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NEWS REPORT

Country:	Malta
Title:	Equal Opportunities for Persons with a Disability
Date:	31 May 2016
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<u>Context</u>	
Issue at stake:	Amendments made to the Equal Opportunities (Persons with Disability) Act listing fourteen rights rendering the said rights enforceable. Amendments also strengthen the KNPD's regulatory role to ensure that the rights of persons with a disability are safeguarded
Ground of discrimination:	Disability
Source:	Legislation and Bills
Field:	Social advantages and social protection
Applicable law:	Chapter 413 titled Equal Opportunities (Persons with Disability) Act and Act No. XXIV of 2016

Content

Law development:

Act XXIV of 2016 (herein after 'the amending Act')¹ amended the Equal Opportunities (Persons with Disability) Act (hereinafter referred to as the Equal Opportunities Act) to increase the equal opportunities of persons with a disability by clearly listing their rights, especially those in relation to the right to family life, and rendering the said rights enforceable before the competent authorities. The 14 rights are as follows:

1. Every person with a disability has a right to life, dignity, respect and mental reproductive and physical integrity. This also includes a duty on the State to guarantee these rights before and after the birth of such persons.
2. Every person has a right to know whether he or she has a disability at the first possible opportunity. The State also has a duty to provide information and early and comprehensive intervention as well as services and help to children with a disability and their families.
3. Persons who abandon, hide, segregate, persecute and exploit such persons will be guilty of an offence under the Equal Opportunities Act. The law does not seem to provide any provisions relating to the punishment when such an infringement takes place.
4. Every person with a disability has the right to family life and upbringing as any other person.
5. This Act also establishes that the fundamental rights and freedoms found in the Constitution of Malta will be enjoyed by persons with a disability. The State must ensure that the exercise of these rights are also guaranteed when together with the

¹ Act XXIV of 2016 – Equal Opportunities (Persons with Disability)(Amendment) Act, 2016 which came into force on the 4th of May 2016.

- disability there are other factors of discrimination inter alia, gender, race and age.
6. Every person with a disability also has the right to freedom of expression, opinion and association. This includes the freedom to search, receive and provide information and ideas on an equal basis with others and by any means of communication of their choosing.
 7. Every person with a disability has the right to reach his or her maximum physical, sexual, reproductive, emotional, social, artistic and intellectual capacities.
 8. Persons with a disability have the right to take those decisions which affect their life and which they deem to be good for them after being aided to do so if help was requested.
 9. Persons with a disability have the right to form a family or a civil union as any other person.
 10. The State must ensure that persons with a disability are not discriminated against with regards to marriage, family, their responsibilities as parents and relationships. No person with a disability may be separated from her/his child due to her/his disability.
 11. A person with a disability has the right to freely decide with whom to live.
 12. Every person with a disability must have at his or her disposal access to a range of tools of support, community services and facilities including but not limited to personal assistants, technological equipment and any equipment to ensure effective inclusion.
 13. Every person with a disability must have access to mobility and orientation training, the use of technological equipment and Maltese Sign Language.
 14. The assessment of a person with a disability must be multi-disciplinary and trans-disciplinary and should reflect the actual needs and qualities of the person.

The amending Act provides that the rights of a person with a disability, as defined in Chapter 413, must reflect those listed in the United Nations Convention on the Rights of Persons with Disabilities adopted by the General Assembly of the United Nations on the 13th of December 2006.

The amending Act also provides for a definition of multiple discrimination against persons with a disability which includes, inter alia, discrimination based on a person's gender, age, civil status, sexual orientation, race and ethnicity including the refusal to provide health services of the same standard and quality like that given to other persons.

The amending Act also creates the new role of Commissioner for the Rights of Persons with Disabilities' who shall be appointed by the Prime Minister following consultation with the Minister. The Commissioner is responsible to carry out the functions of the Commission. The Commissioner may also pursue all actions, including judicial actions, to ensure that the provisions of the Equal Opportunities Act are adhered to. The amending Act also modifies the structure of the Test of Reasonableness Board to grant it more independence. The said Board will now be chaired by an independent person with a disability instead of by the Chairperson of KNPD.

Key points of analysis:

Act XXIV of 2016 seeks to clarify and render enforceable the rights afforded to persons with a disability allowing them to be able to express themselves more effectively in society while also providing them with access to goods and services that would allow them to be able to live more comfortably.

Internet link source:

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