

ITALY

## **Introductory Statement**

**Address by**

**S.E. Amb. Gianludovico de Martino di Montegiordano**

**relating to the Convention on the Rights of Persons with Disabilities  
(CRPD)**

**Geneva, August 24th, 2016**

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**Ms Chairperson,**

**Distinguished members of the Committee, Ladies and Gentlemen,**

I am very glad to be here today for the discussion of the first Italian report on the Convention on the Rights of Persons with Disabilities.

Italy has ratified it in 2009 and has thus undertaken in front of the international community the engagement to implement domestically the provisions of the Convention, working together with the international community towards the achievement of fully inclusive societies for people with disabilities.

I would first of all like to point out that the ratification law itself foresaw the preparations of the **first two-year program of action** to promote the rights and inclusion of persons with disabilities.

The first two year program was **adopted in 2013** and prepared by the National Observatory on the Status of Persons with Disabilities, with the contribution of all civil society organizations representing persons with disabilities. The program sets seven priority lines of action:

- review of the access system, recognition of certification of disability and socio-medical model of intervention;
- labor and employment;
- policies, services and organizational models for independent living and inclusion in society;



- promotion and implementation of the principles of accessibility and mobility;
- educational process and school inclusion;
- health, right to life, habilitation and rehabilitation;
- international cooperation.

The two year program adopted in 2013 envisages actions coherent with national and local policies, taking into account the targets of the Convention on the Rights of Persons with Disabilities, the areas for joint action between the European Union and Member States identified in the European Disability Strategy for 2010-2010, in line with the Council of Europe recommendations in the field of disability.

Thanks to the first program of action, the condition of the disabled in Italy has been represented and evaluated with a holistic approach, not only as a problem of care within welfare policies but as a matter of rights of concern to politics and to all levels of administration, central and local.

To this regard I would like to stress that the **Italian constitutional framework** reserves specific autonomy to the regions and to the autonomous provinces of Trento and Bolzano as well as municipalities in many fields of public policies. In some cases, as with regard to social policies, this reserve is exclusive whereas in other cases, as for instance with regard to health policies, it is concomitant. This requires a high level of coordination. The Italian institutional structure, given its multi-layered nature, requires a significant effort by the Government in particular in the context of the interinstitutional national coordination mechanism (the so called *Conferenza Unificata*). In this framework we are putting every



effort in defining criteria and standards to standardize and increase the quality and supply of services.

We are very well aware that this is both a challenge as well as an opportunity to involve all actors in the process of better serving the diversified interests of persons with disabilities in Italy.

Last but not least, there is an increasing effort, in the framework of the National Observatory and through the work of the National Institute of Statistics, in order to provide better data for better policies in favor of persons with disabilities.

On the other hand, as I will explain shortly, the central level of Government has a fundamental role in the direct **allocation of economic benefits** for people with disability.

First of all I would like to point out that the Italian effort in terms of resources allocated for people with disabilities amounts to almost to 17 billion € yearly, with a basically stable trend over the past years.

To this amount one must add social spending by municipalities which according to the latest figures available amount 1,7 Billion € - the 24,3% of the local social welfare spending, with a constantly increasing trend.

As for education, the Ministry of Education alone spends 6,4 billion euros for the provision of special needs teachers. This figure does not include additional expenditures for educational and communication assistants for students with disabilities, that according to some recent estimates is around 700 million euros annually.

I would indeed like to remind that the Italian system foresees a package of monthly economic benefits for just under 3 million people with



disabilities with particular characteristics which make them unable to perform daily acts of life and therefore need continuous care.

I would also like to mention the important activity of the Ministry of Labor and Social Policies in the development of **independent living projects**. Thanks to cooperation between the regions and with active support of the national federations of people with disabilities, municipalities have started already over 200 pilot projects to build together a model of national intervention in favor of independent life for people with disabilities. Thanks to financing of almost 40 million € from 2013 to 2016, Italy has undertaken a series of experimental initiatives in line with art. 19 of the Convention. We are in fact well aware that art. 19 of the Convention is one of the cornerstones of the Convention as a whole and we are engaged – the various governmental levels and the organizations representing people with disabilities – in a joint effort to define the features of a common model of intervention for independent life applicable to the national territory as a whole.

We look forward to launch in 2017 an innovative model of national intervention in favor of independent life for people with disabilities, based on the ongoing experimentations focusing on:

- nature and role of the personal assistant;
- involvement of local services for the comprehensive care of the person;
- engagement to invest in personal projects covering all areas of daily life;
- last but not least: fundamental role of the persons with disabilities themselves in the development of their own project of independent life.



Furthermore, last June the Italian Parliament has approved a law – called “**Dopo di noi**” (“*After us*”) – for persons with disabilities who do not enjoy family support because of the absence of parents or their inability to give adequate support. The law allocates 90 million € yearly for interventions of assistance, care and protection for people with severe disabilities not caused by natural ageing or by pathologies connected to senility, and without family support. It provides also specific legal instruments to facilitate the management and the destination of private financial resources and properties for people with disabilities. The main goal is to ensure to people with disabilities the right to live where they want and with whom they want, autonomously and according to their wishes.

**Work** is another theme of fundamental relevance to achieve the target of full inclusion of people with disabilities. Work safeguards autonomy and independence of people. The so called **Jobs Act** of December 2014 delegated the Government to further legislate in order to rationalize and revise procedures pertaining specific employment for persons with disabilities as enshrined in our legislation since 1999. Last year the Government has implemented this provision of the “Jobs Act”.

Among the novelties I would like to mention strengthened specific employment, territorial agreements, bio-psycho-social evaluation of disabilities, reasonable accommodation, the appointment of a person responsible for employment, sharing best practices of employment.

The meeting of demand and supply is improved through systematic collection of available data on public and private employers and workers concerned and through strengthened controls. An important new



provision foresees automatic incentives for 36 month employment, that are enhanced for workers with intellectual and psychic disability.

With reference to the theme of **reasonable accommodations**, legislation adopted to transpose European directive 2000/78/CE on parity of treatment in employment and work conditions foresees that in order to guarantee compliance with the principle of parity of treatment of people with disabilities public and private employers are required to provide reasonable accommodations as defined by the Convention on the Rights of Persons with Disabilities.

In order to guarantee **full inclusion** of persons with disabilities in every aspect of the daily life of the community Italy pursues the policy of active involvement of the organizations representing persons with disabilities. Their significant contribution gets its highest expression in the drafting, together with the various public stakeholders, of the National Action Program on disabilities. The constant practice of involving organizations representing people with disabilities has been acknowledged within the National Observatory on the conditions of persons with disabilities where representatives of the associations of persons with disabilities sit together with representatives of the public administrations. All its 40 members and up to ten without right to vote are in charge of drafting both the Periodic report to the UN on the implementation of the Convention and of the two year Action Program on national policies. Permanent participation mechanisms have also spread both at regional level and at local level, driving local institutions to improve policies and services for people with disabilities and their families, consistently with the UN Convention.



It should also be mentioned that thanks to a strong cooperation between local Institutions and Associations it was possible, on occasion of Expo Milan 2015, to involve thousands of persons with disabilities in this important event. In December 2015, the City of Milan also received the prestigious European Access City Award for the steps taken to improve its accessibility, also in relation to the work conducted during Milan Expo.

The **second two year National Action Program** follows in the steps of the first. It has already been drafted by the National Observatory on the status of persons with disabilities and it will be released to the public in a few weeks' time on the occasion of the National Conference on disability policies organized by the Government that will take place in Florence in the middle of September. I can tell you in advance that it draws inspiration from the same principles on which the first program is based, focusing on the priority areas I mentioned before, to which a specific line of work has been added on the development of tools of statistic data collection and knowledge of the condition of persons with disabilities and of the implementation of support policies.

In the framework of this new line of intervention, last December the Technical Scientific Committee of the Observatory together with the National Institute of Statistics has promoted a seminar on the issue of the **definition of statistical indicators** to monitor conditions of persons with disabilities, with specific regard to the evaluation of the gap between the condition of persons with disabilities and the rest of the population also from the point of view of actions implemented by the central government and by other public entities.



The program engages the Government and Parliament and at the same time fosters coordinated and synergic action by local authorities and above all by regional administrations. Italy is fully aware of the need to **reduce all additional inequalities**, such as gender, age and geographically based. One of our main goals is to reduce territorial differences with regard to social assistance policies in favor of persons with disabilities, also through the Constitutional reform presently under discussion.

From this point of view I would like to recall what has been achieved since 2007 with the **National Fund for non-autonomy**. The Fund has disbursed over two billion € in 2007-2015 to implement services and interventions within the integrated supply of social and health services in favor of non autonomous persons, especially through house assistance aimed at keeping the person at home. The homogenization process of social assistance interventions on the national territory has seen important cooperation between the central and regional level. From this year the Fund is structural and can therefore rely on a yearly allocation of 400 million €. It will therefore make it possible to work actively on the establishment of basic levels of care in the social field, progressing on the path of homogenization of services.

I would now like to dwell on two aspects which can be regarded as best practices of recent Italian action.

First of all, we are revising the system of **ascertainment and acknowledgment of disability**.



From this point of view I would like to draw your attention on the adoption of the **Agenda for simplification 2015-2017** which envisages shorter procedures for the acknowledgment of disability and invalidity and the streamlining of paperwork; the elimination of duplications in the request of medical certificates to access the benefits for persons with disabilities; the simplification of access to health services and to benefits for persons with disabilities through the introduction of on line medical reports or at pharmacies; internet or phone appointments for medical examinations and procedures.

At the same time the drafting of a project is about to be finalised which revises the system of ascertainment and acknowledgment of disability as a whole, according to a proposal prepared over the past years by the National Observatory on the conditions of persons with disabilities.

This proposal stems from the research and experimentation conducted by the Government to introduce the International Classification of Functioning Disability and Health also according to the relevance of environmental factors.

By September 2016 the National Observatory will present in its new action programme a proposal to modify the current system in order to coherently apply within the Italian system the UN Convention specifically introducing the definition of "person with disability" associated to a process of evaluation and ascertainment of the condition of global disability vis-a-vis the functioning of the person.

The proposal will make it possible to rationalize on a national basis current evaluation processes into a single procedure and to revise



accordingly requirements to access care treatments, tax benefits, work facilitations, and services for work and school inclusion. It will also strengthen the development on a local basis of a personalized approach to support measures which will take into account the bio-psycho-social sphere of the individual.

Secondly I would like to draw your attention to the activities of Italian Development Cooperation. The disability sector is currently included in the Programming Guidelines of Italian Development Cooperation 2014-2016. More specifically, in close cooperation with civil society and, in particular, the Italian Network on Disability and Development (RIDS), the Italian Cooperation approved its first Guidelines on Disability back in 2010, followed by the Disability Action Plan of 2013, in line with the CRPD. The contents of the Action Plan have been incorporated in the Italy's Biennial Program of Action (2013) for the promotion of the rights and inclusion of persons with disabilities.

The Italian Cooperation's Disability Action Plan (2013) is based on five pillars:

- policies and strategies: national disability policy planning and monitoring tools;
- inclusive project planning and design;
- accessible and usable environments, goods and services;
- humanitarian aid and emergency situations including persons with disabilities;
- leveraging the experience and skill acquired by civil society and companies in the area of disability.



To support the activities of the Action Plan specific working groups with civil society have been set up dealing with inclusive education, accessibility, humanitarian crises, data and analysis. Some important initiatives in 2015 include: the publication "Disability and Development - How to include persons with disabilities in development cooperation"; the "Humanitarian Aid and Disability Vademecum" based on important projects and best-practices in Palestine ("Psycho-social assistance for the young victims of the conflict" project) and in Jordan ("Support to refugees and to persons with disabilities" project); the publication "Inclusive education and International Cooperation"; the "Guidelines for accessibility of buildings"; and the publication "Inclusion, Disability and International Cooperation - The Italian experience 2009/2014" which is currently in the final stages of publication also in English and that provides an important statistical overview of the overall commitment in terms of grants for disability initiatives - approved by the Directorate General for Development Cooperation - of about thirty-five million euro (35,074,563).

Italian Cooperation initiatives are fundamentally based on the twin track approach and mainstreaming, with important "flagship" projects with our partners in Palestine (two projects in particular: "POSIT Developing The System Of Primary Care" and Start Up Palestine" and with UN/DESA (project "Mainstreaming disability in African National policies"); as well as Tunisia and Sudan, specifically focusing on the implementation of the CRPD through awareness, capacity building of institutions and civil society, drafting action plans and strategies for the implementation of CRPD.



Last November, the Ministry of Foreign Affairs and International Cooperation also hosted the international conference "Including Disability in Development Cooperation: experiences of collaboration between Governments, NGOs and DPOs", promoted jointly by the Directorate General for Development Cooperation and RIDS (Italian Network on Disability and Development). The conference saw the participation of Italian and international institutional and civil society representatives engaged on the inclusion of the dimension of disability in development policies and programs.

It should also be noted that after actively taking part in the negotiation process of the 2030 Agenda, finally adopted in September 2015 in New York, Italy has been an equally active participant in the definition of the follow-up and review mechanisms of the Agenda. The recent High Level Political Forum on Sustainable Development under the auspices of ECOSOC (New York, 11th - 20th of July), the highest instance of the Agenda's architecture, emphasized once more how crucial it is to approach the Sustainable Development Goals (SDGs) from the point of view of the nexuses and interrelations between them; to better serve the three pillars of sustainable development (social, economic and environmental) in a holistic and integrated manner.

In this last regard, in the case of disability, it means paying greater attention to the crucial linkages in such areas as education (SDG 2), growth and decent employment (SDG8), inequalities (SDG 10), accessibility (SDG 11), statistical capacity and monitoring (SDG 17) - that specifically reference disability - but also beyond this, including other SDGs that do not necessarily mention disability, but that are relevant because of its transversal and multidimensional nature. A good example



is the nexus between Peace Building and Development - via SDG 16 - which promotes inclusive, peaceful and stable societies based on transparent and participative institutions and the protection of Human Rights and of the Rule of Law. A dimension in which there is a very important role to play for persons with disabilities, too often the most neglected and marginalized in conflict and crisis scenarios, yet they can play a crucial role as agents of peacebuilding and development.

In line with the 2030 Agenda's universality principle - which places the focus on both the internal dimension - the domestic application and monitoring in all countries of progress towards the SDGs regardless of their level of development - and the external dimension - development cooperation by donor countries - Italy's framework for implementing the 2030 Agenda, from the point of view of disability, can count on:

- i) domestically, on the coordination and work carried out by of the multi-stakeholder National Observatory;
- ii) externally, through the Italian Development Cooperation, which is also a member of the National Observatory, ensuring a high level of policy coherence between the internal and external dimensions.

Moreover, we are in the final stages of reviewing the Programming Guidelines of Italian Development Cooperation for 2016-2018 to better take into account the key innovations and goals of the 2030 Agenda, including issues of disability. In accordance with the new Italian Development Cooperation Law (L.125/2014) the Guidelines have been drafted in consultation with the National Council for Development Cooperation, established by Law 125 as the main multi-stakeholder development body representing non-governmental actors, civil society and the private sector. Needless to say, we intend to continue to build upon the experiences of many years of development work - always in



very close cooperation with civil society - that has ensured many best-practices and successes in partner countries.

Ms Chairperson, distinguished Members of the Committee, we are well aware of the fact that the path which leads to the full inclusion of persons with disabilities as stipulated in the Convention is long and full of obstacles. The barriers we have to pull down are many and of diverse nature, both physical and above all cultural. We have to fight the stigma which in our societies is still attached to the daily life of persons with disabilities.

The growing complexity of our societies brings about a set of new challenges. I would like to mention a few:

- the impact of economic crises and poverty on the lives of persons with disabilities;
- the issue of multi-discrimination;
- potential risks in the digital age for children with disabilities.
- migrants with disabilities. In this context, in 2014 a significant step towards the protection of migrants' health was represented by the Regulation on the criteria for the organization of immigration removal centres (CIE) adopted by the Ministry of Interior. On the base of such Regulation the Prefectures (local administrative districts) stipulate a protocol with the Local Health Unit for which the migrants are screened by medical doctors (art.3). At the entry doctors ascertain the compatibility of health conditions with the stay in the facility. Migrants with degenerative/chronic conditions or severe disability as well migrants who need appropriate treatment are moved to care facilities.



- Available data shows that this year, among 50.000 rescued at sea and screened, 42 individuals were identified as disabled with severe disabilities.

Finally, I would like to reaffirm the strong commitment of Italy to fully implement **article one** of the Convention which requires *"to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity."*

This is why we deem the discussion and the constructive dialogue with this Committee an important opportunity of advancement for the cause of fundamental rights for persons with disabilities.

We will therefore gladly receive your observations and recommendations and integrate them into our discussions for the adoption of our second national action program during the fifth National Conference on Disabilities which will take place in Florence next month, which we hope a representation of this Committee will also be able to attend.

Ms Chairperson, distinguished Members of the Committee, thank you for your kind attention.