



Convention on the Rights of Persons with Disabilities

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Summary record of the 283rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 24 August 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Italy (CRPD/C/ITA/1; CRPD/C/ITA/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Italy took places at the Committee table.*
2. **The Chair** invited those present to observe a minute of silence as a gesture of solidarity with the people affected by the earthquake that had struck an area of central Italy earlier that day.
3. **Mr. Serra** (Italy), after thanking the meeting for its sympathy, said that the dialogue with the Committee would provide an opportunity for mutual enrichment that was particularly timely, since the Government planned to adopt a second national disability action plan in the near future.
4. Important reforms introduced in recent years had improved the lives of persons with disabilities in the fields of education, employment and independent living. In 2014, the Parliament had passed a law providing for the establishment of the National Agency for Development Cooperation, which played a key role with regard to disability policies. The aim of all the reforms undertaken was to render the country's legal and institutional framework more compatible with the Convention through enhanced coordination among all levels of government.
5. The National Observatory on the Status of Persons with Disabilities was working on a complex set of indicators to monitor the inclusion of persons with disabilities and was committed to collecting more data on their living conditions. The Government was aware that the full and equal enjoyment of human rights by persons with disabilities was facilitated by the involvement of organizations of persons with disabilities in all legislative and policy processes. In that spirit, the replies of Italy to the list of issues had been drafted with input from such organizations.
6. **Mr. De Martino** (Italy) said that the law under which Italy had ratified the Convention in 2009 provided for a two-year programme of action to promote the rights and inclusion of persons with disabilities. In the first such programme, which had been prepared by the National Observatory on the Status of Persons with Disabilities and had been adopted in 2013, there were seven priority lines of action relating to disability certification, employment, independent living and inclusion in society, accessibility and mobility, education, health and international cooperation. The programme took into account the provisions of the Convention and the areas for joint action identified in the European Disability Strategy 2010-2020. As a result of the programme, the situation of persons with disabilities in Italy was approached holistically, as a matter of concern for all government bodies, both central and local. A second two-year programme based on the same principles had been drafted and would be published in September 2016.
7. The country's constitutional framework, which granted varying degrees of autonomy to regions, provinces and municipalities with regard to public policies, required a high level of coordination. A national inter-agency coordination mechanism was therefore in place to help standardize and increase the quality and supply of services and thereby meet the different needs of persons with disabilities in the country. Efforts were also being made by the National Observatory and the National Institute for Statistics to gather additional data to inform disability policies.
8. Almost €17 billion was allocated to persons with disabilities by the central Government each year. In addition, according to the latest figures, municipalities set aside

an annual total of €1.7 billion for social services. The Ministry of Education spent €6.4 billion a year on the provision of special educational needs teachers and, through the social welfare system, a package of monthly benefits was offered to just under 3 million people with disabilities who required round-the-clock care.

9. Thanks to cooperation among regional authorities and with the active support of organizations of persons with disabilities, municipalities had launched over 200 pilot projects to promote independent living. Between 2013 and 2016, €40 million had been spent on experimental initiatives in line with article 19 of the Convention and steps were being taken to define the features of a common model of intervention applicable throughout the country to promote independent life. The model, which it was hoped would be introduced in 2017, would be the fruit of ongoing research into the roles of personal assistants and local services and the experiences of persons with disabilities themselves.

10. In June 2016, the Parliament had adopted Act No. 122 of 22 June 2016, Provisions on Assistance for Persons with Severe Disabilities Who Are Deprived of Family Support. Under the Act, €90 million a year was allocated to the care and protection of persons with severe disabilities that had not been caused by ageing. The main objective of the law was to ensure that persons with disabilities could live where, how and with whom they wanted.

11. Pursuant to the Jobs Act of 2014, the Government was legislating to rationalize procedures relating to the employment of persons with disabilities. The measures taken in response to the adoption of the Act included the introduction of biopsychosocial assessments of disabilities, the appointment of a disability employment focal point and the sharing of best practices. The matching of supply and demand was facilitated through the systematic collection of data and through tighter controls. Regarding reasonable accommodation, legislation had been adopted to transpose Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation into Italian law.

12. Between 2007 and 2015, over €2 billion had been spent on health, social and other services for dependent persons through a national fund set up to that end. Examples of recent best practices in Italy included the revision of the disability assessment and determination system in line with the International Classification of Functioning, Disability and Health and the inclusion of the disability sector in the programming guidelines of Italian Development Cooperation 2014-2016. It should also be noted that Italy was an active participant in the establishment of follow-up and review mechanisms for the 2030 Agenda for Sustainable Development.

13. The Government was aware that the path that led to the full inclusion of persons with disabilities was long and full of physical and, above all, cultural barriers. More needed to be done to fight the stigma that society continued to attach to such persons, and new challenges were posed by economic crises and poverty, the issue of multiple discrimination, risks associated with the digital age and the growing number of migrants with disabilities.

14. He wished to reaffirm that the Government was committed to implementing article 1 of the Convention fully. For that reason, it valued the constructive dialogue with the Committee and looked forward to receiving observations and recommendations that could be discussed on the occasion of the National Conference on Disabilities to be held in September 2016, which he hoped a representative of the Committee would be able to attend.

15. **Ms. Kingston** (Country Rapporteur) welcomed the high-level delegation and said that she was grateful to the State party for its initial report and comprehensive replies to the list of issues, and to non-State actors for their alternative reports and cooperation.

16. While the adoption of a national disability action plan was to be commended, there were regional variations across Italy, particularly in terms of the right to live independently

and be part of the community. A positive step that could be taken in that regard would be to appoint regional focal points tasked with implementing the Convention, in order to help monitor the extent to which the principle of equal treatment was applied across the country.

17. She was very concerned about the issue of multiple discrimination, particularly with regard to women, migrants, ethnic minorities and children with disabilities. Violence against women with disabilities was a persistent problem and, although the State party had ratified the Istanbul Convention of the Council of Europe, it needed to implement it in a manner that was accessible and inclusive for all women. Women with disabilities continued to be underrepresented in the labour market and in public and political life. Moreover, a disproportionately high number of women were employed in caregiver roles and did not seem to be legally protected or financially compensated for the services that they provided.

18. It was indicated in the replies to the list of issues that a significant number of persons with psychosocial disabilities had recently migrated to the State party. It was essential that migrant reception facilities were accessible for persons with disabilities and that services were available for those requiring rehabilitation. During the State party's last universal periodic review, 23 countries had expressed concern about the situation of migrants and asylum seekers arriving by sea. Since then, many more people had arrived, including persons with disabilities, and it was vital that data on the situation were obtained and disaggregated according to the standards being developed since the World Humanitarian Summit in May 2016.

19. Data on children with disabilities appeared to be insufficient, which had led to a lack of early intervention and support policies. Estimates of child poverty also appeared to be inadequate. It was important to collect and analyse as many data as possible in order to demonstrate how barriers to the participation of persons with disabilities were being removed.

20. Turning to article 24 of the Convention, she noted that the State party had an education system that was inclusive in the broadest sense of the word. It would not take many resources for Italy to become a role model with regard to inclusive education. The foundations were in place and problems regarding the quality of outcomes and teacher training were not insurmountable.

21. Persons with disabilities were still not regarded as equal in Italian society. There was widespread use of negative stereotypes in the media that portrayed them not as positive contributors but as a burden on the welfare system. In reality, the opposite was true. Persons with disabilities were disproportionately affected by austerity measures and were more likely to be living in poverty. In addition, the national and regional economic support measures for such persons were insufficient to offset the additional costs that they incurred.

22. She urged the State party to address the fact that the National Observatory on the Status of Persons with Disabilities allocated no funds to supporting the independent participation of persons with disabilities in its meetings. Such persons might also require reasonable accommodation in order to attend meetings with the Government. However, the State party's legislation contained no definition of reasonable accommodation and failed to recognize its denial as a form of discrimination.

23. Upholding the right to free and informed consent and respecting the will, preferences and autonomy of persons with disabilities were key pillars of the Convention. Although Italy had adopted major reforms to its guardianship laws, there was still a need to replace all substitute decision-making with supported decision-making, in line with the Committee's general comment No. 1.

24. Human rights violations in the form of forced placement in psychiatric institutions were of major concern to the Committee. The practice of forced placement was in stark

contrast to the approach taken in Trieste in 1980, when the city's psychiatric institutions had been closed in favour of 24-hour community mental health centres. It was regrettable that the example set by Trieste had been followed only at the regional level.

25. On the subject of forced treatment, while she welcomed the State party's response with regard to the practice of irreversible surgery performed on intersex children, she wished to know why legal guardians were allowed to consent to medical experimentation on behalf of persons with disabilities.

26. On the issue of access to justice, it was her understanding that the judiciary had some way to go in terms of providing procedural accommodations and that plans to digitize judicial court archives using a grant from the European Union did not comply with international accessibility standards.

27. Italy was one of only two countries in the European Union not to have officially recognized sign language. The lack of recognition further marginalized a group of persons with disabilities who were already unable to participate fully in society. In that connection, she noted that the State party did not have statistics on the number of deaf students who had requested a sign language interpreter and it was reported that many such students were assigned a communication assistant instead.

28. Lastly, the role of national human rights institutions in providing credible, evidence-based information could not be understated. Noting that, in Italy, no institution compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) had been established, she said that it should be a top priority for the Government to do so.

Articles 1-10

29. **Mr. Al-Tarawneh** said that he would like to know what specific measures had been taken to formulate a legal definition of reasonable accommodation and ensure that denial of reasonable accommodation was recognized as a form of discrimination on the basis of disability. Having travelled around Italy, he had formed the impression that cultural awareness of disability was limited and that the role of organizations of persons with disabilities was in need of strengthening. He would like to know what steps had been taken to improve the monitoring of accessibility standards and enforce sanctions for non-compliance and what measures had been or would be taken to improve the collection of data on the provision of accessible communication in the public sector.

30. **Ms. Degener** asked why the State party had not enacted legislation to address the issue of multiple and intersectional discrimination and what measures had been taken to ensure that women and children with disabilities were given special consideration in the development of gender equality policies.

31. **Mr. Tatić** said that he wished to know what measures had been taken to ensure that the Convention was implemented consistently from region to region and what channels of redress were open to victims of direct or indirect discrimination on the basis of disability. More information on recent court cases involving discrimination on the basis of disability, including an estimate of their number, would be welcome. He would like more information on the implementation of accessibility standards, including a figure for the number of cases in which sanctions had been applied for non-compliance.

32. **Mr. Ruskus** said that the absence of a universal definition of disability had led to regional disparities in the provision of support services for persons with disabilities. Furthermore, the various definitions currently in use had been formulated long before the State party's ratification of the Convention. They were based on the medical model of disability, used outdated terminology and placed too little emphasis on the barriers faced by

persons with disabilities. He would like the delegation to inform the Committee of any efforts to remedy the situation.

33. **Mr. Basharu** said that he wished to know the impact of child protection legislation on the lives of children with disabilities, for example with regard to their enjoyment of leisure activities. He also wished to be informed of any publicity campaigns launched to raise awareness of the Convention and the rights of persons with disabilities. More information was needed on the portrayal of persons with disabilities in the media. Lastly, he wished to know whether television programmes were made accessible to deaf persons, for example via the provision of sign language interpretation.

34. **Mr. Lovász** said that he wished to know what measures would be taken to improve the collection of data on children with disabilities aged 6 years and under, as had been recommended by the Committee on the Rights of the Child in its concluding observations on the combined third and fourth periodic reports of Italy (CRC/C/ITA/CO/3-4). The term “mental retardation”, which was used in paragraph 12 of the State party’s replies to the list of issues (CRPD/C/ITA/Q/1/Add.1), should be reconsidered in the light of the terminology used in the Convention. He also wished to know whether deaf persons were permitted to adopt children and whether Italian Sign Language would be recognized as an official language. The delegation should comment on reports that the provision of services for the early diagnosis of disability was limited and that problems had been encountered in the provision of acoustic signal systems for blind persons at traffic lights.

35. **Mr. Pyaneandee** said that he wished to know whether there were any plans to bring domestic legislation fully into line with the Convention and, if so, whether organizations of persons with disabilities would be consulted in the process. It would also be helpful to know whether blind persons and deaf persons could be called up for jury service and, if so, whether reasonable accommodation was provided to facilitate their participation in the judicial process.

36. **Mr. Langvad** asked what would be done to increase the participation of organizations of persons with disabilities, including those representing women with disabilities, in decision-making processes and ensure that, where necessary, the support provided for persons with disabilities, in particular those with severe intellectual disabilities, included augmentative and alternative communication systems. He would like the delegation to comment on reports that the acoustic signal systems provided for blind persons at traffic lights were sometimes deliberately deactivated.

37. **Mr. Buntan** said that he wished to know what support, in particular financial support, was provided to facilitate the participation of organizations of persons with disabilities in the process of policy development. He had also been informed that the Convention was seen largely as an instrument of economic, social and cultural rights, which risked overshadowing the protections that it provided in terms of civil and political rights, in particular with regard to the fight against discrimination on the basis of disability. He would like more information, including specific examples and any relevant data, on the process by which victims of discrimination on the basis of disability could seek redress. He also wished to know whether there were any plans to ensure that, in the public sector, internationally recognized standards for the provision of accessible communication were respected, in particular with regard to information disseminated via the Internet. He would also like more information on the role of accessibility standards in the public procurement process.

38. **Ms. Peláez Narváez** said that she wished to know whether there were regional differences across the State party in terms of the services provided to persons with disabilities and whether persons with disabilities had received any support from the

Government in drafting alternative reports or participating in the dialogue with the Committee.

39. More information on how the participation of persons with disabilities was guaranteed in consultations with the National Observatory on the Status of Persons with Disabilities and other similar bodies would be appreciated. She asked how the European Social Fund was being used by the Government to promote equal opportunities and combat discrimination. She wished to know whether the participation of organizations representing women with disabilities was guaranteed in follow-up mechanisms for monitoring gender policy and policies to combat violence and abuse. The Committee would like to hear more about how the Fund for Combating Poverty and Social Exclusion was monitored to ensure that the families of children with disabilities were actively participating in those efforts and that their views were being taken into account. In addition, she asked whether the State party was planning to put in place measures to support parents of children with disabilities and to facilitate their employment, given that mothers of children with disabilities, in particular, often had difficulty balancing their role as carers for their children with their work commitments. She also wished to know what the State party was doing to ensure that all persons with disabilities, including blind persons, were able to safely get around on foot in Italian cities.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

40. **Mr. De Martino** (Italy) said that a new action plan, including a section on the revision of the disability assessment criteria, was being finalized by the National Observatory on the Status of Persons with Disabilities and was expected to be ready in the second half of 2016. All persons with disabilities in Italy were entitled to the same benefits and services, regardless of the region in which they lived. The Government would take into consideration the point raised on a coordination mechanism in the National Observatory to ensure that the Convention was implemented properly at the regional level.

41. Turning to the issue of reasonable accommodation, he said that the Government had transposed the relevant European directive and there was therefore a clear legal definition of the concept. A number of court judgments referenced that definition and further information would be provided to the Committee on the judgments concerned at a later date. Non-discrimination was a constitutional principle in Italy, which meant that there was no discrimination against persons with disabilities with regard to the appointment of lay judges.

42. The Government was making the necessary changes to improve data collection on young children and persons with disabilities in general. In 2014, a question on disabilities had been included in the census for the first time. The issue of multiple discrimination was being addressed by the Government as part of efforts under the 2030 Agenda for Sustainable Development. Italy had closed all psychiatric institutions in 1980 and there were currently around 80 people subject to temporary security measures.

43. **Ms. Menichini** (Italy) said that the National Observatory monitored the application and implementation of rules on accessibility across the country. There were plans to implement a new regulation on mobility in the future. Work had begun on collecting data on the sanctions applied for non-compliance with accessibility standards. For example, the National Organization for Civil Aviation had issued 40 sanctions in 2015 and collected more than €40,000.

44. Because of the age of the buildings and infrastructure in many Italian cities, it was challenging to adapt buildings to make them accessible. Nonetheless, progress had been made and continued to be made in many cities, in collaboration with civil society. Milan had been awarded the European Union Access City Award in 2016, in recognition of the city's efforts to ensure accessibility for persons with disabilities. All old traffic lights were being gradually replaced with new, accessible ones.

45. **Mr. Ferrante** (Italy) said that a number of national federations of persons with disabilities were provided with financial support by the State each year. Since 2009, organizations of persons with disabilities had been actively involved in developing policy and the national action plan with the National Observatory. Almost half of the 40 persons working at the National Observatory were representatives of organizations of persons with disabilities.

Articles 11-20

46. **Mr. Al-Tarawneh** said that Italy had welcomed a large number of refugees and was to be commended for doing so. He wished to know whether refugees with disabilities were able to benefit from the same legal provisions and remedies as Italian citizens with disabilities.

47. **Mr. Lovász** said that he would like to know more about the deinstitutionalization process in the State party. In particular, he wished to know whether there was a road map in place with a specific time frame and a strategy developed in consultation with civil society. Were there any legal obligations relating to deinstitutionalization arising from projects funded by the European Union? Lastly, he would welcome further information on the standards at national level for residential support and independent living schemes for persons with disabilities.

48. **Ms. Pavey** said that she would welcome more information about the services available specifically to refugees and other migrants with disabilities in the State party. Returning to the issue of equality and non-discrimination, she asked the delegation to indicate a specific time frame for including visits to psychiatric institutions and other residential facilities for persons with disabilities in the mandate of the national preventive mechanism.

49. **Mr. Tatić** said he hoped that the delegation would be able to indicate the number of construction industry professionals or building inspectors who had been penalized for their work on buildings that were inaccessible to persons with disabilities. He would also welcome an indication of the time frame and budget for the completion of the project to make the administration of justice accessible to persons with visual impairments.

50. It would be interesting to know more about the National Fund for Non-Self-Sufficient Persons, in particular whether the Fund's considerable resources were used in such a way as to promote living independently and inclusion in the community. More information about the pilot projects to promote independent living, including the number of project beneficiaries and the project budgets, would also be welcome.

51. He wished to know more about Act No. 112 of 22 June 2016, Provisions on Assistance for Persons with Severe Disabilities Who Are Deprived of Family Support. How was it ensured that the provisions of the Act were in line with the Convention? Did the new Act incorporate all the provisions of article 19 of the Convention?

52. **Mr. Ruskus** asked whether the State party was planning to facilitate deinstitutionalization by offering a range of possible living arrangements in the community to persons with intellectual disabilities.

53. **Mr. Babu** asked whether the improvements to the administration of justice mentioned in paragraph 25 of the replies to the list of issues would make court and other legal documents accessible to persons with all kinds of disabilities or only to persons with visual impairments. He also wished to know whether plans to provide free legal aid to persons with disabilities had been implemented.

54. **Ms. Degener** said that she would welcome information on how the Italian authorities intended to reconcile their increasing reliance on the involuntary hospitalization

of persons deemed dangerous to themselves or others with the guidelines on article 14 of the Convention, recently adopted by the Committee. Similarly, she asked how the State party planned to bring the legal provisions that enabled the guardians of persons with disabilities to consent to medical experimentation on their charges' behalf into line with article 15. Lastly, she would welcome information on the measures planned by the State party to stop subjecting children born with intersex conditions to irreversible sexual assignment procedures and other treatment without their free and informed consent.

55. **Mr. Buntan** said that, as he had mentioned earlier, he would welcome an indication of whether the Italian authorities leveraged policies on public procurement to promote greater accessibility. Turning to the issue of situations of risk and humanitarian emergencies, he asked whether the Government had developed a comprehensive risk reduction plan that was in line with the Sendai Framework for Disaster Risk Reduction. In connection with access to justice, he asked whether persons working in the justice system or law enforcement received any training on anti-discrimination law or the rights of persons with disabilities, in particular in respect of marriage and family life. Lastly, he expressed concern about the deactivation of audible traffic signals and the failure to ensure that newly built landmarks were accessible to wheelchair users and other persons with physical disabilities.

56. **Mr. Basharu** said that he would appreciate clarification of whether the State party had a plan to ensure that persons with disabilities, especially intellectual and psychosocial disabilities, were provided with information in accessible formats in the event of humanitarian emergencies. He wondered whether the delegation could provide specific examples of any measures that had been taken to ensure access to justice for persons with disabilities on an equal basis with others. He also wondered whether any initiatives had been taken to give blind persons training in mobility skills. In that connection, the State party should consider reactivating its audible traffic signals. Lastly, he wished to know what opportunities were given to persons with disabilities, in particular blind people, to obtain mobility aids at affordable prices.

57. **Mr. Langvad** asked how Italy monitored the enforcement of its laws relating to persons with disabilities, what steps were being taken to move from substitute to supported decision-making and how many sign language interpreters in Italy were qualified to provide support to deaf persons in their dealings with the justice system and law enforcement personnel.

58. **Ms. Peláez Narváez** asked whether the services available to persons with disabilities — support for independent living, for example — were provided equally in all the country's regions. She also asked whether the opinions of children with disabilities were taken into consideration in the resolution of legal matters affecting them; why, in view of the high rates of violence against women and girls with disabilities, surveys attempting to shed light on the phenomenon did not elicit responses from girls less than 16 years of age; whether the State party collected any information specifically on the trafficking of women or girls with disabilities for the purpose of commercial sexual exploitation; and what was done to ensure that women and girls were not subjected to forced sterilization or abortion. Lastly, she wondered whether persons with disabilities who had immigrated to Italy had access to disability services on an equal basis with Italian nationals.

59. **Mr. Pyaneandee** said that the Committee would welcome an indication of whether the State party intended to review all its legislation that was not in line with the Convention. He wondered how many laypersons with disabilities contributed actively, alongside judges, to the administration of justice. He also wondered what provision Italian legislation made for persons with disabilities who were detained pending trial. What measures had been taken to ensure that they were provided with the reasonable accommodation that would enable them to receive a fair trial?

60. **The Chair** asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and whether it had taken any steps to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. In addition, she highlighted the connections between recommendations made by the Committee on Economic, Social and Cultural Rights in its concluding observations on the fifth periodic report of Italy (E/C.12/ITA/CO/5, para. 21) and Sustainable Development Goal 10.

61. She also wondered whether the State party intended to review the provisions of its criminal legislation relating to the lack of legal capacity of persons with intellectual or psychosocial disabilities and what happened to persons with such disabilities who were implicated in criminal offences. She wished to know what kinds of disability the 80 persons temporarily institutionalized as a security measure had, how the application of the measure was overseen and how long the temporary institutionalization was expected to last. Lastly, she would welcome a comment from the delegation on reports that social spending had been cut significantly in 2016.

The meeting rose at 5.50 p.m.