

## **International Disability Alliance (IDA)**

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

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### **Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 49th Session (11-29 July 2011)**

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

#### **ITALY**

Italy ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol on 15 May 2009.

#### **State Report**

##### **References to persons with disabilities in the state report and list of issues:**

30. Each Action was referring to six factors of discrimination: age, sexual orientation and gender identity, religion, race and ethnicity, **disability** (according to a horizontal approach)...

42. As of July 18, 2008, 23 EU Member States have in fact completed the ratification procedure, while Italy, the Czech Republic and Sweden still have to do it, by uniforming the transposition according to the following main criteria: a) The general framework for combating discrimination on grounds of religion or belief, **disability**, age, sexual orientation, b) The concept of discrimination which distinguishes between direct and indirect discrimination, c) The equal treatment of **persons with disabilities**; d) The use of administrative or judicial proceedings for the protection of rights; e) The adoption of measures for the defendant to prove the absence of infringement of the principle of equal treatment (by the reversal of the proof burden); f) The establishment of equality Bodies (Article 12) for all persons, regardless of their religion or belief, **disability**, age, and sexual orientation (Directive 2000/43/EC and Directive 2004/113/EC, respectively).

77. Among **the measures to support the family** as contained in legal ad hoc interventions, it is worth mentioning the following ones: 1. **As for the support to families**: Income support actions (Legislative Decree No. 237/98 on the minimum integration income); Act No. 350/03 on the so called income of last resort; 2. **As for fiscal provisions**: Act No. 662/96, Art. 3, paragraphs 143 (b) and 145, for the deduction of personal income tax rates and IRPEF deductions, including legislative Decree 446/97 for its implementation; Act No. 476/98 which allows the deduction from the total income of 50% of the costs incurred by parents for the completion of adoption procedures; 3. **As for social welfare**: Act No.162/98 which gives the Regions the task of planning interventions to support families of persons with **disabilities**; Act No.285/97, establishing a National Fund for Childhood and adolescence (as subsequently included in the national Fund for social policies);..

78. Among the key interventions to support the family, contained in the Finance Acts from 2000 to 2006, it is also worth recalling as follows: .. **As for school and Training:** The 2003 Budget Law focused on the **inclusive education of students with disabilities**, and the financial years 2003 and 2004 on the "education voucher"...

93. The phenomenon of violence against women should not be seen as an exclusively female problem, but a cultural problem that involves the entire country and as such must be addressed. **The strategic axes of the national policy** are: the prevention and the fight against sexual and gender based violence affecting women, children, people of different sexual orientation, **disabled** and migrants; the identification of various forms of violence; the assessment of their social, economic and cultural impact, besides the development of mechanisms for information and awareness on this phenomenon and its complexity; the protection of victims also through regulatory action if needed; awareness and information campaigns on equality and the fight against discrimination.

106. It has been **envisaged the elaboration of a National Action Plan to combat all forms of violence against women**. To this end, the Interministerial Decree of 3 August 2007 has allocated a sum of 2,200,000.00 Euros. The drafting of the Plan calls for the enhancement of measures aimed at designing and/or developing regional networks among various public and private stakeholders, to define strategies, actions and integrated, multidisciplinary and intersectoral interventions, in the field of the violence prevention, protection and reintegration of victims. In particular, actions should involve public and private social organizations, e.g. healthcare providers, social services, police, education services, legal advisors and psychological care providers, in order to allow the creation and/or the development qualification of sustainable networks to prevent and combat all forms of violence against women, children, people of different sexual orientation, taking into account the particularly vulnerable groups such as the **disabled**, elderly, migrants and women belonging to ethnic minorities, etc

127. With specific regard to **multiple forms of discrimination**, this is a phenomenon that increasingly involves migrant women but also those belonging to vulnerable groups (**disabled**, elderly, etc...). In this area, the Authorities have set up specific desks available for assistance and managed by specialized associations such as AssoLei – Women Desks, No.Di., CODI, etc., offering legal, psychological and social support. These associations are increasingly made up of migrant women, **disabled** or with a mixed participation. In the context of multiple discrimination the antiracial discrimination hotline 800 901010 plays an important role.

332. The reconciliation voucher represents an effective labour policy tool, by which to launch virtuous mechanisms, also against the informal labour particularly in the field of the home care services. This is an integrated project, whose focus is on the distribution of the reconciliation and services vouchers, so as to facilitate the increasing access to labour market, by women, **people with disability** and the most exposed to social marginalization.

381. As for **women with disabilities**, they are the most affected by such situation. In 2005, while people with **disabilities** amounted to 4.8%, the percentage of women with **disability** counted 6.1% and men were 3.3%. Such disadvantage does not solely depend on the higher life expectancy of women. Between the age of 70 and 74, the percentage of women with **disability** amounts to 11.4%, while men with **disability** are 7%. Between the age of 75 and 79 the above percentages reach 20.8% and 13.4%, respectively. Nearly half of the women over 80 (48.9%) are affected by various forms of **disabilities**, while men amount to 35.8%.

382. As for the access to work for people with **disability**, **the gender gap is relevant:** only 1.8% of the women work and men amount to 6.8%. However it seems that the younger

generations affected by **disability**, mainly women, are benefiting from the work integration policies, rather than the older generations: among people with **disability** whose age ranges between 15 and 44, women employed are 13.9% while men amount to 22.3%.

383. The gender gap is more relevant in the age's group ranging between 45 and 64 (10.4% of women and 24.6% of men). 80.4% of people with **disability** has a fulltime job, but with a lower job position if compared to the entire population (88%). Among women with **disability**, those with a full time job are significantly lower: 70%, while men are 86,4% [Source: ISTAT 2006].

384. The relevant legislation on workers with **disabilities** dating back to 1999 was integrated by Act No. 67/2006 on "Measures for the judicial protection of persons with **disabilities**, being victims of discrimination", by which effective legal tools have been introduced in the Italian legal system, in order to guarantee equal opportunities for the persons with **disability** in all sectors, including labour. Therefore it is prohibited any direct or indirect discriminatory practice against persons with disability lviii.

385. As for the judicial protection of persons with **disability**, by Art. 4 of Act No. 67/2006 relevant associations, as enlisted in a joint Decree of the Minister for Equal Opportunities and the then Minister for Social Solidarity, may file complaints on behalf of the victims. On June 21, 2007, the above Ministers signed a Decree envisaging the requirements for the relevant locus standi, pursuant to the abovementioned Art. 4 of Act No. 67/2007.

386. As for the access of the persons with **disabilities** to the labour market, the IV Report to the Parliament on the implementation of Act No. 68/99, entitled "Provisions on the right to work of people with **disabilities**", for the Years 2006-2007, as submitted by the Minister on Labour, Health and Social Policies, indicates that the year 2007 was marked by the highest number of those having access to work (31.535 people with **disabilities**).

388. The **gender analysis of the situation of people with disability** entails a specific focus on two areas: on one hand, the situation of **women with disability** those putting forward specific demands to the System; on the other, the phenomenon of multiple forms of discrimination.

389. As for men and women with **disabilities** being registered under the unified provincial job list, their registration in the relevant lists across the Country show percentages equal to other contexts with higher rate of women and men registered in the Southern Italy, including the Islands, followed by those in the Centre of Italy, and finally by those in NorthernWest and NorthernEast. At the national level, those men being registered are always more than women in all geographical areas (+5%).

390. While the job startup of women and men with **disabilities** differs throughout the country, it was recorded a uniform trend in the biennium 2006-2007. More specifically, by analysing within the above biennium the job startup of those registered on the unified provincial job list as at December 31 of each of the years 2006 and 2007, it emerges that even in those areas where women registered are quantitatively higher than men, the rate of those women starting a job remains lower than men's. Nationally, **women with disability** being registered amount to 48%; and if considering the rate of startups, they amount to 36%.

391. The multiple forms of discrimination **affecting women with disabilities** stem from objective, social and cultural factors. Within the broad range of unfavourable conditions, as a way of example, it may be stressed: their greater vulnerability from physical, psychological and social standpoints; the limitations they meet when carrying out their daily activities; the lower access to social resources, including education, vocational courses, IT training, job, social and healthcare services, sport, cultural activities and leisure time; the difficulties they

face in achieving higher educational levels; the access to services based upon a medical approach rather than a social one; a more unfavourable disadvantaged condition, so as to expose people with very serious **disabilities** to poverty. More importantly, they are often victims of abuse, including sexual violence, besides being hindered or discouraged to a sexual life, including relationships and motherhood (as for the latter case, it may happen that they are compelled to drop their job if opting for motherhood).

454. Women's health requires special attention when addressing the issue of **mental illness and addiction**, since these phenomena are prevalent among women: Depression is the leading cause of **disability** in women aged 15 to 44 years. Schizophrenia is usually underestimated. The National Health Plan 2006/2008 has identified a series of actions aimed at countering the effects of lifestyle heavily influenced by specific forms of dependence, which are major risk factors for health, with particular attention to the abuse of alcohol and the use of drugs.

lviii The law under reference was intended to promote the implementation of the principle of equal treatment and equal opportunities for persons with **disabilities** (Article 3 of Act No.104/1992), in order to ensure their full enjoyment of civil, political, economic and social rights, as enshrined in Article. 3 of the Constitution.

lix The issue of **disability** is also reflected in terms of reconciliation between work and care duties. In Italy it is the family and especially the woman to take charge of the disabled. During the past years it had been provided, through the budget laws for families with the disabled and elderly, funds for home care services, forms of support to relatives and "good neighbor", to promote ties in the territory. However, it has to be stressed that future policies on reconciliation must necessarily take into account the problem that women are particularly affected since within the family *menage* they care for the **disabled**.

### [List of Issues](#)

9. Please provide information, supported by data where applicable, on results achieved through the implementation of various affirmative action plans/positive action projects aimed at promoting the inclusion of women in the labour market (para. 71 of the report) and removing barriers to equal opportunity of women and men in the judiciary (para. 72 of the report). Please also provide information on measures taken or envisaged to promote the substantive equality of women and men in political life, diplomacy and decision-making in all areas and at all levels. Please also provide information on measures taken or planned to promote the participation and representation of women belonging to disadvantaged groups, such as immigrant women, older women, **women with disabilities** and women in rural areas.

23. According to the report, several measures have been introduced to contribute to burden-sharing between women and men and to reconcile work and family life. In light of the Committee's previous concluding observations, please provide information on the impact of such measures, in particular on men taking parental leave to care for their child on the basis of the parental leave introduced in 2000. Please also provide updated information by region on progress made in achieving the goal of providing 33 per cent of the country with relevant early childhood day- care services for children by 2010 and provide information by region on the availability of relevant publicly funded or publicly supported care services for elderly **family members with disabilities**, or other dependent persons.

33. The report refers to several legal instruments aimed at ensuring the access of **persons with disabilities** to the labour market. There is, however, a relevant gender gap with only 1.8 per cent of **women with disabilities** in comparison to 6.8 per cent of **men with**

**disabilities** having a job (para. 362). Please explain what measures the State party has taken to tackle this problem.

### Written Replies

21. The main responsibilities of the local authorities refer to: the local planning, environment, agriculture, manufacturing, public works, vocational training, education, social policies, culture, sport, the internal organization of the institution. Several Institutions have also tested how to integrate gender budgeting with social budgeting. In this regard mention has to be made of the following legislative acts:

- The "Equal Opportunities and Equality at Work Charter" addressed to Companies, Employers' Associations, Trade Unions, institutions, etc., promoted in 2009 and supported by the Labour Ministry and by the Ministry for Equal Opportunities, as subscribed by several private companies, Trade Unions, Associations, etc., aimed at the enhancement of pluralism and inclusive practices at the work-place. The many bodies that have subscribed this Charter have committed themselves to directly fighting against all forms of discrimination (with regard to gender, age, **disability**, ethnic group, religious faith, sexual orientation grounds) at the work-place and at the same time to enhancing diversity within the corporate organization, with special reference to Equal Opportunities between men and women...

65. Since the outset, the Minister for Equal Opportunities has been paying specific attention to communication by launching relevant awareness-raising campaigns. As a way of example, it might be recalled as follows:

●**Different abilities, the same desire for life**-The main objective of the initiative is to sensitize the community on the principle of equal rights, to facilitate the integration of **persons with disabilities** in various aspects of social life, work and family. The basic idea refers to a reality which we sometimes forget: A **disability** may prevent a person to do something, not all.

127. In order to support the Plan-Italy 2020, the Italian Government adopted, on April 29, 2010, the National Plan for interventions to promote reconciliation between work and family, by which to allocate 40 million Euros to be distributed among Italian Regions by public notices. On a more specific note, it is worth-mentioning as follows:

- 4 million Euros for training courses for the re-entering of women in the labour market after a period of maternity leave or job-abandon for assisting elder relatives or **persons with disabilities**.

151. The following lines of interventions with regard to gender are therefore being implemented : - family allowances to let elderly and **disabled** stay at home

210. Pensions and beneficiaries are divided into seven categories: old-age, **disability**, survivor, injury, **civil disability**, non-contributory and war (refer to glossary for definitions). This classification makes it possible to univocally identify the number of beneficiaries within each category. Each beneficiary may receive pensions of different types hence be included in one or more of the above categories. For example, a holder of an old-age pension who also receives a survivor's pension will be included among cumulative beneficiaries of different types of pensions and fall within both the old-age and survivor's pension categories. Therefore the total is calculated as the sum of the individual types of pension.

211. As regards types of pension (Table 1), it can be observed that **disability**, old-age and survivor's pensions (Ivs) amount to 18.6 million at an overall expenditure of € 217,216,000 (90.1% of total) with an average annual amount of € 11,662.

### **238. Migrants**

- The deep structural and social transformations that have affected Italian rural areas over the past decades have also led to a loosening of the support networks of family and

neighbourhood, a phenomenon that has encouraged the formation of an employment niche (domestic workers, including paid companions for the elderly and **disabled**) mostly involving women from foreign countries. Not only that, many of them are engaged in agriculture, especially in harvesting and initial processing of products, often without contractual guarantees.

- The other predominant employment of female immigrants in rural areas is care services (for the elderly, **disabled** and children)...

**[Question No. 33.] The report refers to several legal instruments aimed at ensuring the access of persons with disabilities to the labour market. There is, however, a relevant gender gap with only 1.8 per cent of women with disabilities in comparison to 6.8 per cent of men with disabilities having a job (para. 362). Please explain what measures the State party has taken to tackle this problem.**

291. Act No. 67/2006, on "Measures for the legal protection of **persons with disabilities**, victims of discrimination" has introduced in our legal system new tools for their protection, in accordance with Art. 3 of the Italian Constitution (principle of non discrimination).

292. To implement the above Act, Ministerial Decree of 21 June 2007 identifies, through an Inquiry Commission, the associations and organizations that can give legal assistance to **persons with disabilities**, victims of discrimination, including those relating to the access to the labour market. At present 61 associations have been granted the relevant locus standi.

293. For ad hoc projects, by a Public Notice issued on February 5, 2010, the DEO financed initiatives on the "Promotion of the equal opportunities for **persons with disabilities** in art and sport". In particular the DEO allocated 2.000.000,00 euros for 37 projects.

294. Italian Authorities launched ad hoc communications and awareness-raising campaigns. In this regard it is worthy of mention the one, entitled "Different abilities but the same will to live". The message of the campaign was not conceived in terms of compassion. Rather it was intended to send a positive message by which the **disability** can impede people to do something but not everything.

295. The campaign was widely carried out through the main media (TV, radio, newspapers) and activities and seminars performed at local level. The DEO also organised several events within the **International Day on the persons with disabilities** on December 3, 2010.

296. It is also worthy of mention the **National Observatory on the situations of persons with disabilities**, as established pursuant to Art.3 of Act No.18/2009, chaired by the Ministry of Labour and Social Policies. On November 30, 2010, the Ministerial Decree was signed to establish the Osservatorio, which met for the first time in Rome on 16 December 2010. This Osservatorio is a technical/scientific support and consultative body to develop national policies in the relevant sector (Art.1 of Act No. 18/2009), with specific regard to:

- promoting the implementation of **the UN Convention on the Rights of Persons with Disabilities**, as signed in New York on 13 December 2006;
- preparing a biennial action programme for the promotion of rights and the integration of **persons with disabilities**, in the implementation of national and international legislation;
- promoting the collection of statistical data and the performance of studies and research on the issue;
- preparing the report on the state of implementation of **disability policies**.

298. Pursuant to Article 33, paragraph 1, of the above UN Convention, the Observatory becomes the privileged body to ensure the implementation of relevant provisions, including those regarding the situation of **women and minors with disabilities** (Articles 6 and 7).

299. As part of the Convention between the Ministry of Labour, Health, and Social Policies and ISTAT – which calls for performing statistical and fact-finding surveys on disability – a specific area of research is aimed at the collection of data regarding **women with disabilities** in Italy.

300. At the overall national level, 39.9% of those with **disabilities** entering the labour market were women. This percentage rose in 2009 up to 40.4%.

301. **Women with disabilities** are either hired on direct call or through the so-called programmed agreement (convenzione di programma) pursuant to Art.11, paragraph 1, of Act

No. 68/99.

**Recommendations from IDA:**

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities.
- Ensure the provision of support services, including psychosocial support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.
- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health, both including physical treatment and psychological counselling, are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).