit of the Department for Social Welfare Standards.

With particular reference to Article 30, another task to be implemented is the mainstreaming of sports, leisure and other related activities, both for children and for adults with disabilities. Such mainstreaming should be carried out at a national level as well as by local councils. The Kunsill Malti għall-iSport (KMS) in conjunction with disability sports organisations should proactively adopt the practice of inclusion in all its policies and in all the activities and events it organises. All playgrounds and play areas should be equipped with apparatus which are accessible for children with mobility impairments. To this end it is important that the respective standards concerning playgrounds are amended to cater for these apparatus. It should also be recognised that, while mainstreaming is extremely important, there needs to be the provision for regular recreational and social opportunities catering for the wishes and needs of specific groups of disabled people. This task can be carried out by non-governmental organisations with the support of the state. KNPD is proposing a deadline of 2 years for the full implementation of this task.

Similarly, training programmes or short courses that are aimed at enhancing art and drama skills should be inclusive and made accessible to everyone. This

should include physical accessibility, accessible information and communication and the provision of support. This is closely related to Article 24 Education, which is further elaborated upon below. The Ministries for Education, Culture and Youth in collaboration with the Schools of Art, Drama and Music should make it their objective to implement the above as part of a structured setting. A deadline of 3 years is being proposed.

Another task to be implemented in fulfilment of Article 30 is the accessibility of available information in different formats regarding particular venues and events, most especially ones organised by ministries, public service, and public sector entities. This includes the availability of information in various accessible formats in museums, cultural heritage sites and similar venues. The relative entity organising the event shall be in charge of implementing the above. Furthermore, the accessibility of such venues and events should be monitored to ensure that they are up to standard and that the accessibility requirements are being met. In relation to this, disabled people should be encouraged not only to attend such events but also to take part in them, not only for their own benefit but also for the benefit of society. Specific reference is made to the 2018 Valletta Capital of Culture, which is an EU initiative and should be given its due importance. In the run up to 2018, attention should be given to accessibility to ensure the full participation of disabled people in the events and activities taking place. A deadline of one year is being proposed for the practical measures and programmes to be implemented in full capacity with regards to the above tasks. KNPD is willing to collate information with regards to the above. This task falls under the remit of the Valletta Local Council and the Valletta 2018 Foundation.

In relation to accessibility, and in fulfilment of Articles 30 and 9, it is essential that all public information in general is disseminated in formats which are accessible to all disabled persons. This includes large print, audio and easy-to-read. The publication of this material should be done within a reasonable time as publication of information in standard formats. In addition, specific reference is being made to accessible information about public transport which falls under the remit of Transport Malta; and to the need for sub-titles or sign-language

interpreting in television programmes as necessary which falls under the remit of the Broadcasting Authority. A deadline of 1 year from 1st May 2013 is being proposed for this.

With particular reference to Article 30, a deadline of 2 years is being proposed for the allocation of resources to disabled people and/or their organisations to be able to compete in sports or other activities at international level as well as participate in international events.

In the implementation of all the above recommendations, due regard should also be given to the cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information.

Article 24 Education

Article 24 does not only focus on education at compulsory level, but also on education across all levels, and makes a particular emphasis on lifelong learning. KNPD is very much aware that substantial improvements in this sector have already been made, especially at primary and secondary level. However in fulfilment of Article 24, it is proposing further monitoring and progression towards inclusive education. In this regard, KNPD is recommending that appropriately trained Learning Support Assistants (LSAs) should be provided to students with disability, whereby training is conducted prior to employment. The University of Malta should provide full-time courses for LSAs, ensuring that they are trained to work with students with different types of individual educational needs. However, once LSAs are employed, as far as possible Heads of Schools should ensure that the aptitude of LSAs is matched to the skills and abilities of the student. A quality support service needs to be provided throughout the scholastic year, even when an LSA is absent from school. Therefore, a strategy needs to be put in place to ensure that the pool of supply LSAs is large enough and trained well enough to cater for the broad needs of all the students. Another issue that needs to be addressed is the provision of

alternative testing and assessment procedures in all levels of education for all students whose Individual Education Program (IEP) states that they need to follow an alternative curriculum. All these recommendations will eventually lead to better support being provided to the student. These tasks should start being implemented within 5 years from 1st May 2013 under the remit of the Ministry for Education.

Furthermore, KNPD is proposing that the students' statement of Individual Educational Needs (IENs) be reviewed after an appropriate time, and especially in the later years of secondary schooling. In this review, special attention should be given to the IEP so as to ensure that, where appropriate, there is a gradual withdrawal of support. This is done in preparation for a post-secondary environment. Another aspect of the transition from secondary schools to post-secondary institutions is the sharing of information about students' support needs, with the consent of the students. A deadline of 3 years is being proposed for the above to start being implemented. This task falls under the remit of the Directorate of Educational Services and Directorate for Quality and Standards in Education.

It is also deemed very important that all Heads, members of the Senior Management Teams of schools, teachers and childcare assistants start receiving continuous professional development training on the inclusion of disabled students. This will lead to improved planning of lessons, with inclusion being an underpinning philosophy of their plans. This task falls under the authority of the Ministry of Education and a proposed deadline of 5 years for its implementation is being proposed.

KNPD is also proposing the creation of a standardised form of certification pegged at a level which is prior to what is currently considered Level 1 of the Malta Qualifications Framework. In this regard, the proposed validation of non-formal and informal learning by the National Commission for Further and Higher Education (NCFHE) is welcome. This should enable certain vocational courses to become recognised by the NCFHE, encouraging Lifelong Learning to be

taken up by disabled persons. This task falls under the remit of the NCFHE and a deadline of 3 years for the implementation of this task is being proposed.

In relation to Article 9 Accessibility, which for the purpose of this report is being considered as a cross-cutting article, KNPD is advising that all the schools, including both new and existing schools should comply with the Access for All guidelines published by KNPD. This entails taking into consideration the needs of persons with mobility, visual, auditory, and intellectual impairments, as well as persons with mental health issues and includes physical access, clear signage, good acoustics, good lighting and clear pathways. These issues are also applicable to all the nurseries and child care centres. The Foundation for Tomorrow's Schools shall be in charge of overseeing that this occurs. A progressive realisation report should be compiled and a plan with the detailed technical plan including deadlines is to be submitted within 2 years.

Accessibility should also continue to be a priority in terms of the provision of accessible educational material, such as making available accessible material in the school libraries and classrooms, as well as in post-secondary and tertiary institutions. What has already been achieved in this area should continue to be built on in order to ensure that more educational material is accessible for disabled students with different impairments, including those with reading difficulties or with communication difficulties. Examples of accessible material include audio books, large print, keyword sign systems, easy-to-read material which is age-appropriate for older children and adults, and dvds with subtitles. Furthermore, it should be ensured that all educational devices used in the classroom as a means of interaction, should be accessible to all, including disabled persons. This is a task to be undertaken by the two Directorates for primary and secondary schools and other educational institutions. A deadline of 3 years is being proposed. However, if in the mean time individual students need particular resources, these should be made available within a reasonable time-frame.

Another area where training is needed is in the provision of services which are specific for disabled persons. This training should be provided by the University

of Malta and should include training of teachers of the deaf, sign-language interpreters, note-takers, Braille teachers and mobility and orientation trainers. This will address the current shortage of services and promote the inclusion of disabled people in all sectors of society and in all aspects of life on a daily basis. This task falls within the remit of the Ministry responsible for Education and a deadline of 3 years for its implementation is being proposed.

The resources invested in ensuring that disabled children are fully included in primary and secondary schools need to translate into more young disabled people pursuing further and higher education and a reduction in the amount of disabled, early school-leavers. In order to achieve this the University of Malta including the Junior College, MCAST, the Institute of Tourism Studies, the Giovanni Curmi Higher Secondary School, courses provided by the Lifelong Education Directorate and the Employment and Training Corporation (ETC) and other educational institutions need to have the necessary resources to become increasingly accessible, in terms of physical access, access to information and communication, and the provision of learning support where necessary. There also needs to be the infrastructure in place for successful inclusion in both the academic life and in extra-curricular activities. This entails changes at various levels. At one level, this includes the adoption of the right attitude towards inclusion and modifications in teaching styles where necessary. At another level, practical measures such as access to transport should also be taken into account. In order to achieve this, it is being proposed that these various educational institutions keep and publish data about the percentage of disabled students on their registers with the aim of achieving a target of as close as possible to 5% disabled students (of the institution's total student population) within 5 years. This falls within the remit of the Ministry of Education.

With reference to the above tasks, due consideration should also be given to the cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with Disabilities. This includes addressing the difficulties experienced by women in pursuing education and training after the compulsory school-leaving

age, and giving children the opportunity to make their voice heard in the drawing up and implementation of individual educational programmes.

Article 25 Health and Article 26 Habilitation and Rehabilitation

These two articles have been grouped together since most of the tasks to be implemented in their fulfilment are closely related. With reference to Article 25, it is very important that there are suitably trained counsellors at the birth of a baby with a disability or at the moment of diagnosis of impairment at childhood and adulthood. Furthermore, these counsellors should also be able to provide support, advice and information about the services and benefits available. While the wishes of the disabled person should always be held paramount, the importance of consulting and involving the family as appropriate, in the regime of care should also be acknowledged. All medical staff involved in breaking the news should also be suitably trained even after having obtained their qualifications. Reference can be made to 'Tajjeb mill-Bidu/Right from the Start' published by KNPD. A deadline of 2 years for the implementation of this task is being proposed. This task falls within the remit of the Ministry for Health.

In contrast to current practice, it is also deemed very important that the hospital rehabilitation department is separated from the department of geriatrics, thus separating long-term specialised care for the elderly from long-term rehabilitation aimed towards independent living for younger adults with disabilities. This would also ensure that facilities are adequately equipped for the latter and address the huge gap that currently exists in the services being offered to patients undergoing rehabilitation who fall within the 16-60 year age group. This should lead to the development of a more comprehensive and specialised rehabilitative service ensuring that the disabled person is empowered to reintegrate back into community life and, where possible, employment. This also includes rehabilitative care for persons with mental health issues. In view of the work needed and the importance of this task a

deadline of 2 years is being proposed. This task falls directly under the Ministry of Health and the Health Department.

In relation to the above task it is also being proposed that there should be a smooth continuation of services, forming part of a structured plan, from when one is admitted to hospital, to rehabilitation in the hospital, through to rehabilitation and follow-up in the community. A structured plan for every individual should be developed by a trans-disciplinary team, in collaboration with the disabled person, with a key person in charge. Specifically, in fulfilment of Article 25 (c), services including ones offered by occupational therapists, physiotherapists, speech therapists, counsellors, psychologists, and psychiatric nurses are to be offered as close as possible to the person's own community. This should help ensure that there is continuation of services provided during childhood through to adulthood. A deadline of 3 years is being proposed for the implementation of this task, with the Health Department and the Health Services Delivery being responsible for its implementation.

In further relation to these 2 articles, there also needs to be the provision of support to disabled persons and their families from the moment of diagnosis. While the service should be oriented towards community inclusion, it should fall within the Ministry for Health's remit, since very often this is the first point of contact. An adequate structured service should be set up which would allow disabled persons and their family members to receive the support they need as well as being a point of reference for the services offered by government in relation to disabled persons. This would serve as a reference point from which disabled persons are referred to services that help them be fully included in society. The task of introducing trained counsellors mentioned above could also be integrated in this provision of support. This also includes counsellors who are specialised in providing therapeutic and counselling services for persons with intellectual disability. A three year deadline is being proposed for the above to be in place.

With reference to Article 25 and cross-cutting Article 7 Children with Disabilities, KNPD is proposing an improved continuation of services with regards to

rehabilitation for children as they start their transition into adolescence and adulthood. This will lead to a smoother process without encountering any gaps in the service. This includes the services offered by the Child Development Assessment Unit (CDAU) which should provide a holistic service for both children and adolescents with disability, attending to the different needs of these age groups. The Health Services Regulations and Standards and the Health Services Department shall be in charge of implementing this task and a deadline of 1 year is being proposed. Furthermore, the health monitoring system that was set up earlier this year for adults with Down Syndrome should, within 6 months, be extended to include all adults with intellectual impairments.

Due consideration should also be given to Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility, and Article 21 Freedom of expression and opinion, and access to information with regards to Health and Rehabilitation. This includes the training of all staff at all hospitals and clinics in communicating with disabled people who have communication difficulties. It also includes the provision of Sign Language Interpreters for Deaf persons who need this service.

Article 27 Work and Employment

From an early age, most especially prior to the time of transition between secondary and post-secondary education, there needs to be appropriate career guidance involving a structured transition plan for disabled persons. The Directorate for Educational Services together with ETC and other relevant entities are in charge of implementing this task. In order to aid in this task, the ETC should also have trained employment advisors for disabled persons, who are aware of the various needs of people with different impairments. Furthermore, ETC should ensure that all its schemes and initiatives for unemployed persons to find jobs are also accessible for disabled job-seekers. The ETC also needs to develop vocational assessment profiling for disabled persons who are registering for work. A 2 year deadline is being proposed. A more long-term aim is the construction and equipping of an employment ability

centre and the provision of vocational training for disabled job seekers in this centre.

Furthermore, there should be more incentives aimed towards the setting up of co-operatives between disabled people and non-disabled people, leading to more substantial involvement in the labour market. Work carried out by Agenzija Sapport and ETC has already been very fruitful in this regard. Thus it would be beneficial if they continued with more work in consolidating the ME2 cooperative, whilst creating and promoting more cooperatives where possible. Cooperatives are aimed at offering sheltered employment for those who cannot work in open employment or need preparation to be able to do so. Supported employment services also need to be strengthened in order to ensure that disabled persons who can work in open employment have the opportunity to do so. A deadline of 2 years is being proposed for the implementation of this task.

KNPD also deems it very important that Disability Equality Training is provided to all public officers and public sector employees, especially to the ones giving a service and to those who have not already attended this training organised by the Employment Support Programme. This task falls within the remit of the Centre for Development, Research and Training and although the training should be continuous, a deadline of 2 years for full implementation is being proposed.

In relation to this Article, KNPD is also proposing awareness-raising about Disability Equality Training and about disabled people in general, amongst employers. This will lead to eradicating some of the misconceptions that employers might have about disabled people. A programme of awareness-raising organised by ETC should be implemented within two years from ratification.

Furthermore, a code of practice with guidelines regarding employment and disabled people should be drawn up. This task shall be taken on by ETC in collaboration with KNPD, and a deadline of 3 years is being proposed.

With reference to the above tasks, attention should also be given to the particular needs of women with disabilities who face additional barriers to the labour market because of their gender (Article 6) and accessibility (Article 9).

Article 29 Participation in Political and Public Life

The reservation made by Malta on signing and on ratifying the CRPD, with regards to Article 29 (a), “To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, ...” is to be removed. In this way, disabled people in Malta will also be able to enjoy this right. In relation, it is being suggested that the electoral committee considers the introduction of electronic voting, leading to accessible voting for a bigger population of disabled people in Malta. A new system can first be piloted during Local Councils elections. This task falls within the Electoral Commission, and should be implemented within 3 years from ratification.

There also needs to be a revision of the system to assess a person’s capacity to vote. It should be ensured that the panel of experts carrying out this assessment receive the proper training so that the assessment carried out reflects accurately the person’s abilities and capacity. A deadline of 3 years is being set for this task to be carried out by the Electoral Commission.

With reference to the above tasks, due regard should also be given to the cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information.

Article 31 Statistics and Data Collection

According to this Article, there should be serious protocols set up for the collection, storage, distribution, and disposal of data about disabled people. This task falls within the remit of KNPD in collaboration with the National Statistics Office and the Disability Studies Unit at the University of Malta and a deadline of 2 years is being set.

Furthermore, as requested by this Article, disability data collection should become mainstreamed, with the direct involvement of the National Statistics Office. Data collected should also be desegregated by gender, age groups, impairment groups, and district. Collaboration with the Academic Network of Experts on Disability within the European Commission and EUROSTAT is also required. This will in turn enable the Focal Point to have the necessary information when writing the state report, as expected by the UN Committee, every 2 years from ratification.

It is also being proposed that there should be initiatives created by government, namely NSO in collaboration with KNPD, to identify certain gaps in research and conduct quantitative and qualitative studies accordingly. An important gap has been identified with regards to research about the needs of persons with intellectual disability and of persons with mental health problems and of their carers, as well as research about experiences of abuse. A 1 year deadline to produce a research plan, including a timeframe for the research, to be conducted by KNPD in collaboration with the relevant authorities is being set.

In relation to Article 9 (Accessibility) and Article 21 (Freedom of expression and opinion, and access to information), research results should be disseminated in ways which are accessible to all.

Article 33 National implementation and monitoring

In fulfilment of Article 33.1 and with reference to the Equal Opportunities Act (Article 36), with immediate effect the Minister responsible for Social Policy should by means of a notice in the Gazette, designate a Focal Point to initiate work towards the implementation of the UN Convention, and to be the point of reference for other ministries in this regard. Furthermore, with immediate effect, the Focal Point has to start working on drawing up the report to be sent to the UN Committee as further elaborated upon below. The Focal Point also has to set up a mechanism to involve disabled people in the drawing up of this report as requested by Article 33.3, and to set up a system for regular consultations with all organisations and entities operating within the disability sector. The State Report needs to include a Disability Action Plan setting out how the government plans to implement the requirements of the Convention. The recommendations contained here within KNPD's report can be used as a basis for this Action Plan.

With reference to Article 33.2, KNPD is already identified as the Independent Mechanism. In light of this, KNPD is proposing the setting up of a Disability Advisory Committee according to the Paris Principles. This Disability Advisory Committee shall consist of 12 members or deputy members. Ten of the committee members shall be disabled people with different impairments, whilst two members shall be respectively: a parent of a disabled child and a parent of a disabled person with complex dependency needs. The Disability Advisory Committee shall be formed within 9 months from 1st May 2013 and shall fall within the remit of KNPD. The Independent Mechanism should also include a system for regular consultations with all organisations and entities operating with the disability sector

KNPD will use this same report to discuss with government the drawing up and implementation of the Disability Action Plan that will need to be submitted with the State Report. Once agreement has been reached on this Action Plan,

KNPD will monitor its implementation in line with its function as Independent Mechanism.

Furthermore, the status of KNPD needs to be revised in order to make certain that it is compliant with 'the principles relating to the status and functioning of national institutions for protection and promotion of human rights' (known as the Paris Principles). It is therefore being recommended that the composition of the Board is in line with the requirements of these principles and that KNPD will fall directly under the aegis of the Maltese House of Representatives and this in order to ensure its independence from government, whose work on the implementation of the CRPD it needs to monitor. It is being proposed that this is done within 1 year.

Article 32 International cooperation and Article 35 Reports by State Parties

With reference to Article 32, the government shall promote and recognize the importance of international cooperation regarding the UNCRPD, between State Parties and in relation to the European Union. Government should also cooperate with relevant international and regional organisations and civil society, in particular with organisations of disabled people.

In its work on development cooperation with countries outside the European Union, the government also needs to take into account the needs of disabled people living in these countries. With reference to the above task, due regard should also be given to the cross-cutting articles: Article 6 Women with Disabilities, Article 7 Children with Disabilities, Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information.

Furthermore, in light of Article 35, the Focal Point as part of the Ministry of Social Policy shall present a comprehensive report to the UN Committee stating

the measures taken to give effect to the obligations of the CRPD and the strategy to be taken to continue further implementing the obligations of the CRPD. In drawing up this report, the Focal Point should employ an open and transparent process giving due consideration to Article 4.3, namely the consultation with and active involvement of disabled people, including disabled children, through their representative organisations. The report is to be presented within two years from ratification, that is, in November 2014.

Article 34 Committee on the Rights of Persons with disabilities, Article 36 Consideration of reports, Article 37 Cooperation between States Parties and the Committee, Article 38 Relationship of the committee with other bodies, Article 39 Report of the committee, Article 40 Conference of States Parties, Article 41 Depositary, Article 42 Signature, Article 43 Consent to be bound, Article 44 Regional integration, Article 45 Entry into force, Article 46 Reservations, Article 47 Amendments, Article 48 Denunciation, Article 49 Accessible format, and Article 50 Authentic Texts

With reference to the above Articles, Malta is expected to cooperate with its European counterparts and the relevant EU level institutions in this regard. Furthermore, Malta is also expected to participate in events and activities at EU and UN levels and to maximise opportunities to cooperate with other countries outside the EU in relation to the disability sector and the CRPD. Furthermore, Malta may eventually consider nominating suitable Maltese candidates with recognised competence and experience in the disability sector to serve as a Member of the Committee on the Rights of Persons with Disabilities.

With reference to Article 49, different accessible formats of the CRPD in Maltese¹ are already available.

¹ Accessible formats can be found on <http://www.un.org/disabilities/default.asp?id=150> and on www.knpsd.org

Conclusion

This report was written after a thorough analysis of the current situation of the disability sector in Malta. The initial draft was launched for general feedback in December 2012. This final report includes the feedback received from the entities mentioned in the Appendix. KNPD would like to thank all the entities and individuals that provided us with their feedback on this report.

The recommendations contained in this report are also set out in the accompanying table. They provide a road map for the next steps to be taken within the disability sector in Malta to ensure that disabled people continue to improve their quality of life and the level of participation and inclusion in their community, through an increase of accessibility and better safeguarding of their rights. The report can therefore inform the Disability Action Plan which the Maltese government needs to submit together with the State Report to the United Nations in November 2014.

Appendix

KNPD would like to thank the following entities for their feedback during the drafting process of this report:

Access Disability Support Committee (ADSC) - University of Malta
Alternattiva Demokratika
Deaf People Association (Malta)
Department for Social Welfare Standards
Directorate for Educational Services
Directorate for Quality and Standards in Education Down Syndrome Association
Equal Partners Foundation
Kumitat Konsultattiv tal-Persuni b'Dizabilita Intellettwali (KNPD)
Malta College for the Arts, Science and Technology
Mater Dei Hospital
Mental Health Association
Ministry for Foreign Affairs
National Commission for the Promotion of Equality
National Parents' Society of Persons with Disability
Office of the Commissioner for Children
Office of the Commissioner for Mental Health
Partit Laburista
Partit Nazzjonalista
Physiotherapy Department