


Hidden violence in the disability care system


A rights-based, enforceable legislative framework is essential, says Claire Azzopardi Lane

Opinion

Comment

Disability

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Malta must accelerate the shift away from institutionalisation and toward community-based models where disabled people can live with dignity. Photo: Matthew Mirabelli

The EU Agency for Fundamental Rights (FRA) recently [released its major study](#) ‘Places of Care = Places of Safety? Violence Against Persons with Disabilities in Institutions’, a report that exposes the deep and systemic risks faced by disabled people across Europe when they reside in institutional settings.

As the principal investigator for the Maltese component of this project commissioned by FRA, and conducted through Aditus Foundation, I was confronted with findings that demand urgent national reflection.

While the EU-wide report paints a bleak continental picture, the Maltese findings reveal specific, systemic problems that should concern policymakers, practitioners and the wider public.

The FRA's EU-wide report makes clear that violence in institutions is not accidental or exceptional. It is structural, rooted in environments where residents lack autonomy, where institutional culture is normalised and where power imbalances make abuse difficult to detect and even harder to report. The Maltese findings mirror this with disturbing precision.

Violence that remains invisible

In the Maltese national report, which examined the legal framework, monitoring systems and lived realities within disability institutions, patterns of violence and neglect appeared consistently across different types of facilities, from disability residential homes to psychiatric and long-term care environments.

Although Malta has provisions in its Criminal Code addressing abuse of dependent adults, including physical and mental suffering, the research found that these protections rarely translate into day-to-day safeguarding. Violence is frequently unrecognised, minimised, or reframed as discipline, "behaviour management" or routine care.

Verbal humiliation, invasion of privacy, overmedication, restriction of movement and neglect were often described as part of the "normal" rhythm of institutional living rather than as violations. This normalisation is itself an indicator of institutional harm, when residents begin to internalise abusive practices as inevitable, the system has already failed them.

Just as concerning is the silence surrounding these experiences. Many residents are wholly dependent on staff for their daily needs, making it extraordinarily difficult to complain without fear of retaliation.

The FRA report emphasises that fear of consequences, together with limited access to external support, is a major barrier to reporting violence across Europe. The Maltese findings reinforce this point: within several institutions, residents had little to no knowledge of their rights or of any mechanisms through which to raise concerns.

The Maltese report highlights gaps in public oversight and independent monitoring. Although the Social Care Standards Authority has powers to conduct inspections and impose sanctions, the regularity and depth of monitoring are unclear and uneven and the authority's processes rely heavily on pre-announced visits. Meanwhile, the Commission for the Rights of Persons with Disability (CRPD), Malta's designated monitoring body under the UN Convention, lacks specific powers to oversee institutions in a systematic way.

The FRA's EU-level findings echo these structural concerns, noting that many countries, including Malta, lack truly independent monitoring mechanisms capable of conducting unannounced visits and enforcing change. Monitoring often varies dramatically across institutions, leaving significant gaps in protection, depending on the type of facility and the vulnerability profile of its residents.

The missing piece: legislation that centres autonomy and vulnerability

One of the clearest conclusions drawn from the Maltese report is the urgent need for legislation that explicitly safeguards personal autonomy and defines protections for adult persons in positions of vulnerability.

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“ Policies exist but they remain internal, inaccessible and discretionary

- Claire Azzopardi Lane

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While Malta has recently taken steps, such as criminalising forced sterilisation and proposing a registry of offenders barred from working in disability services, there is no overarching law that clearly establishes residents' rights to autonomy, privacy, consent, communication, complaint and freedom from coercive practices.

The FRA report stresses that, without a human-rights-based legal framework grounded in autonomy, dignity and participation, institutions will continue to operate according to outdated medical and custodial models rather than rights-based principles.

The Maltese findings strongly align with this. Policies exist but they remain internal, inaccessible and discretionary. A rights-based, enforceable legislative framework is essential to ensure that disabled persons are protected not only in theory but in every aspect of their lived experience.

Institutionalisation itself is the risk

Perhaps the most sobering insight shared by the report is that the very nature of institutional living creates conditions conducive to violence. As the FRA notes, institutionalisation limits autonomy, isolates individuals from the community and entrenches power differentials that make abuse more likely and more hidden.

Malta's national research reflects this reality. Regardless of good intentions, institutions remain environments where the basic rights that many take for granted - privacy, choice, self-determination - are restricted by design.

Deinstitutionalisation, therefore, is not a symbolic aspiration, it is a human rights necessity. While Malta's national strategy expresses support for community-based living, progress has been slow and institutional care continues to expand rather than shrink.

International Day of Persons with Disabilities is often marked by hopeful rhetoric about inclusion and rights. Yet, the evidence emerging from Malta is clear. Institutional settings that are meant to provide care can, when unregulated, under-resourced, or culturally unexamined, become environments where violence is normalised, remaining unreported.

The release of FRA's report is a timely reminder that rights violations thrive in silence. The findings of the FRA EU-wide study demand transparency and action.

Malta must adopt legislation that enshrines residents' autonomy and creates enforceable safeguards. It must strengthen independent monitoring, establish fully accessible complaints structures and ensure that staff across all institutions receive mandatory, rights-based training.

But, most importantly, Malta must accelerate the shift away from institutionalisation and toward community-based models where disabled people can live with dignity, independence and safety.



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