CONSULTATIVE DOCUMENT

NATIONAL POLICY ON
THE RIGHTS OF PERSONS WITH
DISABILITY

KUMITAT AZZJONI LEJN SOĊJETÀ ĠUSTA

in collaboration with the

PARLIAMENTARY SECRETARY FOR RIGHTS OF PERSONS WITH
DISABILITY AND ACTIVE AGEING
My Government is committed to instilling a socially just society.

The commitment of my Government during this legislature is to work towards economic and social engagement of people with disability that would subsequently lead towards stronger communities, healthier societies, more productive populations and as a result, contented citizens.

Ensuring adequate standard of living, namely through empowerment and participation of persons with disabilities falls within the framework of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) that the Government of Malta is so keen on implementing and seeing through.

We need to be together in this sector to make sure that persons with disability will manage to achieve the highest standard of living possible.

The Maltese Government is confident that to understand disability today and prepare for tomorrow we need to congregate through social dialogue all the energies of the respective stakeholders, namely NGOs, disabled and parent activists, service providers, policy makers, academia and civil society in general, with the ultimate aim of mainstreaming disability.

I believe, as a politician that the concept of accountability is structured around a relationship whereby one is 'accountable for' and in return the other is 'accounted to'. This is the relationship that needs to be developed between the State and the disability sector. A social policy that is governed by a direct flow of communication is imperative. Maximising the use of public finances, adequate and channeled use of resources and community resilience are fundamental principles in the provision of services and need to be packaged within disability rights.

That is why it is so important to have a National Policy on the Rights of Persons with Disability that can be a beacon, a warning light and a signal of where we need to direct our efforts.

This sector is starting to look good. Enthusiasm is being rekindled, people are talking more, channels of communication are on the increase, ideas are being exchanged and shared. There is still a long way to go but there are some very exciting developments in the pipe-line.

It is good times ahead indeed. The National Policy on the Rights of Persons with Disability is no more than another important ingredient in this tapestry.

A special mention of the Kumitat Azzjoni Lejn Soċjetà Ġusta for the work they have put into this policy.
INTRODUCTION

It should be acknowledged that while a great deal of effort and resources have been invested to further the inclusion of persons with disability in Malta, yet this social group still face an uphill struggle to find their rightful place in society.

This policy seeks to address various themes with the ultimate goal not only of improving the quality of life of persons with disability and their families, but also of ensuring that they are treated at par with non-disabled people. Disability is not homogenous so there cannot be a one size fits all. Consequently there should be guiding principles that underpin policy; namely that persons with disability are able to enjoy privacy and relationships and are able to participate in the life of the community and manage their own needs as much as possible.

This policy is guided primarily by the social model of disability drawn from the Fundamental Principles of Disability, the United Nations Convention of the Rights of Persons with Disability. This policy also drew inspiration from the United Nations Declaration of Human Rights, the United Nations Conventions on the Rights of the Child, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Disability rights policies across countries within the European Union were also consulted.

The underlying concept of this policy is ‘equality’. This entails that persons with disability are not seen within a charity perspective but as human beings with equal rights.

Another notion steering this policy is ‘social inclusion’. ‘Social inclusion’ denotes acceptance and celebration of human diversity, and that each and every human being is seen as a capable and valid member of our society.
Last but not least, there is also the concept of ‘a just society’ that drives this policy. A ‘just society’ entails that each and every person is treated as equal and accorded the support needed to develop one’s potential and live in a dignified manner.

This policy also lists a number of ‘measures’ that can be adopted to respond to the principles outlined whereby such ‘measures’ can provide a basis for the future national strategy framework.

This document needs to be placed within a discourse centered around public finance, adequate and channeled use of resources and community resilience that are fundamental principles in the provision of services.

It is appropriate to note at this point that the positions listed in this Consultative Document do not necessarily reflect completely, directly or indirectly, the position of the Government when it comes to disability policy. The exclusive intention of this document is to generate a first level discussion between stakeholders which will subsequently be put forward for formal consideration.
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PARLIAMENTARY SECRETARY FOR RIGHTS OF PERSONS WITH DISABILITY AND ACTIVE AGING  

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THEME 1 | RIGHT TO A DIGNIFIED LIFE

PRINCIPLES

1.1.1. The underlying rationale of the National *Policy on the Rights of Persons with Disability* is that every person has the right to live a full and dignified life. Persons with disability must be treated as equal, and therefore they are not to be subjected to the following in any form whatsoever:–

a) Violence or any other degrading treatment, including any behaviour under the guise of provision of medical treatment and/or scientific research.

b) Exploitation and abuse be it social, emotional, physical or other.

c) Measures and practices that are detrimental to the physical, emotional psychological and intellectual integrity of persons with disability.

1.2. Persons with disability must be accorded with equal rights, with particular emphasis on the following:–

a) *Freedom of Movement:* Persons with disability should have the right to enter or leave any country, including their country of origin. Persons with disability should also have the right to acquire or change one’s own nationality, including a claim for asylum.

b) *Freedom of Participation:* Persons with disability should be free to engage in public life and politics. As citizens, persons with disability have the right to vote and to participate in local, national and European Parliament elections.

c) *Freedom of Voting:* Persons with disability should have the right to vote either directly or through a representative of their choice. Voting should also be available through assistive technology and voting documents are to be in accessible formats that suit the needs of the respective voter with a disability.

d) *Freedom of Association:* Persons with disability have a right to socialize, and thus form all kinds of association, religious, political or other. Persons with
disability also have a right to personal friendships, intimate relationships, and to form a family.

e) Freedom of Expression: Persons with disability, irrespective of the nature and severity of their impairment, are knowledgeable human beings and thus should not be ignored. Persons with disability have the right to express, seek and receive opinions, ideas and information freely.

f) Right to Privacy: Irrespective of the nature of their accommodation arrangements, persons with disability should neither be arbitrarily or unlawfully interfered with in any way, nor should they be victims of harassment. Their dignity should be safeguarded in the provision of services.

MEASURES

1.3 Preventive measures should be in place to ensure that persons with disability are not subjected to any form of unfair treatment.

a) Legislation should be enacted and constantly revised to guarantee that persons with disability are not discriminated against.

b) Procedures and practices by governmental, para-governmental and private entities should be in place to ensure that persons with disability are accorded treatment at par with non-disabled persons.

c) Goods, services and other forms of support should be of a high-quality. It should also be ensured that persons with disability receiving such goods, services and any kind of support from such entities are not subjected to any form of harm.

d) Codes of Practice and Codes of Ethics by professionals should be drawn up and revised from time to time to ensure that persons with disability are accorded dignified treatment at par with non-disabled persons.

e) Codes of Ethics by researching institutions should ensure that persons with disability and their families are properly informed on the nature of the research to be conducted such that they can prevent any studies that can negatively affect their well-being.
f) There should be a written policy on sexuality issues for persons with disability which should comprehensively cover various aspects of sexuality particularly sexual education, supported parenthood and independent living.

g) Formal education should include projects and initiatives on the promotion and awareness of accessible rights in formal and non-formal educational settings.

h) Training should be given to persons involved in the delivery of goods, services and other kinds of support provided to persons with disability, to ensure that their rights are respected and maintained.
PRINCIPLES

2.1 Accessibility in all its forms and shapes is a key component to a person with a disability’s independent living. It is recognized that the following kinds of accessibility need to be addressed in order to reach this goal:

a) *Physical Accessibility*: Items in question range from buildings, public transport, and kerbs, schools and hospitals, government and other public sector departments, and housing.

b) *Informational Accessibility*: This refers to all sources from where information can be provided, namely, books, internet and other forms of electronic and non-electronic sources.

c) *Communication Accessibility*: These include all media sources through which persons with disability can communicate, including emergency services.

2.2 Government must promote, implement and review standards and guidelines for universal design in buildings that are accessed by the general public and in which persons with disability should have an active role. This should also apply to information and communication accessibility. Government should also recognize and promote Sign Language and Braille signage as recognised alternative language formats.

2.3 Public and commercial entities must ensure that their facilities, goods and/or services are accessible to persons with disability at par with non-disabled persons. Such accessibility must come at no extra cost, and without having to segregate this minority and/or adversely affect their dignity in any way whatsoever.
2.4 Persons with disability should have the choice and freedom to access assistive equipment, which reflects their own needs and preferences. Support should be given to make such equipment easily available and manageable.

MEASURES

2.5 Educating stakeholders in the professions, particularly architects, engineers and IT specialists is one measure to achieve the goals just outlined. They should be provided with training focusing on accessibility issues and strategic and targeted disability awareness. In particular, the curriculum for higher education and tertiary qualification leading to such professions should incorporate compulsory study units.

2.6 There should be legislation and sanctions that govern physical, informational and communication accessibility. There should also be responsible authorities that ensure that the legislation is enforced, safeguarded and updated.

2.7 There should be legislation and guidelines governing insurance to ensure that persons with disability receive the same level of services as non-disabled peers. In addition, contracts and other documents should be made available in various accessible formats.

2.8 There should be schemes for accessible public housing that provide for the acquisition of new accessible homes and schemes for the modification of existing homes that are inaccessible.

2.9 Buildings and other facilities open to the public should be provided with human assistants and/or non-electronic devices as necessary.

2.10 There should be initiatives that promote the development, implementation and refinement of new accessible information. Communications technologies should
be made available. Refinement of existing information and communicative technologies is to be encouraged.

2.11 There should be incentives and initiatives to train persons with disability to master equipment that would facilitate better physical, informational and communication accessibility.

2.12 There should be incentives and initiatives to train persons with disability to learn Sign Language, Braille and alternative communication techniques.

2.13 Government should draw up and implement regulations to monitor prices of accessible equipment, services and other kinds of assistive support.

2.14 Government should ensure that procedures in procuring assistive equipment are made user-friendly and at the same time ensure that abuse is prevented.

2.15 Emergency services should cater for persons with communication disability. Emergency services should be equipped with the necessary technologies that are readily accessible to persons with disability.

2.16 Educational and other informational material should be made available in a wide range of accessible and on-demand formats. Material should be presented in accordance with the individual’s preference, ranging from electronic formats, simplified formats, easy-to-read (and accompanied with pictures) formats, and Braille formats. This also extends to informational material produced by Government.

2.17 Incentives should be offered to ensure that public transport is made fully accessible and user-friendly. All mainstream public transport vehicles should have physical and sensorial accessibility for persons with disability. Public transport terminals should be physically and sensorially accessible. Terminals and pick-up points should have electronic displays containing information concerning schedules of bus-routes and fees in easy-to-access formats. All
public transport vehicles should be equipped with electronic announcement systems that would help commuters keep track of their destinations during travel.

2.18 There should be electronic devices that announce the arrival of the public transport at terminals, for persons with visual impairment, to ensure that such persons can use transport independently. Vending machines of smart-cards and tickets relevant for the use of public transport should be made easy-to-use, and information should be displayed visually and orally.

2.19 The holders of the Special Identity Card should benefit from special rates.

2.20 Tickets should have information in large font and in Braille, to enable persons with visual impairment to read the information on the ticket unassisted.

2.21 All services should be accompanied with pictures and symbols that would help intellectually disabled people to access this information easily and independently.

2.22 Mainstream car rental services should be made accessible.

2.23 An improved accessible parking plan should be drawn up so that all can see better the allotted spaces in strategic areas. Such would enable persons with disability to access goods, services and other support independently.

2.24 Allocation of further accessible parking spaces should ensure that persons with disability can have better access to education and employment, besides cultural, sports and leisure events.

2.25 Procedures for the application of accessibility car parking permits, namely the “blue stickers”, should be simplified while enforcement should be firm to prevent or detect any form of abuse. There should be guidelines and procedures against those who misuse or falsify such permits.
2.26 Persons with disability should be able to apply for a reserved car-parking bay in front of their own residence once they have been registered as persons with disability at the National Commission Persons with Disability in exceptional circumstances.

2.27 Procedures for the application for a reserved car-parking space should be simplified. There should be measures and guidelines concerning the breach of terms of application.
PRINCIPLES

3.1 Formal and non-formal education and employment are closely-linked. The quality of education provided should be such as to ensure that all people should have the necessary skills-set to be able to make informed judgments, and to develop their potential, abilities and talents. At the same time, education contributes towards making the best possible use of each individual’s potential. Quality education results in the strengthening of fundamental human rights, the recognition of human freedoms, and the celebration of human diversity.

3.2 Non-formal education is not to be seen as an antagonist to formal education, but as complementary to it; indeed, non-formal education is important since it provides skills and abilities that formal education cannot provide. It also promotes creativity and social skills necessary for the labour market besides personal growth. Therefore, non-formal education must be recognized in its own right, and an investment in terms of human, financial resources should be made.

3.3 Persons with disability must have access to primary, secondary and tertiary education on an equal basis to non-disabled peers. Moreover, persons with disability are to have access to all levels of formal education as well as non-formal education, and have the right to lifelong learning at par with non-disabled people.

3.4 Students with disability must benefit from inclusive education as much as possible, with the necessary opportunities to ensure quality education, including:

a) The recognition of Sign Language, Braille and alternative modes of communication as tools towards achieving better social inclusion in education. There must be an adequate amount of teachers – including those with a disability
– who have the requisite qualifications in these alternative modes of communication. Moreover, the formal education system must provide quality training to guarantee a supply of quality teachers in alternative modes of communication.

b) Resources must be made available for students with disability to receive quality inclusive education. Resources must include amongst others: ergonomic equipment, transportation, communication and assistive technology equipment, all of which must be secured before the students start their scholastic education and reviewed annually. State funds need to be allocated to provide these resources on time, for the student to have accessibility to education seamlessly.

c) Effective individualized support in an environment that is accessible to persons with disability. This should include the provision of educational material in appropriate modes and/or formats that best suit the needs of students with disability, including the provision of material in Braille (for visually-impaired people), sign language (for hearing-impaired people) and forms of alternative communication (for persons with learning and communication disability). Moreover, persons with disability should have access to mentoring and peer-support facilities.

d) Students with disability must benefit from access arrangements throughout their coursework, particularly during examinations. Such access arrangements should – in a reasonable way - focus on one’s degree of functioning, capabilities and personal preferences, rather than the impairment on its own.

3.5 As in formal education settings, non-formal education must be accessible to persons with disability, and promote socialisation between persons with disability and non-disabled peers.

**MEASURES**

3.5 Professional and support staff in formal and non-formal settings should be given equality training that promotes the education of persons with disability at all
levels, while at the same time providing them with the necessary skills in order to better interact with persons with disability.

3.6 Learning Support Assistants should not be employed unless they have adequate training that includes impairment-related preparation.

3.7 The education system should provide quality training to ensure adequate supply of quality teachers in alternative modes of communication.

3.8 Fresh guidelines concerning access arrangements are to be drawn up and updated whenever necessary. These are to be utilized at all levels of education, and at both local and national exams. Guidelines are to be drawn up after consultations with the respective stakeholders, particularly students and parents, educational professionals, and other representatives of relevant competent authorities in the disability sector.

3.9 Tertiary qualifications leading to all professions should include training on disability awareness; such Study Units should be compulsory, not optional, for all students.

3.10 Initiatives in formal and non-formal education should be made and maintained so as to promote socialisation; active participation of persons with disability; breaking down of prejudices and stereotyping; and new ways to facilitate better communication and learning.

3.11 Investment should be made so as to encourage suitably qualified persons with disability to work in the education sector, in both formal and non-formal settings. Work conditions, pay and other conditions of work should be at par with non-disabled peers.
3.12 There should be schemes to support disability activists to provide disability awareness in formal and non-formal settings to children and young people. Disability awareness programmes should be ongoing.

3.13 Comprehensive policies, guidelines and codes of practice on education should be revised and updated. These should be based on capability approaches and at the same time ensure that students with disability develop their skills and abilities to the fullest possible extent, and are actively involved in their educational trajectories. At the same time, such guidelines, policies and codes of practice should ensure that educational professionals and other staff accord dignified treatment to students with disability at par with non-disabled peers, and at the same time detect and prevent any form of abuse against students with disability.
PRINCIPLES

4.1 Persons with disability have the right to gainful employment at par with non-disabled people. Persons with disability have the right to strive for employment suitable to their capabilities. Work environments should be safe, accessible and open for persons with disability.

4.2 Persons with disability must not be discriminated against for any reason whatsoever. No discrimination practices are to be engaged in the course of employment of persons with disability, including recruitment and career advancement.

4.3 Persons with disability must not be given tokenistic roles, but are to be actively engaged in employment according to their aptitudes, educational and skill levels. On no grounds should there be discrimination against persons with disability on matters concerning remuneration, career advancement, benefits and other work conditions.

4.4 Government should promote initiatives ranging from self-employment to social enterprises, from cooperatives to entrepreneurship of persons with disability.

4.5 Persons with disability must have quality career and vocational guidance, which is free of charge. Appropriately-qualified persons and sufficient back-up resources should be invested to ensure the sustainability of good quality services.

4.6 Assisted or supported employment schemes for persons with profound impairments should be provided and such work should be remunerated.
4.7 Persons with disability must not be subjected to harassment and/or any other form of maltreatment and injustice. Persons with disability should have the right of recourse to competent authority if their rights are breached.

MEASURES

4.8 Investment should be made in vocational courses designed to direct persons with disability to meaningful employment.

4.9 Incentives and initiatives should be designed to engage persons with disability in meaningful employment positions. Such provision should include assistance in finding, obtaining and maintaining employment, the modification of work environments (including training of staff) to enhance accessibility and productivity and the development of technologies and other means of support that promote more active and meaningful involvement of persons with disability in the labour market.

4.10 There should be incentives and initiatives supporting employers of persons with disability and schemes to modify and improve the work environment. Training of staff members with a disability should be ongoing. Such employers should benefit from reimbursement of indirect taxation on material and human resources that facilitate accessibility of employees with disability.

4.11 Manufacturing and/or service companies employing persons with severe or profound impairments should benefit from supported employment subsidies on the condition that such persons are not segregated from the rest of the workforce, and that remuneration rate should be at par with non-disabled employees for production achieved.

4.12 Government departments and ministries, para-statal and private entities should enact flexible working schemes.
4.13 Small Non-Governmental Organizations involved in supporting persons with disability should be supported by the provision of resources to work more effectively.

4.14 Initiatives and other measures should be implemented to encourage more representation of persons with disability in professional, executive and managerial positions particularly in sectors that are seen as crucial by the government.

4.15 There should be self-employment schemes, where people with disability can avail themselves of subsidies and other kinds of assistance to help them get started.

4.16 Comprehensive policies, guidelines and codes of practice on employment should be revised and updated, and should be based on capability approaches and at the same time ensure that persons with disability are given meaningful employment positions that reflect their skills, abilities and choices, together with a supportive work environment.
PRINCIPLES

5.1. It is a recognized fact that media is an important agent of socialization. Persons with disability have the right to access information and to be represented in a dignified and apposite manner.

5.2. Government and other competent authorities should draw up ethical guidelines concerning terminology and etiquette. Moreover, competent authorities should ensure that guidelines are adhered to by those involved in running the media and communication offices and it should be applied to all sort of written, visual and auditory media.

5.3. Government and other competent authorities should allow more space for broadcasting on state run stations that should promote the social inclusion of persons with disability. More space must be given for programmes designed to create disability awareness. This notion can also be extended to the written, printed and electronic media.

5.4. There should be promotion of literature and performing arts in Maltese that are centred on a non-tragic/non-medicalized perspective on disability. Disability activism initiatives through literary and performing art are to be supported and promoted.

MEASURES

5.5. Guidelines and regulations concerning accessibility, representation, amount of air-time, terminology and etiquette should be prepared, enacted, and revised whenever necessary. Competent authorities should ensure that these guidelines and regulations are adhered to. Persons with disability and their organizations
are to be consulted and actively involved at all stages in the development of such guidelines and regulations.

5.6. Initiatives and other measures encouraging the direct engagement of persons with disability in the media sector are to be supported (where their role might not necessarily centre on the theme of disability awareness and social inclusion).

5.7. The media sector, journalists, administrators and technical operators should be given disability awareness training to ensure that those involved are familiar with the ethical guidelines on disability representation, and at the same time ensure that persons with disability are represented satisfactorily.
PRINCIPLES

6.1 Persons with disability have the right to enjoy the highest possible health care standards. These services must be gender-sensitive, with segregation from non-disabled health-care beneficiaries kept to the minimum. Persons with disability must be accorded dignified, humane treatment at par with non-disabled persons.

6.2 Persons with disability must be accorded with the same level of quality, range and standards in health care, free and/or at affordable cost, including on sexual and reproductive health.

6.3 Health care professionals must provide the same quality of services to persons with disability as non-disabled beneficiaries enjoy. Persons with disability must be consulted, and treatment given upon their free and informed consent. For persons with disability who have a legal guardian, consent must be provided by guardians; however it must not be against the wishes of the individual person with disability.

6.4 Persons with disability must not be discriminated against in the provision of health and life insurances policies.

MEASURES

6.5 Health care professionals should be given training on disability awareness, including the use of appropriate terminology and disability etiquette. Government and other competent authorities should revise the code of ethics for health care professionals to reflect disability-rights.

6.6 Health care professionals should support and co-operate with persons with disability, parents, disability organizations and other professionals to ensure that
the needs of persons with disability are met, and at the same time to promote independent living and social inclusion.

6.7 Under no circumstances should ‘parents’ be subjected to advice to terminate pregnancy should the unborn child be diagnosed as having any kind of impairment.

6.8 On no grounds should persons with disability be denied from taking out insurance policies, including life-insurance policies, or otherwise having to pay higher premium rates compared with non-disabled persons. Contracts and other information should be made available in a wide variety of accessible formats on demand. There should be legislation, guidelines and codes of practice to prevent discrimination by insurance providers.

6.9 Health carers should be committed to providing information that is easily accessible to persons with learning and communication disability. There needs to be specific training to health care staff to learn about the needs of persons with disability in relation to information, support and provision being made.

6.10 A direct payment scheme should be implemented, where persons with disability are allocated health care services that might not generally be offered free of charge. The amount of direct payments allocated should reflect the nature and extent of one’s impairment; the nature of treatment and health care service; the cost of medicine; and level of income earned by the person with disability.

6.11 Parents should have improved assessment available at initial stages of their son/daughter being diagnosed with having a disability.

6.12 We should improve collaboration between different professionals at assessment and therapeutic levels is called for.

6.13 We should improve early intervention programs.
PRINCIPLES

7.1 It is a recognized fact that persons with disability have the right to lead a productive and independent life in the community where they have the right to make their own choices, socialize and engage in any activities at par with non-disabled people. In order to achieve this goal, the government and civil society should ensure that;

a) Persons with disability should, when they require such, be provided with a residential placing within the community where they can continue to live comfortably and with dignity.

b) Persons with disability should not be obliged to live in an imposed living arrangement. Persons with disability should have the right to reside in a place of residence of their own choosing.

c) Community services, goods and facilities should be available to persons with disability, as required.

d) Persons with disability need to have access to a range of community support goods, services and facilities, including, but not limited to personal assistants, assistive technology and mobility equipment, to ensure effective social inclusion. Such services are to be made available at an affordable cost, and at the person’s choosing. Choice of goods, services and facilities should reflect the person’s own needs and preferences.

e) Persons with disability should have access to mobility training and use of assistive technology equipment by appropriately qualified persons.

MEASURES

7.2 Training is to be given on disability rights to staff involved in independent living programmes, including the use of appropriate terminology and disability etiquette.
7.3 Initiatives and other measures are to be encouraged to further develop assistive technologies, mobility aids and techniques to achieve independent living.

7.4 Persons with disability, depending on the disability pension should benefit from an adequate pension, which should be in line with the national minimum wage.

7.5 Direct payment schemes should be implemented depending on the skills of the disabled persons.

7.6 There should be investment by entities providing for the services of personal assistants if persons with disability prefer to have their support provided by such entities.
8.1 Scientific research in the disability sector, be it social, technical, medical or any other professional discipline, has the power to promote social inclusion and hence equality. At the same time it should also be acknowledged that misguided research can potentially dis-empower persons with disability.

8.2 In order to ensure that the ultimate aim of scientific research is to empower persons with disability, one should be guided by the following principles;

a) Any form of scientific research should treat its participants as knowledgeable.

b) Research on participants should only be carried out after participants have given their informed consent. Participants should be informed in advance of the scope of the research, its implications, its benefits and its risks.

c) Any form of data collected from research participants should be used strictly for the scope of the research that has been carried out. It should follow strong ethical guidelines – which should respect academic regulations and accepted ethical practices – in order to safeguard the confidentiality, dignity and privacy of research participants.

d) Information about the research should be concise, clear and free from any form of misinterpretation or any form of deceit.

e) Participants should have the freedom to discontinue participating in any given research, without any undue penalties.

f) Research methods should be designed in such a way as to facilitate communication with persons with disability. The research tools to be employed should be designed to facilitate understanding of the phenomenon being researched.

g) Participants should be actively consulted and involved throughout the duration of the research.
h) Results from research should be made available to persons with disability in various accessible formats.

i) Research outcomes should be made available to the National Commission Persons with Disability (KNPD) and other relevant competent authorities for discussion and action whenever necessary.

8.3 Whilst medical and technological research is to be promoted and supported, there should be improved focus on disability in the social context, namely: housing, education, employment, sexuality, parenthood and independent living.

8.4 There should be more collaboration between the concerned parties, including persons with disability, academics and other persons or entities involved in the disability sector. Knowledge gained from research should be shared across the professions and with the public, keeping in mind that the ultimate goal of research is to promote and reinforce human rights.

MEASURES

8.5 Training focused on disability awareness, including the use of terminology and disability etiquette, is to be given to staff involved directly or indirectly in research to ensure that the results are free from bias arising from prejudices and stereotyping.

8.6 Government should invest in research on disability based on emancipatory approaches. Part of the funding by Government to the University of Malta should be earmarked specifically for research on disability that complies with the above principles.

8.7 The Disability Studies Unit at the University of Malta should be expanded into a Department, with additional material and human resources to be allotted to ensure that the department remains sustainable.
8.8 Ethical clearance on research projects, dissertations and theses that focus on disability should be made through the relevant boards, which must always include one or more academic members of staff qualified in Disability Studies or equivalent.
THEME 9 | LEGISLATION AND ACCESS TO JUSTICE

PRINCIPLES

9.1 Persons with disability should be treated as equal to non-disabled people before the law, and accorded the same level of protection and benefits.

9.2 Persons with disability should be accorded effective legal protection against discrimination on all grounds.

9.3 Persons with disability should be given adequate information in an accessible format.

9.4 Persons with disability should have recourse to justice on equal terms with non-disabled people, including on matters concerning investigations, the facilitation of their performance in roles as directed by the court (such as witnesses) and the provision of procedural and age-related accommodations.

9.5 The exercise of legal capacity of persons with disability is to be safeguarded against abuse, and should conform to international laws governing human rights. This protection should reflect the person’s own free will and preferences and should be tailor-made to reflect the person’s needs and circumstances and be free from conflict of interest and/or undue influence.

9.6 Persons with disability, on their own or through a trustee as the case may be, should have equal rights on matters concerning inheritance of property; to manage their financial resources; and should have equal access to bank loans or any other form of financial credit. The government and competent authorities should ensure that persons with disability are not arbitrarily and unjustly deprived of their property.
9.7 Persons with disability should have equal rights to vote, to contract marriage and to have custody of their children.

MEASURES

9.8 Appropriate training on disability rights, including the correct use of terminology and disability etiquette, should be given to the administrators of justice, including prison wardens, the police, lawyers and the judiciary.

9.9 Policies, procedures, guidelines and other rules employed by the law courts, prison authorities and the police authorities should be amended in order to ensure that persons with disability are made aware of their rights and at the same time to ensure that persons with disability have access to justice at par with non-disabled persons.

9.10 Legislation and other supplementary documents are to be made available in a wide variety of formats and on demand when necessary.

9.11 Court proceedings should be informational-accessible to persons with disability, irrespective of whether the person is the accused, a witness, a member of the jury or is otherwise involved in such proceedings. Communicative facilities such as a sign interpreter should be made available to the person with disability on demand.
PRINCIPLES

10.1 It is a recognized fact that persons with disability have a right to enjoy cultural events, as well as the right to engage in sports and leisure, at par with non-disabled people. In order to do so, there must be the implementation of the following:-

a) Television, theatres and other cultural activities should be made accessible in a wide variety of formats.

b) Cultural venues, such as museums, monuments, cinemas, theatres and libraries, should be accessible using a combination of assistive personnel and/or electronic devices.

c) Whilst relevant local and international laws safeguarding the intellectual property rights are to be respected, accessibility rights for persons with disability should be provided.

d) Persons with disability have equal right to access and participate in mainstream sports events, as well as organizing such events, at par with non-disabled people.

e) Persons with disability should be helped to engage in sports that are impairment specific (such as blind football and wheelchair basketball) as well the organization of such sports.

f) Persons with disability should have equal right to access, enjoy and participate in leisure activities, and the organization thereof.

MEASURES

10.2 There should be legislation on all aspects of accessibility, which should be enforced.
10.3 There should be policies, guidelines and procedures to ensure that persons with
disability can access cultural events, sports and leisure. Such policies, guidelines
and procedures should not only dictate accessibility, but also codes of behaviour
when supplying goods, services and support.

10.4 Investment should be made in providing the requisite instruction and access to
cultural, leisure and sports events to persons with disability.

10.5 There should be training on disability rights to providers of the aforementioned
goods and services, including the use of appropriate terminology and disability
etiquette.

10.6 Human and other material resources should be invested in order to provide
quality leisure activities for persons with disability.

10.7 Incentives for the employment of persons with disability in the culture, sports
and leisure sectors are to be encouraged. This should also extend to self-
employment and entrepreneurship in that sector.

10.8 Media should feature image descriptors to persons with visual impairment, sign
language/sub-titles for hearing-impaired people, and provision of warnings in
advance of fluctuating levels of lights in motion pictures to persons with photo-
sensitive epilepsy.
PRINCIPLES

11.1. Persons with disability should have the freedom to decide where to live and with whom to live, namely either in a residential home or any other place of preference.

11.2. Residential homes, community and rehabilitation centres should steer away from medical approaches in the way they are organized and managed, and should focus more on person-centred approaches.

11.3. Residential homes, community centres, and rehabilitation centres should have all the necessary amenities designed to maximise independent living of persons with disability, besides enabling them to actively participate in wider communities.

11.4. Assessment of persons with disability must be multi- and trans-disciplinary, and must reflect actual needs and strengths of persons with disability.

MEASURES

11.5. Residential homes, community centres, and rehabilitation centres should be of sufficient size to allow them to provide quality services, but at the same time allowing them to be located within an active community.

11.6. Residential homes, day care, community and rehabilitation centres should be designed to provide physical, communicative and informational accessibility for persons with disability. They should also have amenities such as peer support groups, access to assistive equipment, and independent-living training.
11.7. Residential homes, day care community centres and rehabilitation centres should provide quality services and support that are offered on a 24/7 basis.

11.8. There should be adequate ratio of staff to service users with appropriate qualifications, experience and disability awareness training.

11.9. There should be a set of standards to regulate the behaviour of professional and other staff members whilst rendering such services.

11.10. There should be a set of standards that should regulate the ecology.

11.11. Trusteeships designed to safeguard the financial well-being of persons with learning disability and the protection of their personal patrimonies are to be encouraged and made widely affordable. Such trusts should also, wherever possible, take into account the preferences of the individual vulnerable person.

11.12. There should be residential homes specifically for children and young people with disability that are separate from residences for adults.

11.13. We need to develop further respite care services as part of the services continuum.
PRINCIPLES

12.1. Of course, persons with disability have the right to form intimate relationships and raise families. Awareness of such should be engendered.

12.2. Persons with disability must have access to sexual education and to other services and support that is essential to the maintenance of their emotional and sexual needs at par with non-disabled people.

12.3. Persons with disability must have access to goods, services and other kind of support that would ensure that they could fulfil their role as parents, with the care of the children being performed in a relatively independent way and which is neither detrimental to the privacy and well-being of the parents with disability nor of their children.

MEASURES

12.4. There must be a comprehensive national policy on the freedom of sexual expression of persons with disability.

12.5. Regular schools and resource centers, as well as non-formal educational settings, are to provide quality sexual education to all young people, irrespective of any impairment and in collaboration with parents. Material presented should be comprehensive, covering, in particular, matters such as sexual health care, family planning, use of contraceptives and child-care. It should have a broad focus, which should not confine itself to biology and morality. Material presented should be factual, easy to read and free of any form of prejudice and stereotyping.
12.6. Government and other service providers should make available information on reproductive well-being, as well as relevant information concerning child-care, in a wide variety of accessible formats, and at no extra charge.

12.7. Education, health and other professionals should be given training on disability awareness and etiquette to ensure that persons with disability are not discriminated against by goods, services or other supports that should facilitate and help them maintain their intimate relationships and/or to effectively fulfil their role as parents.

12.8. Supported parenthood schemes should be created and sustained in support of persons with disability.

12.9. There should be housing schemes to support persons with disability, in order to ensure that parents with disability have accessible accommodation. There should also be schemes that enable persons with disability to modify their homes, or if this is not possible, to acquire new homes that are more accessible.

12.10. Parents with disability should have access to independent living and other relevant training to ensure that whilst they themselves remain productive the well-being of their children is also safeguarded and maintained.
PRINCIPLES

13.1 Families remain an important back bone in the disability sector in Malta. Their expertise, commitment and dedication are commendable and have been pivotal in providing support for persons with disability.

13.2 Families that have persons with disability as members thereof have the right for a quality standard of living at par with families who do not have any of their members with disability and are not to be subjected to any form of discrimination and/or any kind of maltreatment.

13.3 Family support is to be encouraged but in partnership with the aspirations of their children.

13.4 Family members, parents, siblings, extended family have a right to psychological and emotional support in dealing with the challenges brought about by disability.

MEASURES

13.2 Irrespective of the nature of the impairment, all families of persons with disability should benefit from training on how to care for their family members with disability.

13.3 Families that have persons with disability as members should be offered respite and care services such that they get regular support.

13.4 Families should be provided with counselling and psychological services as they require.
13.5 Families should be represented positively and respectfully in the media.

13.6 Families should be treated in an ethical way by professionals especially when communicating news and information.

13.7 Families should have a social worker available as and when needed.
PRINCIPLES

14.1. Persons with disability are the real experts in their own experiences of specific disablement. In order to achieve real social equality and justice, society needs to understand them and empower them.

14.2. Disability activism has three roles to fulfil; namely, awareness-raising and nurturing social inclusion; provision of peer support; and the combating of prejudices, stereotyping and discrimination through individual and collective actions.

14.3. Persons with disability should be encouraged to take active involvement in disability activism, and should not be subjected to any form of discrimination and/or maltreatment as a result of their direct or indirect participation.

14.4. Government should feel obliged to support disability activism of any kind and form, and to actively involve persons with disability at all stages of legislation, policies and other plans that could affect their lives directly or indirectly.

MEASURES

14.5. There should be schemes to support disability groups to provide disability awareness training to professionals and employers, including their staff, in order to ensure that at all times persons with disability are accorded dignified and equal treatment at par with non-disabled persons.

14.6. There should be support for outreach schemes for disability activists to provide disability rights training and peer support.
14.7. Non-Governmental Organizations, involved in disability rights activism, are to be provided with logistical support to enable them to work effectively.

14.8. Government should sponsor media campaigns that focus on disability rights in order to educate the wider public generally.
PRINCIPLES

15.1. All persons with disability should be accorded full human rights at par with non-disabled peers and should not be subjected to any form of discrimination, irrespective of their gender, race, sexual orientation or any other distinguishing characteristic belonging to the person, or belonging to a person related by sanguinity or affinity.

15.2. All persons with disability are accorded all the necessary support for their advancement, development, empowerment regardless of their gender, race, sexual orientation or any other distinguishing characteristic belonging to the person, or belonging to a person related by sanguinity or affinity.

15.3. Regardless of affiliation in other minority groups either by the persons themselves, or other people related by sanguinity or affinity, all persons with disability are to be accorded full freedoms at par with non-disabled in accordance with international pacts, treaties or any other legal instrument to which Malta is a signatory of and which carries legal obligations. In particular, persons with disability should be accorded treatment as set out in the UN Declaration of Human Rights, the UN Declaration of the Rights of the Child, and the UN Convention of the Rights of Persons with Disabilities.

15.4. Regardless of affiliation in other minority groups either by the persons themselves, or other people related by sanguinity or affinity, all persons with disability should be accorded full protection of the law on an equal basis with non-disabled people.

15.5. All persons with disability, regardless of affiliation in other minority groups, have the right to access goods, services, facilities and other kind of support at par with non-disabled people.
MEASURES

15.6. A Minority Groups Rights Commission should be set up to work with governmental, para-governmental and non-governmental entities belonging to minority groups. It should be responsible for co-ordinating with such entities to ensure that legislation and policies are made integral, harmonised and revised where necessary.

15.7. Legislation and policies should be made integral and harmonised, to ensure that persons in one or other minority group are fully protected by law and by all policies, and at the same time to ensure that all persons, regardless of affiliation, have equal benefit from such laws and policies.

15.8. Procedures, guidelines, and codes of practice in governmental, para-governmental and private entities should be harmonised to ensure that all persons are treated equally, regardless of one’s affiliation in one or more minority groups. Procedures are to be simplified but at the same time be strong enough to prevent any form of abuse or discrimination, and to swiftly detect and prosecute defaulters.

15.9. Detention centres for asylum seekers and refugee homes should be made fully accessible. There should be sufficient resources to ensure that all amenities are accessible to persons with disability who are asylum seekers or refugees. Asylum seekers and refugees with disability are also entitled to be provided goods, services and other kinds of support at par with persons with disability resident in Malta, without segregation from the rest of the Maltese society.

15.10. Shelters and other facilities for those who have been affected by domestic violence should be accessible to users with disability. Such facilities should have sufficient financial and human resources enabling children, young people and adults with disability who reside therein to lead a dignified life. Residents with disability should also have equal access to all kind of goods, services and other
kind of support at par with persons with disability who do not use such shelter facilities.

15.11. Prisons and other institutions related to administration of justice, including police stations and law courts, should be made fully accessible to persons with disability. There should be guidelines to ensure that persons with disability who are prosecuted are given equal access to the law, and that persons with disability who are serving prison sentences have equal treatment at par with non-disabled peers.

15.12. Policies, guidelines and codes of practice in education should be comprehensive and integral to prevent exclusion of persons with multiple minority group affiliations from education, and at the same time ensure that such people receive goods, services and other educational support on an equal basis.

15.13. Any discriminating guidelines and practices barring persons on grounds of sexual orientation or membership of any other minority group should be abolished, and this should also extend to persons with disability who are also affiliated to such minority groups.
CONCLUSION
UNDERSTANDING DISABILITY TODAY AND PREPARING FOR TOMORROW

What is important is that from the onset of this important area of social policy we drive in the principle that this is not about crises management but about persons with disability making their own choices, on reaching their full potential, on being recognized as active citizens.

The thinking that seemed to govern social policy in the realm of disability in the past was based on the rationale that we were sorting people into boxes or pigeon holes, and this is an attitude this policy attempts to challenge.

But where will this lead us?

After this consultation process and the endorsement of a policy on the Rights of People With Disability we need to:

- Develop a national strategy on disability;
- Improve legislation where it already exists;
- Implement legislation where it is already enacted;
- Add new legislation in areas that are still short changed.

However, all of this needs to be placed within a context of implanting change, developing and improving current services, removing people from service allocation waiting lists, and designing a stronger continuum of services that can respond to the on-going changes in this sector.