**ITALY**

***Ministry of Foreign Affairs and International Cooperation***

*Inter-ministerial Committee for Human Rights*

*Comitato Interministeriale per i Diritti Umani*

 **ITALY’S CONTRIBUTION**

**TO THE OHCHR’S STUDY REQUESTED BY**

**HRC RES 37/22 ON THE RIGHTS OF PERSONS WITH DISABILITIES**

***July 2019***

**ITALY’S REMARKS**

**Introduction**

Italian Authorities thank the Office of the United Nations High Commissioner for Human Rights (OHCHR) and want to provide the following information to the study on art. 8 of the Convention of the rights of persons with disabilities, according to Human Rights Council resolution 37/22, paragraph 13.

**1 (a). Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities, in particular initiatives to:**

* **foster respect for the rights and dignity of persons with disabilities;**
* **combat stereotypes, prejudices and harmful practices relating to persons with disabilities; or**
* **promote awareness of the contributions of persons with disabilities?**

In Italy, the system of protection for people with disabilities develops mainly through two rules: the Law 5 February 1992, no. 104 concerning with *the Law-framework for care, social integration and the rights of disabled people* and the Law 12 March 1999, no. 68 concerning with the *Rules for the* *Right to Work of disabled people.*

The protection provided by the first rule, especially from the provision of Article 1 of Law no. 104 of 1992, must involve four specific areas of intervention: a) to ensure respect for human dignity and the rights of freedom and autonomy of people with disabilities, promoting their integration into the family, school, work and society; b) prevent and remove obstacles to the development of the human person, to the obtaining of the maximum possible autonomy and participation of the person with disabilities in the life of the community, as well as to the realization of civil, political and assets; (c) pursue both functional and social rehabilitation and provision of services for the prevention, treatment and rehabilitation of the disabled, as well as the legal and economic protection of the person with disabilities; (d) to prepare intervention plans to overcome states of marginalisation and social exclusion of the person with disabilities.

It is therefore clear the absolutely general scope of the rule, which extends protection to a wide range of subjective situations that may involve the person with disabilities.

Law no. 68 of 1999, which aims to promote the integration of people with disabilities in the world of work through support and targeted placement services, is more sectoral.

Italy has ratified the two international legal instruments *The United Nations Convention on the Rights of Persons with Disabilities* and its *Optional Protocol* with Law 3 March 2009, no.18, concerning with "Ratification and enforcement of the Convention of United Nations on the Rights of Persons with Disabilities, with Optional Protocol, made in New York on 13 December 2006 and the establishment of the National Observatory on the Condition of Persons with Disabilities". The same ratification law has simultaneously established the National Observatory on the Condition of Persons with Disabilities in accordance with the obligation under Article 33, paragraph 2, of the Convention, "in order to promote full integration" (Law 18/2009 Article 3, co. 1).

Against stereotypes and prejudices, relevant is the Law 67 of 2006, which states: 'Measures for the judicial protection of people with disabilities who are victims of discrimination', published in the Official Journal 54 of 6 March 2006.

The above mentioned law is a protection that is both inhibitory and compensation. If, in fact, discrimination is established, the Court may:

* If the applicant requests to sort compensation for damages - even non-assets - from discrimination, that is, the result of not being able to do something like the others;
* to order an end to discrimination, if it is still ongoing;
* In accordance with the circumstances, to adopt any other measures should be taken to remove the effects of discrimination;

The hypotheses of discrimination against which it is possible to react by appealing to the Tribunal are the direct one (which determines, that is, less favourable treatment for reasons related to disability) and the indirect one (in which a seemingly neutral fact puts person with disabilities at a disadvantage compared to others). In addition, one can also react with the same tool against harassment and, in general, against all those behaviors put in place for reasons related to disability, which violate the dignity and freedom of a person with disabilities or create a climate of intimidation, humiliation and hostility.

**1 (b). What are the challenges to implementing the above?**

A key novelty to address the challenge to raise awareness and sensitivity to the rights of people with disabilities is the establishment of the figure of the Minister for Disabilities and the Family as well as the Mission Structure for policies for people with disabilities. In order to implement measures related to increase policies aimed at ensuring the protection and promotion of the rights of people with disabilities and to promote their full and effective participation and social inclusion and their autonomy, in line with the United Nations Convention on the Rights of Persons with Disabilities and the Charter of Fundamental Rights of the European Union.

**2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?**

**2(b). In particular, are there legal remedies available for persons with disabilities seeking compensation and reparation? Are there legal provisions to sanction perpetrators, including through criminal law? Please provide information on their application in practice (e.g. cases of persons condemned for hate crimes against persons with disabilities).**

In Italy, beside the above-mentioned norms, there is the so-called “Mancino Law” of 1993 that punishes racial hatred, but in that law, there are no specific predictions for hate crimes against disabled people.

However, discriminated people with disabilities find a tool of judicial protection in Law no. 67 of 2006.

**3(a). What steps have been taken to establish standards and/or good practices on the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?**

**3(b). In addition, what legal framework, measures or good practices exist to regulate social media in accordance with Article 8 and human rights standards on freedom of expression? **

With the Law of 14 November 2016, no. 220 regarding the Discipline of the cinema and the audiovisual sector, the principle of the widest use of cinema and audiovisual in relation to the needs of people with disabilities has been included with reference to accessibility.
According to international conventions, this principle conditions the recognition of incentives and contributions to respect the needs of people with disabilities, with particular reference to the use of subtitles and audio description.

These are two important aspects, an ethical one that refers to the UN Convention on the rights of people with disabilities, and a technical one, which subordinates the release of contributions and incentives to the so-called accessibility of communication. These activities are of general interest and contribute to the definition of national identity and civil, cultural and economic growth.

A lot of research have been carried out on the use and best practices regarding the use of social networks, as a tool for social inclusion: an example is the research of the Institute for Educational Technologies. In Italy, social networks play a fundamental role for people with disabilities. The study was conducted with particular regard to the most frequent practices of use and the identification of any differences in the way it deals with friends (disabled or not) within our network of contacts.Studies have also been carried out on the use of assistive technologies to surf the social networks. These are devices made to make the products (hardware or software) accessible and usable even to people with disabilities.

In addition to the preponderant use of the Facebook social network, there are three platforms dedicated to people with disabilities, such as Free Rumble, disabili.com and anglat.it:

- Free Rumble is a space where users can only post audio files, so it is perfectly accessible and usable by the blind and visually impaired. Those who cannot see therefore have the opportunity to communicate online. It was founded on October 20, 2011 in Rome. On Free Rumble it is possible to share life experiences and be listened to, and therefore, teach others, without having to know each other or meet in person;

- Disabili.com is the first website in Italy dedicated to the world of disability with a 360-degree approach, thus including aspects of leisure, sports, sexuality, health, etc. It represents a source of information exchange and a meeting place and interactive discussion between disabled people and operators in the sector. The site offers various services, including information, where users can find news divided by subject area and updated daily by a staff of journalists and external collaborators. There are also forums and chats for interactive dialogue and exchange of information between users. Furthermore, there is the opportunity to subscribe to the mailing list to provide direct contacts and updated information by e-mail. On the site there are several surveys and questionnaires proposed by users and published by the editors;

- Anglat.it is a social network that deals mainly with the mobility of disabled people, with the fundamental purpose of improving, with regard to transport, the regulations in force, in order to allow all disabled people to be able to enjoy the right to mobility, synonymous with autonomy and freedom.

**4(a). Please provide information on the existence and implementation of the programs and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes including through initiatives of:**

* **training, including human rights education;** 
* **research, including studies on perception and attitudes;** 
* **surveys and data collection.**

** 4(b). Please indicate their objective, scope, target audience, impact (including  available data), partners and participants, particularly the participation of, and role of persons with disabilities and their representative organisations, and any key factors of success. **

In Italy, several initiatives and campaigns have been carried out to raise awareness of the rights of people with disabilities.

On the occasion of the International Day of People with Disabilities 2018, the Office of the European Parliament in Italy organized the event "A Europe Without Barriers... Let's build it together." A day of reflection, artistic creativity and awareness on the theme of the full enjoyment of rights, dignity and freedom for people with disabilities. In detail, workshops were held for the manipulation of clay run by a blind artist, with the involvement of people with disabilities, national associations of reference, politicians and the national press.

The Ministry of Labour and Social Policy has launched an awareness campaign to bring public attention to the issue of the rights of people with disabilities.

The campaign was carried out at the "V National Conference on Disability Policy" (Florence 2016) with the aim of promoting and strengthening an inclusive culture, in accordance with the principles of equal opportunities as written in the Convention on the Rights of Persons with Disabilities.

Every year, the most representative disability rights associations promote days, initiatives and events to raise awareness of the specific disability. To exemplify, we can mention among others the national day of the person with spinal cord injury promoted by Faip (Federation of Italian Paratetraplegic Associations) or the national day on the removal of barriers architectural called Fiabaday promoted by Fiaba (Italian Federation breaking down architectural barriers).

**5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations, etc.).**

The Italian law of ratification of the Convention has simultaneously established the National Observatory on the condition of persons with disabilities (OND) which has, among others, the task of promoting the implementation of the Convention and drawing up a detailed report on the measures adopted pursuant to art. 35 of the same Convention, in conjunction with the Interministerial Committee for Human Rights (Law 18/2009, art. 3, co. 5, letter a).

The Observatory was chaired by the Minister of Labour and Social Policies and, starting from March 2018 with the current Government, by the Minister of Disabilities.

The Observatory is composed of 40 effective members and a maximum number of 10 permanent guests, representing the various public administrations and the world of associations representing persons with disabilities and the representative organizations of the third sector operating in the field of disability.

The OND has advisory and technical-scientific support functions for the development of national disability policies with particular reference to:

* promoting the implementation of the UN Convention on the Rights of Persons with Disabilities;
* preparation of a two-year action program for the promotion of rights and the integration of people with disabilities;
* promoting statistical data collection and carrying out studies and research on the subject;
* preparation of the report on the state of implementation of disability policies.

A technical-scientific committee is set up within the Observatory for the purpose of analysis and scientific guidance in relation to the activities and tasks of the Observatory.

Together with the establishment of the Minister of Disabilities, the most representative associations of disability are therefore involved in the consultation and in the development of bills concerning their sectors of competence.

**Conclusions**

Italian Authorities take this opportunity to reiterate their willingness to continue cooperating with all relevant UN Special Procedures, mechanisms and bodies.