NOMINATION OF MS. RHODA GARLAND FOR THE ROLE OF COMMISSIONER FOR THE RIGHTS OF PERSONS WITH DISABILITIES

Questions submitted by the Members of Government

1. Can you kindly explain your background in this sector and outline your experience?

   As a person who has Spina Bifida I have experienced disability from birth, both in the UK where I was born and in Malta where I have lived for the last 17 years. I have experienced discrimination in various areas including education where I was sent to a smaller secondary school as the local council in the UK refused to allow me to attend my local secondary school and in employment where I have been turned down for roles for which I was very qualified, in both the UK and Malta. I have also experienced stigma, with adults staring at me which occurs so frequently that I do not even notice.

   I have always felt that the rights of disabled people are something which need to be fought for. I have been involved in grass roots Disabled Peoples Organisations (DPOs), including being President of Breaking Limits DPO in Malta which was a multi-impairment DPO concentrating on inclusion in the areas of culture, sports and political engagement. I strongly believe that the voices of disabled people need to be heard by politicians and policy makers and have actively pushed for changes in social policy whilst working in DPOs and also in my role working in the public sector.

   In Malta, I took the opportunity to read for a Masters in Disability Studies before being given a contract by the Ministry for Family and Social Solidarity to write the first Malta State report for the United Nations Convention on the Rights of Persons with Disability. Following this contract, I was employed by CRPD on a contract to cover maternity leave, where I worked on EU Projects and also in the Equal Opportunities Compliance Unit gaining valuable experience of the different types of discrimination on the grounds of disability experienced by disabled people in Malta and Gozo. As the Executive Director of CRPD I have had the opportunity to meet with many disabled people to discuss their issues and make suggestions related to the solutions that were available to them. I have also worked on policy and had the opportunity to represent CRPD in conferences both nationally and internationally including Equinet and EU conferences, at the United Nations in New York for the Conference of State Parties and in countries further afield such as Nepal.

   Over the last 8 years I have gained a wealth of experience of the lives of disabled people in Malta and Gozo. These experiences combined with my experience of living in the UK means I am able make suggestions of where the UK approach to disability could assist Malta and also where the UK have had the wrong approach and how to avoid pitfalls.

   As a disabled activist I am committed to the principle of speaking truth to power even when this may not be what those in power want to hear. I am of the opinion that I will speak with anyone who is interested in promoting the rights of disabled people whatever their background. I am a firm believer that the lived experience of disability from both a personal and societal perspective means that disabled people are the experts in the area of disability and their rights to full inclusion must be respected and promoted.

2. How would you describe the role of a Commissioner for Persons with Disability?

   According to Article 22 (2) of the Equal Opportunities for All (Persons with Disability) Act, Chapter 413 of the Laws of Malta, "The Commissioner is responsible to carry out the functions of the Commission...". This means that while the law lists the functions of the Commission, it is the responsibility of the Commissioner to carry out such functions.

   The commissioner has an active duty to ensure that all functions assigned to the Commission, namely the ones listed in Article 22(1) are being fulfilled, including amongst others, the roles of monitoring programmes, services and the implementation of the National Strategy, raising awareness of the rights and abilities of disabled people and investigating complaints which are received from disabled people.

   Besides these substantive requirements, the Commissioner is also responsible for the running of the Commission, as is also indicated in Article 22(2). This includes administration, staffing etc.

   Furthermore, although the Commission is made up of the Commissioner and the Council for the Rights of Persons with Disability (as found in Article 21), it is the Commissioner who is vested with the juridical representation of the Commission.

   In this light, it is also important to note that the Commissioner chairs the Council for the Rights of Persons with Disability, which is made up of a cross section of the local disability sector. Thus, the Commissioner serves both as the guarantor of the rights of the disabled in Malta and Gozo, as well as the bridge between the disability sector and the institutions of our nation.

   In addition to the legal constitution of the Commissioner, from a personal perspective I believe the role of the Commissioner should be focused on insuring that the rights of disabled people in Malta and Gozo are protected and enhanced which should be achieved through independent and impartial work carried out with any political party, Government Entity or other organisations who are interested in enhancing the inclusion of disabled people.

3. What is the distinction between this role and that of executive director of the said commission?

   The main difference between the role of the Commissioner and the Executive Director is that the buck stops with the Commissioner. It is the Commissioner who takes overall responsibility for the work of the Commission and takes legal responsibility for its actions. The law makes no reference to the role of the Executive Director, however this was not always the case. Prior to the amendments to the Equal Opportunities (Persons with Disability) Act carried out in 2016, the role of Executive Director was defined at law. Following these amendments, the Director's functions were subsumed into the role of the Commissioner. Having filled the role of Executive Director prior to these amendments, I can safely say that whilst appreciating the difference in the roles, I have had different levels of experience in both of them.

The role of Executive Director of CRPD is a role which is primarily related to the running of the CRPD offices, ensuring that the employees are able to carry out their work regardless of any impairment they may have. The administration of CRPD includes monitoring budgets, and the HR function, and reporting back to the Ministry / OPM / other entities when feedback is required. Whist holding the position of Executive Director I have also deputised for the Commissioner at events both nationally and internationally. The work of the Executive Director, delegated by the Commissioner involved working very closely with the Commissioner in ensuring the efficient running of the office and providing input on policy, as well as attending meetings and sitting on Boards.

The role of Commissioner, whilst it now includes the administration of the offices previously associated with the Executive Director's role, also involves dealing with the overall strategy of the disability sector in relation to the National Disability Strategy and providing support and advice to the Government in ways to achieve the various strands of the Strategy through monitoring the way that the Strategy is being implemented.

The role requires the protection of the rights of disabled people through awareness raising through conferences, and in the media and in campaigns. The main aim of the Commissioner should be to ensure that where rights are being ignored steps are put in place to amend policy where necessary to ensure that all disabled people in Malta and Gozo are able to live in an inclusive society and reach their full potential with any support they require.

4. How has this sector evolved over the years?

In answering this question I will begin with the area of employment.

The gradual improvement of disabled people's participation in employment following the enforcement of the 2% quota originally defined in the Persons with Disability (Employment) Act, Chapter 210, has had the effect of empowering disabled people to want more than employment as they can see this as a means of moving towards independent living.

This has meant the requirement for additional services to provide support for independent living, through, for example the Independent Community Living Scheme operated by Aġenzija Sapport, with an increase in the provision of personal assistants and support provided directly through direct funding to the disabled person or their families.

There has been a huge change in emphasis from the perspective of protecting disabled people to the acknowledgement that having ratified the UNCRPD and passed it into Maltese law there needs to be a move towards full inclusion and the writing of the National Disability Strategy is evidence of this.

There is now a move towards including disabled people in discussions about what they want and providing services that are designed to assist them to make their own decisions and have control over their lives. Where there is an inability for disabled people to do this due the complex nature of their impairments the support mechanisms are provided to assist their families in order to make their lives more fulfilling.

With the passing of the UNCRPD Act Chapter 627 there has been a raised awareness amongst disabled people of their rights and the ways these rights can be provided. CRPD has seen an increase in the number of complaints regarding discrimination on the grounds of disability, which could be seen negatively, but in my opinion shows that disabled people now have higher expectations for their inclusion in society and are also prepared to take a stand to ensure these rights are achieved.

The increase in complaints is good in that it shows that disabled people and their families are not prepared to have their higher expectations ignored and are willing to invest their time and energy in securing these rights. This is a fundamentally positive move as active participation of disabled people and their families in the disability sector has been patchy and I believe it is essential to engage with them and encourage their participation to ensure their voices are heard by the powers in place.

Society as a whole is also moving towards a better understanding that disabled people should not be kept at home for their own protection but should be given the opportunity to take part in all areas of cultural life. More disabled people are now seen on the streets compared to when I arrived in Malta 17 years ago

5. What are the main challenges that you foresee in the disability sector in the coming years? Will these challenges hamper the improvements which are needed?

   One of the main challenges that I foresee in the disability sector in the coming years is linked to the higher expectations that disabled people have in respect to their inclusion at all stages of their life.

   I am concerned that it is very difficult to plan the future provision of services given the fact that there is no national register of disabled people. There are currently 3 places where disabled people can register as a disabled person, the CRPD Register, the Jobsplus register and with the Social Security. Not only does this make assessment more odious, as a disabled person may be required to be assessed numerous times, but it also makes it very difficult to see the overall picture of disability in Malta. There is also an issue related to the idea of a national register in that disabled people are not required to disclose their impairment, and many do not due to fear of stigma or lack of awareness of the benefits that disclosure and registration may give them.

   The provision of a national register is mentioned in the National Disability Strategy, linked to assessment reform in Objective 1. There are hurdles which need to be overcome such as who would take responsibility for the register (most probably Aġenzija Sapport), the way the data would be collected and a time frame for its creation. This will require the collaboration of Aġenzija Sapport, the Health Ministry, the Education Ministry and the Family Ministry as well as the Ministry for Inclusion and will be a very complex task to undertake.

   Work has already begun in this area and the Global Partnership on Sustainable Development Data who specialise in Data Collection will be providing assistance to us in order to ensure that Malta’s data collection is in line with international best practices and that collection and disaggregation of data is also in line with the Sustainable Development Goals, the requirements of the UNCRPD and the UN Washington Group, whose questions are used in the Maltese Census.

A national register would mean that projections could be made about e.g. the number of additional LSEs that would be required in 5 years' time given the number of babies born with an impairment which might require an LSE in any given year. Here it is also important to include the children who receive their diagnoses at a later stage for example through the Early Intervention services or CDAU. The inclusion of people who acquire impairments as the result of accidents would also be essential to assess short and long term rehabilitation requirements and work programmes.

It can be seen that there is an aging population in Malta, and it is inevitable that as people age they also acquire impairments related to their age which also need to be planned for. Unless a solution is found to being able to plan for the increased levels of service provision and the associated funding, then there is a danger that the high expectations of disabled people of all ages will not be met as service provision and better social programmes will not be available when they are required.

There also seems to me to be a problem with assessing the knock-on effects of programmes which are put in place. It is common practice to consult with disabled people about their expectations (which is very good) and create services to suit their needs but this only caters for the present day and does not take in any consideration of what the provision of support may lead to.

To illustrate this point, it can be seen that, as inclusive education improved, the educational attainment of some disabled students improved and the 2% quota was introduced, leading to more disabled people being employed. This meant their financial position improved and their desire to live independently increased. This led to a problem with the lack of supply of accessible housing, which needed to be addressed. It also led to the realisation that disabled people were not able to get mortgages approved as they were not able to get life insurance, due to having no actuarial tables focussed on the Maltese population. This led to the need of the New Hope Guarantee Scheme, which enabled disabled people to successfully apply for mortgages.

In this example it can be seen that services have had to be created in a reactive manner to resolve problems which have been caused by resolving problems earlier in the chain. It is good that these new services are created but it would be better if they could be planned for in advance if they were anticipated as a result of a current service or policy being put in place.

Another huge challenge which cannot be resolved in the short term but will need to be addressed over many years is that of deinstitutionalisation. The requirement for deinstitutionalisation is fundamental and essential if we are to comply with the UNCRPD and also to meet our aim of allowing disabled people to live independently, with appropriate levels of support and make their own decisions about their lives.

The National Strategy gives a long-term aim of having a strategy for deinstitutionalisation ready by 2030. Whilst another 6 years to provide a strategy may seem like a very long time, there are a huge number of challenges involved in even creating a strategy. This links to the point I made above in that in order to achieve a move towards deinstitutionalisation a huge number of plans need to be put in place before it can happen. Possibly one of the biggest challenges we will face will be a cultural move away from parents wanting their disabled children (often adults) to be placed on a waiting list for a residential placement before they die or become too old to take care of their children in their home.

Parents do this because they are concerned about a lack of support services to take care of their children which may be due to a lack of awareness and only knowing about residences. If Malta is to move towards deinstitutionalisation there needs to be a re-allocation of funding (eventually) away from the provision of residential services to support services for living in the community and personal assistants.

There will be a requirement for more support workers, social workers, personal assistants and OTs, as well as an increase in the supply of accessible housing. There will be a need for re-training of staff in residential homes to move towards an empowerment attitude towards the disabled person rather than that of someone who looks after them. Whilst not all staff in a residential home will want to move to supporting a person living in the community, there will still be a requirement for respite services so there will be options available to them.

The reassurance of staff in residential homes, the parents and disabled persons themselves will take a lot of time and before the strategy can be implemented it will be essential to begin to address their concerns as this is a cultural shift which is very extensive, complex and covers very many areas of the disability sector.

6. What, in your opinion, are the next steps which need to be taken to overcome such challenges?

In order to be able to plan in an efficient and effective manner, a national registry is essential. There needs to be co-operation between the entities who hold the register and also an agreement on definitions and eligibility criteria which need to be agreed, for example CRPD uses the UNCRPD definition of impairment to judge eligibility, whilst the social security register has a defined list of impairments for whom social security payments will be allowed. The different requirements each register holder has, will need to be acknowledged and dealt with in the design of the register. It will also be essential for the entities to agree on a single assessment process so that disabled people are not unduly burdened by the need for repeated assessment for differing services.

It will also be necessary to inform disabled people of the advantages that a national register would provide them with. There is a reluctance of some disabled people to disclose, due to a mistrust of data handling and the motives of the state in asking for their details. It will be important to inform them that the aim of the state is not to become Big Brother but to rationalise the resources available to provide the best service possible for disabled people. Awareness raising in the area of the advantages that disclosure can provide for a disabled person will also be essential. Social security, EU Disability Card offers, access to Government Services and assistance with finding employment which are covered by the existing entities who hold registers, will be added to by the ability to plan for future needs and those of family members as well.

In the area of deinstitutionalisation the vastness of the subject and the work that needs to be done is perhaps daunting nevertheless it is important that stakeholders begin to think about the situation and how to go about putting things in place to ensure that a situation exists in Malta and Gozo so that eventually there will be a move away from residential homes towards independent supported living in the community.

Meetings are already taking place with stakeholders, CRPD has conducted research into the current situation of residential homes in Malta and Gozo and expert advice from countries who have undertaken this move is being sought. Encouraging parents to motivate their children to undertake training to be more independent, to prepare them for being able to (in the future), live independently with support will be a step change for parents and needs to started soon so that by the time the strategy is ready parents are on board with the idea. We are at the start of this process, which has a very long term goal but every great journey begins with a single step and it is good that Malta and Gozo have taken that first step.

7. Do you see NGOs as playing any role in improving this sector any further in the coming years?

It is necessary before answering this question to define the different types of NGOs that are involved in the disability sector. There are NGOs such as Inspire who are given funding by the Government to provide services, support and assistance to disabled people through their programmes provided by the professionals who work in the NGO.

There are also impairment-based NGOs which are run by groups of parents or professionals who have lived experience of a specific type of impairment and who provide services or advocate for this impairment on behalf of disabled people who have the impairment.

Finally, there are the DPOs which are organised by disabled people themselves to advocate for their own issues which may be broadly based on social justice, policy or impairment based concerns.

The role of NGOs who provide services are of course vital to the sector as they are able to fill lacunae where long waiting lists form for disabled people requiring therapies of other forms of support. These NGOs assist with service provision over and above what the state is able to provide, meaning that disabled people are not left stranded without assistance in areas where there are scarce resources.

The NGOs run by parents and professionals on behalf of disabled people are numerous and cover a diverse number of conditions and impairments. There is an increased need, as the expectations of disabled people for inclusion are raised, that these NGOs are heard by those in power and notice is taken of what they are saying about problems that need to be addressed, as they have the direct experience of disabled people to back up what they are saying.

These NGOs are widely trusted by disabled people themselves and it is important that their input and feedback relating to Government policies and legislation is understood and acted upon. This is done in the first part through the ENGAGE Committee, although CRPD also requests feedback from the NGOs it is in touch with and NGO

Forums have also been used by CRPD to try to bring the diverse aims of the NGOs and DPOs in the disability sector together to see where there are areas they can campaign together within the disability sector.

Probably the most important of the groups are the DPOs which are run by disabled people themselves. Again, it is important that their voices are heard as they have the first-hand experiences and expertise to be able to identify areas of policy and legislation which will be problematic for disabled people in a way that a non-disabled legislator may not realise.

All of these NGOs and DPOs have important contributions to make to the disability sector and giving them the space and time to advocate is essential for the improvement of the disability sector. I would like to see these diverse groups come together to collaborate more in a effective way. I think that better cohesion and collaboration is essential both between diverse impairment-based NGOs and within the impairment based NGOs. Giving these groups the space to tell of their experiences and elucidate their issues can only enhance the disability sector.

Questions submitted by the Members of the Opposition

1. How would you describe the role of Commissioner for the Rights of Persons with Disability?

   According to Article 22 (2) of the Equal Opportunities for All (Persons with Disability) Act, Chapter 413 of the Laws of Malta, "The Commissioner is responsible to carry out the functions of the Commission...". This means that while the law lists the functions of the Commission, it is the responsibility of the Commissioner to carry out such functions.

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   Besides these substantive requirements, the commissioner is also responsible for the running of the Commission, as is also indicated in Article 22(2). This includes administration, staffing etc.

   Furthermore, although the Commission is made up of the Commissioner and the Council for the Rights of Persons with Disability (as found in Article 21), it is the Commissioner who is vested with the juridical representation of the Commission.

   In this light, it is also important to note that the Commissioner chairs the Council for the Rights of Persons with Disability, which is made up of a cross section of the local disability sector. Thus, the Commissioner serves both as the guarantor of the rights of the disabled in Malta and Gozo, as well as the bridge between the disability sector and the institutions of our nation.

In addition to the legal constitution of the Commissioner, from a personal perspective I believe the role of the Commissioner should be focused on insuring that the rights of disabled people in Malta are protected and enhanced which should be achieved through independent and impartial work carried out with any political party, Government Entity or other organisations who are interested in enhancing the inclusion of disabled people.

2. Can you kindly explain the circumstances that led to your nomination as Commissioner for the Rights of Persons with Disability?

   Ms Samantha Pace Gasan, the former Commissioner resigned her position effective from 14th July 2023. I was approached by the Minister for Inclusion, Voluntary Organisations and Consumer Rights to ask if I would be prepared to take the position given my considerable experience of working in the disability sector in Malta, which I was very honoured and happy to accept.

3. Do you think that your lack of knowledge of the Maltese language constitutes an unreasonable language barrier for those who would want to communicate directly and personally with you as of Commissioner for the Rights of Persons with Disability?

   In my role as Executive Director at CRPD I have met with many disabled people to discuss their issues. Whilst I am not able to speak Maltese, I have enough of an understanding of the language to be able to understand what is being said to me, and where a disabled person has indicated that they do not understand English the member of staff taking the minutes of the meeting has always been able to relay my answers to the disabled person on my behalf. Many of the people who I have spoken to, especially those who have intellectual impairments or autism express a preference for holding meetings in English. It has not been my experience that my inability to speak Maltese has ever caused a problem.

4. How would you describe the situation of persons with disability in Malta?

   In my opinion the situation of disabled people in Malta has both good and bad aspects.

   With the passing of the UNCRPD Act, Chapter 627, the protection of the rights of disabled people has been expanded to cover all areas of their lives as related in the substantive articles. Whilst the Equal Opportunities (Persons with Disability) Act Chapter 413 protected their rights in areas such as education, employment, accessibility, goods and services, housing and health, the UNCRPD Act covers a broader range of topics such as the right to a family, political participation, the right to privacy and access to justice, amongst many others, which give the disabled citizens of Malta and Gozo more protection from discrimination that they have had previously.

   Better understanding of their rights, as I have mentioned before has raised the expectations of disabled people to be fully included in society. This can however bring with it frustration when a disabled person has to fight to have these rights respected instead of being able to assume they would be given freely.

   Whilst the position of inclusion has undoubtedly increased with higher levels of employment and the ability to live independently with support, not all of these services are yet at a capacity which disabled people expect. Whilst the support service may exist, a waiting list can leave the disabled person no better off in the short term that if the service did not exist. Management of expectation levels for these services needs to be dealt with very sensitively with alternatives found to alleviate immediate concerns.

Another area which can be seen in both good and bad light is the inequality of service provision. There is a section of the population who know about every service and benefit that they or their offspring are entitled to and have access to the service providers who can assist them to access these supports. There is also however a section of the population who know nothing of the support they can apply for and have little trust in the service providers who give the services, if they even know of them. It is essential that as a large part of the disabled population makes use of the new and improved services available to them and their families, that we find new ways to reach out to those who do not know of their rights and the support available to encourage them to apply for the support they may need very badly.

Overall, through working on the creation of the National Disability Strategy and the elements within it, the situation of disabled people in Malta has improved over the years. There are more opportunities for employment which lead eventually to the opportunity to be more financially independent and be fully included in society.

The move towards independent supported living, linked with the long term goal of deinstitutionalisation and the increased provision of support, accessible housing and personal budgets for personal assistants is a good step forward and with the voices of disabled people being heard on Government entity Boards and through committees such as ENGAGE and the CRPD KCC (Consultative Committee for people with intellectual impairments) there is an acknowledgement that in all areas of policy and legislation the opinions of disabled people must be not only heard but acted upon. This can only lead to the further improvement of the situation of disabled people in Malta and Gozo.

5. What are your plans in case you are appointed as Commissioner for the Rights of Persons with Disability?

   There are several areas which I believe need some attention in the case I was appointed as Commissioner for the Rights of Persons with Disability.

   As mentioned in the previous question I am aware that there are areas of the population which have no knowledge of the support and services which are available to them. It will be important for CRPD to find new ways to reach out to these people to encourage them to apply for the support they both need and are entitled to. With the numerous methods of dissemination now available through social media it does not seem right to me that there are currently disabled people who are being left behind. It may be that there is a lack of trust of these people in state entities, however this should not stop us from reaching out to them, hearing their concerns and if necessary, finding alternate means of enabling them to access services.

   There is great importance in the disability sector of treating every disabled person as an individual and assisting them to find the best way to access services and support which are appropriate for them depending on their impairment. There is no reason why the same principle of flexibility should not apply to people who due to their social, educational or economic circumstances are fearful or wary of interacting with state entities, in some way it should be exactly these people who are prioritised in outreach to ensure that no disabled person is left behind.

Engagement with the NGOs and DPOs needs to be strengthened and developed if improvement in the sector is to be achieved. It is natural that with limited financial resources available NGOs and DPOS are forced to compete with each other to get the attention of Ministers and the resources they need to operate effectively. The diverse requirements of these groups means that there is fragmentation within the sector and there is a requirement to bring these groups together to find areas where they can work together to achieve goals which will benefit them all and the sector as a whole. CRPD needs to work to bring these NGOs together to give them the space to voice their concerns, which can then be either investigated or passed on to other Government departments or agencies to fund a resolution.

Monitoring of the implementation of the articles of the UNCRPD is a large part of CRPD's work. Whilst our research capacity is limited, I am of the opinion that research into the different areas of the UNCRPD and ground work performed in Malta is essential for CRPD to fulfil its remit. Assistance can be provided to the research team to by our own investigations and compliance teams, however I would also like to see co-operation with other entities be developed to see how this monitoring can best be tackled.

I have become aware through working with many groups and listening to the complaints of parents that the area of education seems to be currently in hiatus. There have been many improvements made to the education of disabled children in mainstream schools including the provision of LSEs making schools accessible and providing access arrangements to examinations for children with disabilities. It is also true however that recently there has been an increase in the number of children with disabilities who are being excluded from school instead of finding an appropriate way of educating them within the school environment. It is important that the management within schools understands and commits to providing an inclusive educational experience for disabled children and it is their responsibility to ensure that the rights of these children to receive an inclusive education are met. I believe that re-training of both teacher and management within schools is necessary so that a more inclusive environment exists in which children with disabilities can flourish alongside their peers.

Linked to this is the teaching in the Faculty of Education in the University where Inclusive Education is taught as a stand-alone subject ensuring that the principle of universal design in education which is the standard in some other EU Countries is not taught as standard by the Faculty to the future teachers who will be in our schools.

The current Educational Review underway may be an opportunity to put some of the issues which are occurring in schools such as children being sent home when LSEs are absent may be addressed.

In the area of deinstitutionalisation CRPD has already been engaged in the National Strategy's process of designing a deinstitutionalisation strategy by providing a comprehensive piece of research on the state of play within Malta. CRPD will need to keep up the momentum of this process through collaboration with the Directorate for

Disability Issues, Aġenzija Sapport, the care agencies, the NGOs and DPOs and the residential homes themselves, as well as with international stakeholders such as ENIL (the European Network for Independent Living) to prepare the ground work and plans for the way forward in this area. Bringing the parents and disabled people along with us, will be essential and this is another area where a lot of work in differing methods of awareness raising and networking as well as consultation will be essential.

6. What do you think were the shortcomings of the Commission for the Rights of Persons with Disability during the last 5 years?

   Over the last 5 years CRPD has moved from a Commission which included service provision to that of a regulator of the disability sector under the remit of the UNCRPD Act Chapter 627. One of the frustrations of this transformation is that it is not well understood by the general public or even some public bodies. This has probably occurred as CRPD has taken the stance that there are more important areas to spend its limited budget on, than an awareness raising campaign related to the new role undertaken by CRPD.

   The lack of communication to society when this amended role took place is only now being rectified in a small way through adding informational slides into the Disability Equality Training sessions which CRPD employees give to entities, schools and private organisations These sessions number well over 1000 people reached each year, but a more focussed opportunity should be found to send the message to society at large.

   There is also some confusion between the role of Aġenzija Sapport and CRPD in the minds of the general public. On the whole the public are aware that CRPD handle cases of discrimination and accessibility issues relating to the Planning Authority and also that they enforce the use of, and deal with the abuse of blue badges. The distinction between the sector regulator and the national service provider has been blurred. This may partly be explained by the removal of services such as the car tax exemption scheme, the VAT refund scheme and what is now the Empowerment scheme from CRPD to Aġenzija Sapport around 5 years ago. The blue badges were transferred in 2022 and the EU Disability card is being transferred in September of this year, so the perception of who is a services provider and who is a regulator has not been understood by the public and requires a considerable amount of funds to be invested in a National Campaign to finally straighten out the situation in the minds of the public.

   This may seem like a trivial area to bring up however for disabled people who are using public transport, or taxis to deliver or pick up a blue badge to find out they are at the wrong office is very inconvenient and can cause distress so it is important at this issue is rectified once the EU Disability Card is transferred to Aġenzija Sapport later this year.

   Another shortfall I would suggest, is a lack of confidence that CRPD has in its own powers to enforce the rights of persons with disability. Within the area of investigations especially with the health and education sectors CRPD often finds itself repeatedly going over the same areas of policy, where it has been made clear that the complaint of the disabled person has been upheld and the offending department corrects its position, only to take up exactly the same discriminating stance in another case a month later. In my opinion CRPD should be far firmer in ensuring that its previous decisions should apply in future cases and that the behaviour of the department against whom the complaint had been lodged should be amended.

There are also instances where other entities / Government departments refuse to reconsider their actions when CRPD has decided upon a case of discriminatory behaviour. This may be contrary to the supremacy clause of the Equal Opportunities (Persons with Disability) Act Chapter 413, and yet on some occasions a resolution cannot be found. This is an area where the powers invested in CRPD to take action are not recognised and on occasion this refusal to comply is supported in the courts. I would hope that with the introduction of Redress Panels required by the UNCRPD Act Chapter 627 some of these issues will be addressed.

7. What do you think were the achievements of the Commission for the Rights of Persons with Disability during the last 5 years?

   There are quite a few achievements CRPD has had over the last 5 years.

   The removal of all services from CRPD to Aġenzija Sapport will be completed in September 2023. This is a huge achievement as it allows CRPD to undertake the new role of monitoring the implementation of the articles of the UNCRPD under the National Strategy including the establishment of a larger Research Unit within CRPD. The work of CRPD can now adjust to a role where investigations and compliance are able to back up the work of the Research team, which has been strengthened in its capacity to provide a combined and holistic approach towards monitoring the implementation of the articles.

   When looking at a particular area (e.g. domestic violence shelters) not only will the policies and standards that apply be checked by the research team to ensure compliance with the UNCRPD but also the physical accessibility can be checked by our Compliance team and the resolution of previous complaints can be provided by the Investigations team to provide a more holistic picture of what is being provided to insure mainstreaming of provision for the inclusion of disabled people.

   CRPD has also engaged an EU Projects Manager who also works alongside our Research Unit identifying areas we can apply for funding and also liaising with national and international partners through our involvement in their projects. This has enabled us to develop our international network of NGOs and Equality bodies through collaboration in projects related to employment, independent living and deinstitutionalisation sharing our own experiences and gaining from the experiences of these international partners. We have also developed our relationships with the European Disability Forum (EDF) and the European Network for Independent Living (ENIL).

   The establishment of an Enforcement Unit within CRPD is also a major milestone. This unit receives complaints from the public about abuses of blue badges and investigates them. It also deals with issues relating to reserved blue parking bays at an individual level and also if a complaint is received about a council abusing a blue bay. This unit is important as it helps to combat the public opinion that there is a lot of abuse of blue badges as it provides a safe place where people can raise complaints which are addressed and if necessary blue badge holders are requested to attend an appointment to have their eligibility reassessed or fake blue badges are removed.

As already mentioned previously there is a need for CRPD to be engaging with NGOs and DPOs to understand their concerns and irritations. The previous Commissioner had begun to do this work and fora were established where NGOs and DPOs met with each other and worked on issues which affected them all. This was warmly welcomed by the NGOs and DPOs and this is something I will be continuing should I be appointed as Commissioner.

The Malta Business Disability Forum is another success created by CRPD. This forum is made up of the major employers' chambers and associations, the Local Council Association, the Faculty for Social Wellbeing, MFOPD and the management of CRPD. Its aim is to discuss the ways in which it is difficult for employers to employ disabled people and the problems that disabled people encounter when they have been employed. Areas which relate to the employment of disabled people such as the administration of the 2% quota and numbers of disabled people actually registered for work have also been discussed. Engagement with the main employers' chambers and associations has been very fruitful and the forum is quite progressive.

The Young People's Disability Rights Forum is new forum that has been set up by CRPD in collaboration with Aġenzija Zghazagh to address the fact that there are not many disabled youths who seem genuinely interested and actively participate in discussions about the provision of rights for disabled people. This forum gives CRPD the opportunity to hear the concerns of the young disabled people in the forum and be able to guide them where necessary or assist them to achieve the actions they deem necessary.

It is also an opportunity for these youths to gain experience in advocacy and arguing for their rights. It is vital that the younger generation of disabled people in Malta take an interest in activism and disability rights as they will need to be the voices in the future to keep the progression of the disability sector on track. One area which this forum also tackled directly with its mere existence is that of over-protection and the ability of disabled youths to speak out in their own names.

8. What do you think are the main challenges of the Commission for the Rights of Persons with Disability for the next 5 years?

One of the biggest challenges facing the Commission in the next 5 years relates to its human resources. Historically when service provision and administrative tasks were the mainstay of the work at CRPD many disabled people were employed to undertake the work. Now with the digitalisation of the office many of these administrative tasks such as photocopying are no longer required and alternate work has been found for the staff we employ. There is now however a need for more professionally qualified employees and CRPD has begun a 4-year programme of upskilling the CRPD staff. There are however some members of staff for whom only minor upskilling will be able to take place, which we quite rightly accept.

CRPD is therefore left with a problem in that the professional staff we require are not going to be found internally and external recruitment is becoming very difficult, as can be seen by an external call and two additional adverts in the Times of Malta for the position of a draughtsperson to which no one has applied. The disability sector is not seen as an attractive place to work, and finding the appropriate human resources is becoming very problematic.

One of the reasons for the Young People's Disability Rights Forum, and linked to the point made above is the lack of interest that disabled people themselves show in working in the disability sector. We are not sure whether this is because they are unable to work in the sector due to practical issues or do not want to work in the sector due to low wages, stigma etc. This is concerning as it is the experiences of disabled people which drive policy and the work within the disability sector. The lack of disabled voices means that they are not being represented unless they engage with us through forums, emails or feedback requests, and makes succession planning very problematic.

Outside of the organisation itself, challenges relate to reaching out to the people who we have not made contact with yet to ensure they are given the support and services they need (as mentioned above). It will be important to find new ways of reaching these people through various forms of social and traditional media.

By far the biggest challenge relates to the long-term planning of the Deinstitutionalisation strategy and the various parts of the puzzle that need to be put in place in order for the strategy implementation to begin These include changes to the culture with Malta so that parents and disabled people themselves feel confident that they will be supported without the need to enter a residential home and that the services will be in place and provided for independent living to become a reality. This will obviously require the state at some point to re-direct funds from the residential homes to supported independent living in the community.

Staff at residences will need re-training to move towards empowering disabled people to make their own decisions about how they live their lives rather than the ethos of caring for them ad doing things for them. There will be the need for additional staff to provide the support including social workers, personal assistants, OTs, care workers etc as well as improvements to the quantity of accessible housing stock available.

I am of the opinion that the move towards deinstitutionalisation is one of the biggest moves that the disability sector will make, it may take over 20 years to bring it about but the planning for it needs to begin now or we will never get there and the opportunity for disabled people to be able to live independently, with support, making their own decisions may be lost which would be a tragedy.

9. Can you kindly indicate if you have any commercial activities? Can you indicate whether these will create a conflict of interest, perceived or otherwise, in case you are appointed as Commissioner for the Rights of Persons with Disability?

   I am involved in no commercial activities, however occasionally I am requested to provide lectures for the Disability Studies Department within the Faculty of Social Well-being at the University of Malta.

10. Can you kindly indicate what other posts do you intend to hold in case you are appointed as Commissioner for the Rights of Persons with Disability?

I currently sit on the Board of Governors at MCAST, the FSWS Board, the Access Disability Support Committee of the University of Malta and the Scheme for Exemptions / Reductions / Grants related to Motor Vehicles for Disabled People. In addition to this I am the Treasurer of Equinet the European Network of Equality Bodies.

Of these positions I sit on the Board of MCAST, FSWS and Equinet in my personal capacity as a disabled person and on the Access Committee and Motor Vehicles Exemption Committee as a representative of CRPD.

The Commissioner ex officio is required to sit on the ENGAGE Committee, The FITA Board, the Jobsplus Board and the Autism Council, which I would attend should I be appointed as Commissioner for the Rights of Persons with Disability.

11. Can you kindly indicate if you have ever been part of a Secretariat of a Minister or a Parliamentary Secretary or if you have worked closely with them in recent years?

    I have never been part of a private secretariat of a Minister or Parliamentary Secretary. In my role as Executive Director at CRPD I have liaised with the Secretariat of the Ministers or Parliamentary Secretaries working in the Disability Sector as part of my job.

12. Can you kindly state if you have any conflict of interest?

    I can declare that should I be appointed Commissioner, I would not have any conflict of interest.