MT – Country information

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

FRANET contractor: Jesuit Centre for Faith and Justice Foundation

1. **STRUCTURE INDICATORS**

|  |  |
| --- | --- |
| **Structure indicators** | **Source and supporting information** |
| Has Malta ratified the CRPD without a reservation to Article 29? Please give details of any reservation. | Malta has made a reservation to Article 29a upon ratification[[1]](#footnote-1) on 10 Oct 2012:  *“[…] Pursuant to Article 29 (a) (i) and (iii) of the Convention, while the Government of Malta is fully committed to ensure the effective and full participation of persons with disabilities in political and public life, including the exercise of their right to vote by secret ballot in elections and referenda, and to stand for elections, Malta makes the following reservations: With regard to (a) (i): Malta reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials are concerned. With regard to (a) (iii): Malta reserves the right to continue to apply its current electoral legislation in so far as assistance in voting procedures is concerned.”[[2]](#footnote-2)* |
| Has Malta ratified the CRPD without a reservation to Article 12? Please give details of any reservation. | Yes[[3]](#footnote-3) |
| Has Malta ratified the CRPD without a reservation to Article 9? Please give details of any reservation. | Yes[[4]](#footnote-4) |
| Please indicate the legislation which applies to European Parliament and municipal elections in your country. Please highlight possible amendments in view of the 2014 European Parliament elections.  Does the same law apply for national, federal, local and regional elections, and referendums? | European Parliament elections:  European Parliament Elections Act, Chapter 467 of the laws of Malta.[[5]](#footnote-5) Municipal Elections:  Local Councils Act, Chapter 363 of the laws of Malta.[[6]](#footnote-6)  With regards to referenda, the relevant legislation is the Referenda Act, Chapter 237 of the laws of Malta.[[7]](#footnote-7)  General Elections Act, Chapter 354 of the laws of Malta.[[8]](#footnote-8) There have been no amendments to date in view of the 2014 European Parliament Elections. |
| Is there a requirement under law to register to vote? If so, please specify the relevant legislation. | Only for EP elections:  European Parliament Elections: Article 14(1) of the European Parliament Elections Act, Chapter 467 of the laws of Malta, requires the registration of persons qualified to vote at the European Parliament Elections with the Electoral Commission.[[9]](#footnote-9) Non-Maltese EU citizens residing in Malta who do not already hold a Malta ID card or residence document may apply for registration to vote in the European Parliament elections by first applying for their residence document at the Citizenship and Expatriate Affairs Department, Evans Building, St Elmo Square, Valletta, where they also complete the electoral register application. This filing of the electoral register application is also required in respect of non-Maltese EU citizens residing in Malta, already in possession of a Malta ID card or Residence document, and wishing to change their option into voting in Malta instead of in their home country in the same elections.[[10]](#footnote-10)  Once a person is registered for the European Parliament Elections, then they have the right to vote in Municipal Elections. Municipal Elections: Article 5 of the Local Councils Act, Chapter 363 of the laws of Malta, states that any person on the Electoral Register (in accordance with the General Elections Act) and on the European Union Electoral Register (in accordance with the European Parliament Elections Act) has the right to vote.[[11]](#footnote-11)  Article 57, Chapter1 Constitution of Malta[[12]](#footnote-12):A person is qualified to vote in the General Election if he is a citizen of Malta, over the age of 18 and resident in Malta for a continuous period of 6 months during the 18 months immediately preceding registration.  Article 21(1) of the General Elections Act (Chapter354 of the laws of Malta)[[13]](#footnote-13): Any person entitled to vote shall be registered by the Electoral Commission whether or not an application is made. |
| Is there any limitation foreseen by law which could affect the right of persons with disabilities to vote in European Parliament and municipal elections? Please give details of any restrictions on the right to vote of persons with disabilities, including any link between a particular type of impairment (e.g. psychosocial/intellectual disability) or substituted decision making (e.g. loss of legal capacity, placement under guardianship)and the right to vote in elections.  Does the same law regarding voting rights apply for national, local/regional elections and referendums? | The Constitution of Malta establishes certain exceptions where it is deemed justifiable to restrict the civil and political rights of citizens if they fail to conform to certain criteria (such as age or incarceration). These include considerations based on the grounds of mental competence that could preclude one's entitlement to these rights. However, the Constitution fails to go into detail about the interpretation of these mental conditions leading to an assessment of legal incompetence.  Article 58 of the Constitution of Malta states that an interdicted or legally incapacitated person cannot qualify to be registered as a voter for the election of members of the House of Representatives if interdicted or incapacitated for any mental infirmity by a court in Malta or is otherwise determined in Malta to be of unsound mind.  While this article does not list the specifics of the conditions, it has been used to deny the right of intellectually disabled people to vote and to render void any contract or to legal status they might have. In addition, people with mental health issues may be denied their voting, legal, and civil rights if it is proven that they are incapable of taking “rational” decisions.  In both cases, a medical board assesses the case and people with mental health issues are not deemed legally incompetent for life as this decision may be revised later on in their life. On the other hand, people with an intellectual impairment who are deemed legally incompetent, at present, are deemed legally incompetent for a lifetime.  Decisions of the Medical Board (established by Section 14 of the General Elections Act) that a voter is of unsound mind are taken by unanimous vote and are communicated in writing to the Electoral Commission who is required to immediately inform the voter according to Section 27(3) of the General Elections Act [[14]](#footnote-14). The decision of the Medical Board is final and binding on the Electoral Commission and the voter.  The National Commission Persons with Disability (sic) (*Kummissjoni Nazzjonali Persuni B’Dizabilita*, KNPD) pointed out that there have been no changes regarding the two groups in 2013[[15]](#footnote-15). They can be referred to the Electoral Commission for a medical examination regarding their ability or otherwise to vote. The medical board may give either limited participation in all elections or exclusion from all of them. KNPD is carrying out a survey to find out how many disabled people vote, how many require assistance and the type of assistance they prefer.  Right to vote:  General Elections Act[[16]](#footnote-16)  Art. 15. (Qualification of voters): *Subject to the provisions of the next following article, a person shall be entitled to be registered as a voter for the election of Members of the House if, and shall not be entitled to be registered unless, he has the qualifications required by article 57 of the Constitution and provided he is not so disqualified in terms of article 58 of the Constitution or in accordance with the provisions of this Act.*  European Parliament Elections Act[[17]](#footnote-17):  Art. 10. (Persons entitled to vote): *Every person whose name appears in the Electoral Register last published before the date fixed for the election and every person whose name appears in the European Union Electoral Register and who in either case has not, following the publication of the said Electoral Register or the said European Union Electoral Register, been convicted of any offence connected with the election of members to the House of Representatives or with the election of members of Local Councils or with the election of members of the European Parliament shall be entitled to vote in elections of members of the European Parliament.*  Local Councils Act[[18]](#footnote-18):  Art. 5 (1) *Every citizen of Malta whose name appears in the last published Electoral Register and who has not been convicted of any offence connected with the election of members of Local Councils shall be entitled to vote at elections of Local Councils.*  Art. 2 (5) *Every person who is a national of a Member State of the European Union whose name appears in the last published European Union Electoral Register and who has not been convicted of any offence connected with the election of members of Local Councils shall be entitled to vote in elections of Local Councils.* |
| Do all persons with disabilities have the right, under law, to stand for and be elected to public office, in municipal elections, on an equal basis with others? And in elections to the European Parliament?  Does the same election law apply for other elections (e.g. national, local and regional) and referendums? | Standing for elections:  European Parliament Elections Act[[19]](#footnote-19):  Art. 18. *Subject to the provisions of article 19, a person shall be qualified to stand for election as a member of the European Parliament if such person is registered as a voter in the Electoral Register or in the European Union Electoral Register […]*  Art. 19. (1) (Persons not qualified to stand for election): *Without prejudice to the provisions of the Act, no person shall be qualified to stand for election as a member of the European Parliament or, if elected, to remain a member thereof if, whether in Malta or in any other Member State […] (d) he is interdicted or incapacitated for any mental infirmity or for prodigality by a court or is otherwise determined to be of unsound mind.*  Local Councils Act[[20]](#footnote-20):  Art. 11. *A person shall be qualified to be elected as a member of any Council if such person is registered as a voter in the Electoral Register or the European Union Electoral Register.*  Art. 12. *No person shall be qualified to stand for election as a member of a Council or to remain a member thereof if: […] (g) he is interdicted or incapacitated for any mental infirmity or for prodigality by a court in Malta, or is otherwise determined to be of unsound mind*. |
| Is there legislation in place regulating how people living in long-term institutions may vote? | A provision of the General Elections Act [[21]](#footnote-21) allows for the delivery of voting documents to persons in retirement homes, hospitals or suffers from a disability.  Article 46(10): […] *where the Commission is aware that any person whose name appears on the list … is registered in a retirement home, or is in a hospital, or suffers from a disability or is bed-ridden or is otherwise physically unable to appear at one of the places designated by the … to claim delivery of his voting document, it shall be the duty of the Commission to effect service of such document on the person concerned […]*  Articles 80 to 84 allow for polling stations to be set up in retirement homes and hospitals and for voting documents to be delivered to such.  Similarly, Articles 40 to 52 of the Local Councils Act[[22]](#footnote-22) allow for polling stations to be set up in retirement homes and hospitals and for voting documents to be delivered to such for municipal elections.    The European Parliament Elections Act does not contain an equivalent provision. However, Article 21 of the European Parliament Elections Act states that the provisions of the General Elections Act and of the Electoral Polling Ordinance shall apply to the conduct of elections, and to the counting of votes in elections, of members of the European Parliament. |
| Is there a duty under law to provide reasonable accommodation for persons with disabilities in voting procedures? For example, is there a duty to provide assistance at the polling station (e.g. braille or large print ballot papers, independent support person to assist with voting chosen by the person with a disability) or to allow for alternative means of voting (e.g. postal ballots, voting in advance, home-based voting, voting at institutions, mobile voting)? | Since the adoption of the Equal Opportunities Act (2000), voting stations are required to be physically accessible to all, including people with disability. Moreover, support staff at polling stations is obliged to offer people with disability assistance in getting to the appropriate venue and to cast their vote if required. The provision has made it possible for many people with physical disability to vote on an equal basis with others. |
| Is there a duty under law for public and private providers of internet and web-based information to ensure that public information is subject to accessibility requirements (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard) | The Electronic Communications Networks and Services (General) Regulations, S.L. 399.28, that regulates the provision of public and non-public electronic communication services, telephone services and private and public electronic communication networks, obliges service providers to ensure equivalence in access and choice for disabled end-users (Regulation 41), the imposing of “must carry” obligations[[23]](#footnote-23) [] particularly to enable appropriate access for disabled end-users (Regulation 49) and the imposition of designated undertakings under the Regulations to pay phones and other comparable services are accessible to disabled end-users (Regulation 25).[[24]](#footnote-24)  The Malta Communications Authority can impose on certain designated undertakings universal service obligations, such as telephony services. These undertakings must ensure that public pay phones meet the accessibility needs to disabled end-users. Regulation 25 relates to telephone services and can refer to both public and private undertakings.The Regulations do not make reference to any particular accessibility standards which must be achieved. However, the Malta Communications Authority may itself specify, where appropriate, requirements to be met. No deadlines are envisaged under this Regulation.  In addition, the Equal Opportunities (Persons with Disabilities) Act, Chapter 413 of the laws of Malta, provides in Article 13(1) and Article 13(2) that goods, services and facilities [both public and private] should be accessible to persons with disabilities.[[25]](#footnote-25)  Pursuant to several complaints in 2005/06, the National Commission Persons with Disability (KNPD) and the Foundation for Information Technology Accessibility (FITA) embarked on a project to ensure that websites of important entities are accessible to everyone in conformity with international standards[[26]](#footnote-26). The project is on-going. No data is available as to the number of websites linked to political participation are available.  For the particular standards, KNPD and FITA referred to:  • WCAG 2.0  • ADA Section 504 / 508 - <http://www.hhs.gov/web/508/section504.html>  • TERESIAS - <http://www.gaates.org/documents/ICT/GAATES_Procurement.pdf>  • ISO - ISO/TS 16071:2003 , ISO 9241-171:2008  Their implementation at a national level can be found in this document:  • MITA/FITA GMICT Standards <https://www.mita.gov.mt/MediaCenter/PDFs/1_GMICT_S_0051-3_Website_Accessibility_Standard_v4.0.pdf>  Also see the 2005 (Pages 8, 15, 30), 2006 (Pages 8, 16, 28, 35) and 2007 (Pages 10, 21) Annual Report of the National Commission Persons with Disability Malta.[[27]](#footnote-27)  KNPD also issued the “Guidelines towards an inclusive society and a positive difference in the lives of Maltese and Gozitan disabled people” in 2007, which also set out that websites shall be accessible for all.[[28]](#footnote-28) |
| Is there a duty under law for public and private providers of media (including newspapers, TV, radio and internet) to ensure that their information and communications are subject to accessibility requirements? | The Broadcasting Act, Chapter 350 of the Laws of Malta, provides in Article 16J(3) that media service providers shall be encouraged that their services are gradually made accessible to people with a visual or hearing disability.[[29]](#footnote-29) There is no timeframe envisaged for this process. The Act makes no reference to any measures that could be undertaken to make services more accessible. |
| Is there legislation requiring that polling stations and voting processes be accessible to persons with disabilities (e.g. a certain percentage of polling stations must be accessible, one polling station per electoral district must be accessible etc.)?  Please indicate whether the legislation requires that polling stations and voting processes are accessible for all persons with disabilities or for particular impairment groups (e.g. persons with visual, hearing, physical impairments etc.). | Since the adoption of the Equal Opportunities Act (2000), voting stations are required to be physically accessible to all, including people with disability. Moreover, support staff at polling stations is obliged to offer people with disability assistance in getting to the appropriate venue and to cast their vote if required. The provision has particular benefitted people with physical disabilities. |
| Does the law foresee training for election authorities and election officials on non-discrimination on the grounds of disability, accessibility and reasonable accommodation? | No requirement relating to the training of election authorities could be identified after an analysis of the relevant laws [General Elections Act, Local Councils Act, European Parliament Elections Act, and Equal Opportunities (Persons with Disabilities) Act] and consultation with KNPD, the Electoral Commission, the Local Councils’ Association, the Department of Local Government, Equal Partners Foundation, and, the Malta Federation of Organizations for Persons with Disability. |
| Are all persons with disabilities, including those who have been deprived of their legal capacity, able to access redress and complaint mechanisms in cases where they have not been able to exercise the right to vote? | The General Elections Act, Chapter 354 of the laws of Malta, Article 27 establishes that the Electoral commission may not refuse an application by a person to be registered as a voter, or cancel the registration of a voter or expunge his name from the electoral register on grounds of interdiction or incapacitation for any mental infirmity, or for being of unsound mind, before a decision by the Medical Board is obtained (according to the law) or the person is interdicted for mental incapacity by a competent court. Once the decision is made such decision is deemed to be final and binding on the Commission and the voter.  The law further establishes that no appeal shall lie from the decision of the medical board, saving the provision relating to the **judicial review** of administrative acts.  In addition, Article 38 of the General Elections Act lays down that any person whose registration as a voter is cancelled from the Electoral Register has the right of **appeal to before the Court of Magistrates.**  In addition, the Equal Opportunities (Persons with Disability) Act, Part VI, allows for a person with a disability to file a **complaint with KNPD (**National Commission for Persons with a Disability), on the basis that an act is contrary to the rights protected by the same Act.  The procedures in various scenarios consequently are:  Procedure when the Medical Board decides on incapacitation –judicial review ;  Procedure when the Electoral Commission strikes a person off the register based on the Medical Board decision – appeal to court of magistrates.  Procedure when an act discriminates against a person with disability, i.e. lack of accessibility – complaint with KNPD. |

1. **PROCESS INDICATORS**

|  |  |
| --- | --- |
| **Process indicators** | **Source and supporting information** |
| Are there mechanisms in place to ensure that disabled people’s organisations (DPOs) are consulted and involved in the development of laws and policies in electoral matters? Please give details of the mechanisms through which DPOs are involved. | The Equal Opportunities (Persons with Disability) Act[[30]](#footnote-30) in Article 21provides for the establishment of the National Commission Persons with Disability (KNPD) , composed of 7 people deemed to represent the Ministries responsible for Social Policy, Labour, Health, Education, Housing and Economic Planning and another 7 appointed from amongst persons best represent voluntary organisations working in the field of disability issues.    Article 22 lays down the function of the KNPD which include the establishment of all national policies directly or indirectly related to disability issue, (that isdrafting, as well as consultation); ensuring that all government programmes are implemented in accordance with national policies for disability issues; identifying needs of persons with disabilities and proposing appropriate measures to cater to such needs; examining laws and draft laws for the purpose of ascertaining whether they are or would be inconsistent with or contrary to the objects of the law; and provide an independent mechanism to promote, protect and monitor the implementation of the United Nations Convention on the Rights of Persons with Disability and its Optional Protocol.  However, one may point out that this is generally worded and not specifically in reference to laws and policies in electoral matters.  There is no specific mechanism of consultation with disabled people’s organisations (DPOs) in the development of laws and policies in electoral matters.  The KNPD informed us that discussions are currently being held between the Ministry for family and Social Solidarity (MFSS), KNPD and the electoral commission to explore the best way forward and policies regarding elections and persons with disabilities. The discussions are not public.  The NFP, having reviewed the respective laws, and media reports on consultations, and consulting KNPD, the Equal Partners Foundation, and the Malta Federation of Organizations for Persons with Disability, came to the conclusion that consultations are largely informal and ad hoc. |
| Have national judicial redress mechanisms considered any cases related to the right to political participation of persons with disabilities?  Please give details of relevant case law and any available data on the number of such cases. | Prior to the 2008 General election, the Society of the Blind[[31]](#footnote-31) had opened a court case for the right to vote in secret rather than with the assistance of the assistant commissioners. A number of individuals filed the applications against the Electoral Commission and the Attorney General, claiming that the authorities failed to provide a voting system that was adequate for blind people. The applicants described the lack of privacy when voting as humiliating and degrading and in breach of Malta's equality legislation. The Court decided against the applicants, claiming lack of jurisdiction in such cases. The judgment is not publically available.  It seems that as a result of this case, Act XXI of 2007[[32]](#footnote-32) that amended the General Elections Acts includes the obligation of the Electoral Commission to produce templates in Braille and as well as a playback listening devices. These have enabled some, but not all, blind persons, to vote on their own. [[33]](#footnote-33)  []  Malta has entered a reservation to Article 29a (i) and (iii) of the CRPD (see under 1).  It thus has not yet provided disabled people with the facility to vote with the assistance of a trusted friend of their own choice. The current system for disabled persons who cannot vote without assistance is for them to vote in front of the assistant commissioners present in their polling booth. No other voters are allowed at this time and assistant commissioners are sworn to secrecy. However, many disabled people find this arrangement inadequate as confidentiality cannot be fully guaranteed especially in a place with a very small population. |
| Have national non-judicial redress mechanisms (e.g. National Human Rights Institutions, Equality Bodies, Ombuds institutions) considered any cases related to the right to political participation of persons with disabilities?  Please give details of relevant case law and any available data on the number of such cases. | In 2013, The Deaf Persons Association lodged a complaint with the KNPD (National Commission Persons with Disability) regarding the lack of Maltese sign language interpretation in the national television during election broadcasts. KNPD contacted the Broadcasting Authority and the Public Broadcasting Services to remedy the situation and as a result, the Broadcasting Authority included Maltese Sign Language Interpretation in all its election broadcasts.[[34]](#footnote-34)  In addition, in its capacity as the regulator of the national television station, the Broadcasting Authority decided on the complaint lodged by the Deaf Persons Association. However, the complaint relating to the lack of Maltese sign language during television political debate programmes was not upheld. It ruled that in the circumstances prevailing at the time, the Public Broadcasting Services (PBS) running the television station could not provide more sign language interpretation than it had, in order to include all important political debates.[[35]](#footnote-35)  As a result of the above complaint, the Broadcasting Authority included Maltese Sign Language Interpretation in all its official scheme of election broadcasts. However, the Broadcasting Authority ruled that a televised political debate produced by a private company but broadcasted by PBS, the national television station, did not have the resources to provide more sign language interpretation than it had.[[36]](#footnote-36) |
| Is information about how and where to complain in the case of problems with exercising the right to political participation accessible to all persons with disabilities? | The National Commission Persons with Disability (KNPD) has produced accessible versions of the Equal Opportunities (Persons with Disability) Act that is in easy-to-read Maltese, audio Maltese, and a Maltese Sign Language DVD. KNPD also makes available on its website and through information leaflets (in accessible versions) information about how to make a complaint in accordance with the Act.  The above relates to complaints in general and does not specifically target political rights.[[37]](#footnote-37) |

1. **OUTCOME INDICATORS**

|  |  |
| --- | --- |
| **Outcome indicators** | **Source and supporting information** |
| What was the voter turnout rate for persons with disabilities in the most recent municipal elections and in the 2009 European Parliament elections? How does this compare with the voter turnout rate among the general population?  What was the voter turnout rate for persons with disabilities in the most recent national elections? How does this compare with the voter turnout rate among the general population? | In a reply to an information request received in writing from the National Commission Persons with Disability on 29 July 2013 the Commission stated that data was not available.  However, during the 2013 general election, 17,349 persons stated under oath that they could not fill in the ballot paper and consequently asked the assistant commissioners to fill in the ballot paper on their behalf. This does not necessarily imply that all those persons had a disability. [[38]](#footnote-38)  The numbers available for the last elections relate to the persons who voted in hospitals (not specifically persons with a disability) and public old persons residence homes:  **General Hospitals**:  Mater Dei Hospital - 499 votes  Gozo General Hospital - 131 votes  Mount Carmel Mental Health Hospital - 304 votes  **Residence homes for the elderly**:  Saint Vincent de Paul Residence - 810 votes  Karin Grech Hospital – 235 votes  No other data is available. |
| How many members of the current national parliament identify as having a disability? | One member of parliament has recently publicly identified himself as having mental health issues. No other MP has identified as a person with disability. [[39]](#footnote-39) |
| How many members of current municipal governments identify as having a disability? | There are no records of local council members having been identified as a person with disability.[[40]](#footnote-40)  A blind Local Council member will stand as a candidate for the forthcoming European Parliament elections. |
| What proportion of polling stations is accessible for persons with disabilities? Please indicate whether polling stations are accessible for all persons with disabilities or for particular impairment groups e.g. persons with visual, hearing, physical impairments etc.) | During elections, all buildings that are used as polling stations and that may not be accessible to all are adapted for physical access using ramps and other means. However, persons with certain physical impairments are not given the right to vote in secret and must use the assistance of the assistant commissioners.  Although blind people have the option of using a Braille template and playback listening device, not all blind people can use the template. No provision of sign language assistance is provided at polling stations.[[41]](#footnote-41)  The Election Commission and KNPD confirmed that there is no statistical data available. |
| Does the website to provide instructions for voting and information on candidates run by the ministry responsible for organising elections meet accessibility standards (e.g. equivalent to Web Content Accessibility Guidelines (WCAG) 2.0 AA standard)? | The Electoral Commission and the main political parties all manage websites providing instructions to voters. During the March 2013 general elections no complaints were received regarding the inaccessibility of any of these websites. [[42]](#footnote-42)  The Malta Information Technology Accessibility (FITA), the Office in Charge of Web Accessibility Audits and ICT Training, replied that the Electoral Commission website “does not seem bad”, however a detailed accessibility audit report in order to assess whether it meets the accessibility standards is not available. The same would apply for the websites of political parties. |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has national language subtitles? | All voting instruction and candidate information featured on Maltese television programmes in general made use of captions and subtitles including the graphical representation of the party’s emblem, the graphical depiction of the candidate concerned, and the name of the candidate.[[43]](#footnote-43) Such representation by the different political parties concerned was in general made in proportion to parliamentary representation, the exception being for those parties who did not have any parliamentary representation but who were also contesting the general election being given an equal air-time.[[44]](#footnote-44) [  Information slots providing voting instructions on certain political party television stations, such as One TV, did not have sign language interpretation[[45]](#footnote-45).  There is not data regarding the proportion of airtime instructions for voting and information on candidates as compared to total broadcasting schedules for the election campaign period.[[46]](#footnote-46)  The use of subtitling in television news and current affairs programmes is not the norm in Malta; as such broadcasts generally are direct broadcasts. However, crawls (text inserts) and captions are always present at the bottom of the screen in main news bulletins depicting the main news items[[47]](#footnote-47). |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has audio description? | None.[[48]](#footnote-48)  We consulted with the KNPD and they confirmed no data is available in relation to the proportion of television broadcasts.  News and current affairs programmes do not use audio description. |
| What proportion of main public and/or private television broadcasts providing instructions for voting and information on candidates has sign language interpretation? | Broadcasts and rallies by the two major political parties (the only parties represented in Parliament) included Maltese sign language interpretation during the last general election held in 2013.  Election related programmes produced by the Broadcasting Authority on the national television station also included this interpretation. [[49]](#footnote-49) Other political programmes aired on political-party stations [ONE, and Net TV] - with the approval of the Broadcasting Authority] were broadcast with and without sign language interpretation at the discretion of each station [see <http://www.ba-malta.org/prdetails?id=247>]. [[50]](#footnote-50)  The programmes included Maltese sign language and not subtitles.  There is no data relating to proportionality ratings of total sign-language interpretation airtime as compared to total broadcasting airtime[[51]](#footnote-51). |
| How many political parties, out of the total who participated in the most recent European Parliament and municipal elections, made their manifesto/campaign material accessible to persons with disabilities (e.g. large print, braille, easy-to-read, audio versions etc)? | No specific statistics available.[[52]](#footnote-52)  However, broadcasts and rallies by the two major political parties (the only parties represented in Parliament) included Maltese sign language interpretation during the last general election held in 2013.  Some parties provided their manifesto in an audio version for the 2013 General Election (Alternattiva Demokratika – Green Party[[53]](#footnote-53), Partit Laburista – Labour Party), a video version and a version adapted for people with hearing impairment (Partit Laburista- Labour Party).  NB there are 3 main parties that run for elections in Malta, data for the last EP elections are not available, as the feedback sent by Alternattiva Demokratika related to the General Elections, 2013 and queries sent to the Nationalist Party remained unanswered. In addition, the website of the Nationalist Party does not contain any data relating to past electoral manifestos. The Labour party website contained information only relating to the past General Election held in 2013. |
| What proportion of public authority national and municipal buildings is accessible to persons with disabilities? | According to ‘Access for All – Design Guidelines’ issued by KNPD, public buildings should conform to access for all standards issued by KNPD.[[54]](#footnote-54)  There are no statistics related to the amount which are in fact accessible.[[55]](#footnote-55) |
| How many complaints related to infringements of the right to political participation of persons with disabilities were recorded in 2012? What proportion of these complaints were successful? | There were no complaints in 2012.  There was however one complaint in 2013:  The Deaf Persons Association lodged a complaint with the National Commission Persons with Disability regarding the lack of Maltese sign language interpretation on the national television station during election time.[[56]](#footnote-56)  In its capacity as the regulator of the national television station, the Broadcasting Authority held a hearing on the complaint lodged by the Deaf Persons Association. However, the complaint was not upheld. It ruled that in the circumstances prevailing at the time, the *television station* could not provide more sign language interpretation than it had, in order to include all important political debates.[[57]](#footnote-57)  Although the Broadcasting Authority included Maltese Sign Language Interpretation in all its scheme of election broadcasts, it did not however uphold the complaint to include language interpretation during political programmes and debate aired by the national television station, the Public Broadcasting Service. The complaint was partially successful in that the Broadcasting Authority included Maltese Sign Language Interpretation in its own scheme of election broadcasts; however it was unsuccessful in ensuring any interpretation for other political programmes aired by the national television station.[[58]](#footnote-58) |

1. <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [↑](#footnote-ref-1)
2. <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> and [↑](#footnote-ref-2)
3. <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> and

   <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [↑](#footnote-ref-3)
4. <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> and

   <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [↑](#footnote-ref-4)
5. Malta, House of Representatives (2004), European Parliament Elections Act, Chapter 467 of the laws of Malta, 1 January 2004 and subsequent amendments, available at:

   <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8933> **(all hyperlinks accessed on 27 July 2013)** [↑](#footnote-ref-5)
6. Malta, Local Councils Act, Chapter 363 of the laws of Malta, 23 July 1993 and subsequent amendments, available at:

   <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833> [↑](#footnote-ref-6)
7. Malta, Referenda Act, Chapter 237 of the laws of Malta, 20 July 1973 and subsequent amendments, available at:

   <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8737> [↑](#footnote-ref-7)
8. Malta, General Elections Act, Chapter 354 of the laws of Malta, 27 September 1991 and subsequent amendments, available at:

   <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8824> [↑](#footnote-ref-8)
9. Malta, European Parliament Elections Act, Chapter 467 of the laws of Malta, 1 January 2004 and subsequent amendments, available at:

   <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8933> [↑](#footnote-ref-9)
10. <http://www.electoral.gov.mt/getresource.aspx?id=83> [↑](#footnote-ref-10)
11. Malta, House of Representatives (1993), Local Councils Act, Chapter 363 of the laws of Malta, 23 July 1993 and subsequent amendments, available at:

    <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833> [↑](#footnote-ref-11)
12. <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566> [↑](#footnote-ref-12)
13. Malta, House of Representatives (1991), General Elections Act, Chapter 354 of the laws of Malta, 27 September 1991 and subsequent amendments, available at:

    <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8824> [↑](#footnote-ref-13)
14. Malta, Chapter 354 of the Laws of Malta, General Elections Act, Section 27(3), available at http://docs.justice.gov.mt/lom/legislation/english/leg/vol\_9/chapt354.pdf [↑](#footnote-ref-14)
15. NFP contribution to the FRA Annual Report 2013, forthcoming. [↑](#footnote-ref-15)
16. Malta, Chapter 354 of the Laws of Malta, General Elections Act, Chapter 354 of the laws of Malta, 27 September 1991 and subsequent amendments, available at:

    <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8824> [↑](#footnote-ref-16)
17. Malta, European Parliament Elections Act, Chapter 467 of the laws of Malta, 1 January 2004 and subsequent amendments, available at:

    <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8933> [↑](#footnote-ref-17)
18. Local Councils Act, Chapter 363 of the laws of Malta, 23 July 1993 and subsequent amendments, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833> [↑](#footnote-ref-18)
19. Malta, European Parliament Elections Act, Chapter 467 of the laws of Malta, 1 January 2004 and subsequent amendments, available at:

    <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8933> [↑](#footnote-ref-19)
20. Local Councils Act, Chapter 363 of the laws of Malta, 23 July 1993 and subsequent amendments, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833> [↑](#footnote-ref-20)
21. Malta, General Elections Act, Chapter 354 of the laws of Malta, 27 September 1991 and subsequent amendments, available at:

    <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8824> [↑](#footnote-ref-21)
22. Malta, Local Councils Act, Chapter 363 of the laws of Malta, 23 July 1993 and subsequent amendments, available at:

    <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8833> [↑](#footnote-ref-22)
23. The Malta Communications Authority may impose “must carry” obligations (for the transmission of specified radio and TV channels), particularly accessibility services to enable appropriate access for disabled end-users. The “must carry” obligations, although not defined in the law, relate to the imposition to broadcast, with accessibility services to ease access, where they are necessary to meet general interest objectives (such as in the instances of election broadcasts). [↑](#footnote-ref-23)
24. Malta, House of Representatives (2011), Legal notice 273 of 2011, Electronic Communications Networks and Services (General) Regulations, Subsidiary legislation 399.28, 12 July, 2011 and subsequent amendments, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=10563> [↑](#footnote-ref-24)
25. Malta, House of Representatives (2000), Equal Opportunities (Persons with Disabilities) Act, Chapter 413 of the laws of Malta, 10 February 2000 and subsequent amendments, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1> [↑](#footnote-ref-25)
26. MITA/FITA GMICT Standards <https://www.mita.gov.mt/MediaCenter/PDFs/1_GMICT_S_0051-3_Website_Accessibility_Standard_v4.0.pdf> [↑](#footnote-ref-26)
27. Malta, National Commission Persons with Disability, Annual Report 2005, available at: <http://www.knpdarchives.org/reports/05_rapann_e.pdf>

    Malta, National Commission Persons with Disability, Annual Report 2006, available at: <http://www.knpdarchives.org/reports/06rapann-e.pdf>

    Malta, National Commission Persons with Disability, Annual Report 2007, available at: <http://www.knpdarchives.org/reports/07annualreport_e.pdf> [↑](#footnote-ref-27)
28. Malta, National Commission Persons with Disability, (2007), Guidelines towards an inclusive society and a positive difference in the lives of Maltese and Gozitan disabled people, <http://knpd.org/pubs/pdf/dritijietmhuxkarita_e.pdf> [↑](#footnote-ref-28)
29. Malta, House of Representatives (1991), Broadcasting Act, Chapter 350 of the Laws of Malta, 1 June 2991 and subsequent amendments, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8820> [↑](#footnote-ref-29)
30. Malta, Equal Opportunities (Persons with Disability) Act, Chapter 413 of the Laws of Malta, 10 February 2000 and subsequent amendments, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1> [↑](#footnote-ref-30)
31. Tirchett Francis Pen Et Vs Kummissjunarju Elettorali Principali Et, filed in First Hall Civil Court, decided 26/06/2006. The case was filed by individuals, on behalf of the members of the Society of the Blind. [↑](#footnote-ref-31)
32. Malta, Act XXI of 2007, 28 September 2007, available at: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=18445&l=1> [↑](#footnote-ref-32)
33. Reply received in writing from Ms Anne-Marie Callus, the executive director of the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-33)
34. Joseph M. Camilleri (2013), ‘Deaf community rights fall on deaf ears’, KNPD Media release, 1 March 2013, available at: <http://www.knpd.org/pubs/pdf/20130301_EOCU%20(PBS-MSLI%20Debates%20-%20KNPD%20prsrel).pdf> [↑](#footnote-ref-34)
35. Malta, Broadcasting Authority (2013), ‘*Xarabank* Political Debates exclude Deaf Voters’, Media release 1413, 1 March 2013, available at: <http://www.ba-malta.org/prdetails?id=247> [↑](#footnote-ref-35)
36. Malta, Broadcasting Authority (2013), Decision of the Broadcasting Authority on the complaint of the Deaf People Association (*Deċiżjoni tal-Awtorità tax-Xandir dwar ilment mid-Deaf People Association tat-12 ta' Marzu 2013*), 12 March 2013. [↑](#footnote-ref-36)
37. Malta, House of Representatives (2000), Equal Opportunities (Persons with Disability) Act, Chapter 413 of the Laws of Malta, 10 February 2000 and subsequent amendments, available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1> [↑](#footnote-ref-37)
38. Information provided by National Liaison Officer. [↑](#footnote-ref-38)
39. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-39)
40. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-40)
41. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-41)
42. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-42)
43. The NFP contacted the Broadcasting Authority and 3 TV stations: only the BA and one TV station answered to date. [↑](#footnote-ref-43)
44. Reply received in writing from the Broadcasting Authority in Malta, 27 September 2013. Also see <http://www.ba-malta.org/prdetails?id=239> and <http://www.ba-malta.org/file.aspx?f=1344> [↑](#footnote-ref-44)
45. Reply received in writing from One Productions Ltd, 23 September 2013. [↑](#footnote-ref-45)
46. Reply received in writing from Broadcasting Authority in Malta, 27 September 2013. [↑](#footnote-ref-46)
47. Reply received in writing from Broadcasting Authority in Malta, 27 September 2013. [↑](#footnote-ref-47)
48. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-48)
49. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-49)
50. Reply received in writing from the Broadcasting Authority in Malta, 27 September 2013. [↑](#footnote-ref-50)
51. Reply received in writing from the Broadcasting Authority in Malta, 27 September 2013. [↑](#footnote-ref-51)
52. The NFP received a reply from One TV, which is a political party station, and some replies from Alternattiva Demokratika. [↑](#footnote-ref-52)
53. Reply received in writing from the Spokesperson for Disability Issues and Sports, of Alternattiva Demokratika, 31 July 2013. [↑](#footnote-ref-53)
54. Joseph Spiteri Ed. (2011) Access for all – Design Guidelines, Malta, KNPD, available at: <http://www.knpd.org/legislation/accessforall.html> [↑](#footnote-ref-54)
55. The NFP consulted KNPD and the Electoral Commission in July 2013. [↑](#footnote-ref-55)
56. Joseph M. Camilleri (2013), Deaf community rights fall on deaf ears, KNPD Media release, 1 March 2013, available at: <http://www.knpd.org/pubs/pdf/20130301_EOCU%20(PBS-MSLI%20Debates%20-%20KNPD%20prsrel).pdf> [↑](#footnote-ref-56)
57. Malta, Broadcasting Authority (2013), Xarabank Political Debates exclude Deaf Voters, Media release 1413, 1 March 2013, available at: <http://www.ba-malta.org/prdetails?id=247> [↑](#footnote-ref-57)
58. Reply received in writing from the National Commission Persons with Disability, 29 July 2013. [↑](#footnote-ref-58)