



**OMBUDSMAN**

11 ST. PAUL STREET VALLETTA VLT 1210

## **Malta Paper**

### **Introduction**

- ) Article 19 of the UN Convention Persons with Disability - Living independently and being included in the community

States that are party to this Convention recognise the equal right of all people with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a. People with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b. People with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c. Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

The right to live independently and be included in the community is guaranteed by this Article and protected under EU law, in particular through the prohibition of discrimination on the grounds of disability (Article 21 of the Charter of Fundamental Rights of the EU) and the principle of integration of people with disabilities (Article 26 of the Charter).

\*credit to Malta Foundation of Organisations of People with disability.

### **The Right to Independent Living in Malta**

There are a number of initiatives taken in Malta to assist people with disability to continue to live independently:

#### **Early Intervention**

Parents, educators and professionals can directly refer children with disability. A specialist from EARLY intervention will assess the child, intervene as necessary and guides the parents or carers to the necessary services.

#### **Respite services**

There are organisations offering respite services for nominal fees and special arrangements for persons with limited means.

### **Support to live independently**

National Agency SAPPOR provides a wide array of services for persons with disability and their families. Services are aimed to improve the quality of life of persons with disability and include:

Social Work Services- support and advice.

Community Services- interventions through carers.

Residential Services- Management of a number of housing units offering home environment.

Day Services- Programmes designed to develop skills.

Transport Subsidy Scheme- Financial assistance to buy equipment.

Sign Language Services- Interpretation service for deaf people.

Sharing Contact Services- Sharing lives through volunteers.

Furthermore there are active ageing centres, home carers schemes, night shelter and respite services for persons with disability over 60 years of age.

### **Financial Aid**

This constitutes a means tested scheme operated by the Housing Authority offering financial aid to carry out adaptation works at the homes of disabled persons.

### **Daily Care**

National Agency "SAPPOR" offers a number of daily hours in taking care of a disabled child at the home. The Home Care Help schemes assists with light domestic chores and shopping against a nominal fee.

### **Special Equipment**

CRPD assists in helping people with disability to select equipment best suited to their personal needs, assesses disabled people with modifications needed on their respective cars and assists in obtaining partial or full exemptions on car road tax and registration fees.

### **Rights of disabled people living in residential facilities**

The facilities have to follow a set of standards that include:

- A personal support plan
- Assignment of staff members
- Planning daily activities
- Support necessary healthcare
- Right to leave residential homes
- Risk assessments
- Have a policy on sexuality and sexual health.

\*credit to Inspire Foundation Malta

### **Complaints received from Persons with Disability**

As the Office of the Parliamentary Ombudsman is an office of last resort, complainants need to refer their complaint to the Commission for Rights of Persons with Disability (CRPD) and can refer their complaint to the Ombudsman if they are still not satisfied with the outcome. The experience over the years has been that the CRPD deals appropriately with complaints received from persons with disability however our office dealt with the following issues:

Request For Refund And Issue Of Special ID Card

Unfair Reserved Parking Bay

Delay in providing information

Additional expense on special needs transport

Financial Assistance in Purchasing the Radio Aid

Redemption of duties on importation of car

Request for subsidy.

Request for free road licence

Request for blue sticker

Request for appointment of Educational Psychologist

Request for award of blue sticker and reserved parking

Request for subsidies in respect of stairlift/vehicle licence

Request for refund

Lack of reply

Rejected applications for disabled parking blue badge

Refused request for Blue Badge

### **Participation in the National Monitoring Committee**

The Office of the Ombudsman through the Special Commissioner for Health will be able to monitor or work alongside the National Monitoring Committee that will govern the disbursements and use of ESI funds. However, the Office of the Ombudsman being an independent body and an Office of last resort will not be in a position to participate or operate within a standing committee of such a body