

3 December 2013

Permanent Secretaries
Directors General
Directors
Heads of Public Sector Organisations

GENERAL OBLIGATIONS OF THE UNITED NATIONS CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (UNCRPD)

Attention is drawn to the United Nations Convention on the Rights of Persons with Disabilities and the Optional Protocol, both of which were ratified by Malta in October 2012 and came into effect in November 2012 follow a wide ranging consultation process with all stakeholders. The CRPD is based on the principles outlined by the social model of disability, essentially stating that all of society needs to take responsibility for the engagement and full and unconditional inclusion of disabled people in the community. Within this framework the notion of Universal Design is decisive namely entailing addressing attitudinal barriers as well as removing and possibly eliminating completely socially-constructed structural barriers. In addition it aims at providing the space for disabled people to make part of mainstream society.

Through ratification, Malta has committed itself to fulfil the requirements of the CRPD and Optional Protocol by actively promoting disabled people's social inclusion, and identifying and removing discrimination and disabling barriers.

Ministries and Departments are to note the obligations indicated in Article 4, General Obligations of the UNCRPD, which requires States party to the CRPD to ensure the full realisation of human rights and fundamental freedoms of disabled people without discrimination of any kind. Among others, States should:

- ensure that all appropriate legislation and other measures, such as policies and programmes, are in line with the CRPD and thus intended to remove any kind of discrimination against disabled people;
- ensure that any policy, practice or act put forward is consistent with the Convention;
- promote research and development, including the availability, of universally designed goods, services and facilities, as well as new technologies, aids and devices, that meet the specific needs of disabled people at an affordable cost;
- promote human rights training for professionals and staff working with disabled people as put forward by the CRPD, in order to guarantee a better service;

- ensure that economic, social and cultural rights are focused to progressively achieve the full realisation of the rights as put forward in the CRPD.

In addition, Permanent Secretaries and Heads of Department are reminded that the following Articles carry the obligations indicated:

- Article 4 General Obligations (as mentioned in the preceding paragraph) and Article 5 Equality and Non-discrimination - there should be consultation with and active involvement of disabled persons in the drawing up of policies/legislation that are particularly targeted towards them and are included in the decision-making processes which concern them directly;
- Article 6 Women with disabilities - the drafting of all policies should take into consideration the different needs of disabled men and disabled women;
- Article 8 Awareness Raising - appropriate use of language should be adopted when referring to, and communicating with, disabled persons;
- Article 9 Accessibility - an ongoing progressive realisation mechanism that reports physical, architectural and communication advances should be prepared by all ministries and departments;
- Article 9 Accessibility and Article 21 Freedom of expression and opinion, and access to information published by ministries, public sector and public entities should be provided in accessible formats.

General information and the full text of the United Nations Convention on the Rights of Persons with Disabilities in Maltese, English and Easy-to-Read formats can be found on: <http://www.knpd.org/legislation/un.html>.

Permanent Secretaries and Head of Departments are also being reminded of the Instrument of Delegation regarding Disabled Unemployed dated 3rd May 2013 and of their obligations emanating from MPO Circular No 6/2004 in relation to the Employment of Persons with Disability in the Public Service.

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