

Updated Legal Analysis – Fondazzjoni Wens / HILA Home

Factual Background

- In **July 2024**, while **Mr. Ronald Galea** served as CEO of **Fondazzjoni Wens**, a **new pair of shoes** and other personal items (e.g., towels, sheets) were purchased for a resident of the care home.
- These belongings were **stored in a room referred to as the “Filipina room.”**
- In **February 2025**, the home came under the **private management of HILA Home**.
- This same room, previously containing the resident’s property, was **converted into a staff room**, and **the personal items reportedly disappeared**.
- The resident had been **transferred to Mater Dei Hospital** wearing visibly **damaged shoes**, despite the previous purchase of new ones.
- The **CRPD was informed** but did **not initiate any formal investigation**.

Legal Framework and Violations

1. Misappropriation and Neglect of Resident Property

A care home has a **fiduciary duty** to **safeguard residents' personal belongings**, especially when purchased from their own pension or donated for their use.

A. Civil Code (Cap. 16 of the Laws of Malta)

- **Articles 1018–1021**: Care institutions owe a **duty of custody and preservation** of property entrusted to them.
- Conversion of a room into a **staff facility** without properly accounting for or preserving **resident property** may constitute **misappropriation or negligence**.

B. Criminal Code (Cap. 9)

- **Article 337** – Misappropriation of movable property entrusted to another.
- **Article 251B** – Criminalises neglect or abuse of vulnerable persons.

If belongings paid for with the resident's pension disappeared due to negligence or repurposing of the room, criminal and civil liability may arise.

2. Breach of Disability Rights and Dignity

A. UN Convention on the Rights of Persons with Disabilities (CRPD)

- **Article 22**: Requires respect for **privacy and personal property**.
- **Article 17**: Protects the **integrity and dignity** of persons with disabilities.
- **Article 16**: Obliges protection from **exploitation and abuse**, including by omission.

Failing to preserve basic personal effects, including new clothing, constitutes **neglect of dignity**, especially if the individual was later seen **in degraded condition** (e.g., torn shoes in hospital).

3. CRPD Commission's Regulatory Failure

A. Equality for Persons with Disability Act (Cap. 413)

- The CRPD is **legally obligated** to investigate any reports of abuse, neglect, or exploitation.
- Once formally notified of:
 - a resident being sent to hospital in **degrading attire**, and
 - the **disappearance of pension-funded property**,

...the Commission's **failure to act** may constitute **dereliction of duty**.

B. Conflict of Interest (if applicable)

- If the **CRPD's legal advisor or investigative director** sits on the board of the provider (Fondazzjoni Wens or HILA Home), this could raise a **serious conflict of interest** under public ethics standards and administrative law.

Summary of Legal Breaches

Entity	Law / Regulation	Violation
Fondazzjoni Wens / HILA Home	Cap. 16 Civil Code	Duty to preserve resident property violated
	Cap. 9 Criminal Code (Art. 251B, 337)	Neglect of vulnerable person / misappropriation
	UN CRPD Convention (Art. 16, 17, 22)	Violation of dignity, privacy, and protection from exploitation
CRPD Commission	Cap. 413 / Admin Law	Failure to act on complaint; potential conflict of interest
	UN CRPD / ECHR	Inaction amounts to breach of oversight obligations



<https://www.youtube.com/watch?v=2luKtuf-jB4>

Link to hear it in full sound.