



**Convention on the Rights
of Persons with Disabilities**

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Consideration of reports submitted by

States parties to the Convention under article 35

List of issues in relation to the initial report of Italy

Addendum

Replies of Italy to the list of issues*

[Date received: 2 June 2016]

* The present document is being issued without formal editing.

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A. Purpose and general obligations (arts. 1-4)

Reply to the issues raised in paragraph 1 of the list of issues (CRPD/C/ITA/Q/1)

1. Since 2010 the National Observatory on the Status of Persons with Disabilities (please see art. 33 of the Italian national report) has been engaged with a specific working group on the topic. In the first biennial Action Plan, approved at the end of 2013, a section has been devoted specifically to the revision of the assessment criteria of disability aimed at overcoming the notion of “civil invalidity” based on percentage systems.

2. By October 2016, the Observatory will present in the new Action Plan a proposal for the amendment of the current system in the framework of a consistent application of the Convention on the Rights of Persons with Disabilities envisaging the introduction of the definition of “person with disabilities”, associating to the functioning of the person to an evaluation/assessment process of his/her global condition of disability.

Reply to the issues raised in paragraph 2 of the list of issues

3. Persons with disabilities are actively involved through the organization in the development and implementation of legislation and policies and in all decision-making processes concerning issues relating to disability.

4. This practice has been institutionalized with the establishment of the National Observatory on the Status of Persons with Disabilities where civil society organizations and public actors work together, ensuring equal and proactive participation of all members, including organizations of persons with disabilities. Within the Observatory government representatives and civil society share the definition and the implementation of the overall framework of actions on disability, in line with the principle enshrined in the Convention on the Rights of Persons with Disabilities of active involvement of persons with disabilities.

5. In 2015 the National Observatory was heard by the parliamentary Commission on Labour with regard to the reform of labour market legislation. The national guidelines of the Ministry of Labour and Social Policies on Independent Living (see issue 19) specifically requested that Regions and local authorities actively involve organizations of persons with disabilities in drafting and implementing independent living projects.

6. The 2015 National Action Plan on Childhood, adopted by the National Observatory for Children and Adolescents includes specific actions on CWD and BES. Moreover the Authority for Childhood and Adolescence (Autorità Garante per l’Infanzia e l’adolescenza) established in 2014 a working group tasked with proposing forms of cooperation with associations and organizations of persons with disabilities, with special focus on the protection of children’s rights which published its final report in December 2015. Implementing Law 104/1992 Italian Regions have set up bodies (“Consulte Regionali”) comprising persons with disabilities. Following the 2009 ratification of the UN Convention, the Regions have been setting up “Observatories”.

B. Specific rights

Equality and non-discrimination (art. 5)

Reply to the issues raised in paragraph 3 of the list of issues

7. In 2013 legislation has been adopted to ensure compliance with the principle of equal treatment of persons with disabilities. Both public and private employers are required to provide reasonable accommodation – as defined in the Convention on the Rights of

Persons with Disabilities – in working places, to ensure full equality for persons with disabilities vis-à-vis other workers. Public employers must ensure implementation without additional financial burdens with recourse to already available resources (see also para. 28).

8. Legislative decree No. 151/2015 (art. 1), provides for national guidelines (to be published shortly) including the definition of principles on reasonable accommodation to be adopted by employers.

9. Italy is engaged at EU level for the development of the new European directive to counter all forms of discrimination, including disability (covering the reasonable accommodation principle).

Reply to the issues raised in paragraph 4 of the list of issues

10. Please refer to the First National Report for an outline of the National Office against racial discriminations (UNAR). UNAR has set up a Contact Center with online access (www.unar.it) available to potential victims and witnesses of discriminations, immediately activating a first level alarm. Forms can be filled in in foreign languages.

11. The Ministry of Interior has established in September 2010 the Observatory for the protection against discriminatory actions (OSCAD) to help people who are victims of discriminatory crimes (hate crimes), an inter-Agency participated by the State Police and the Carabinieri and set in the Public Security Department – Central Directorate of Criminal Police of the Ministry. OSCAD receives notices of discriminations (by e-mail, fax or phone) by institutions, associations and private citizens, and monitors discrimination phenomena on the basis of race or ethnicity, nationality, religious belief, gender, age, language, sexual orientation, gender identity, and physical or mental disability. It activates specific actions through the State Police and Carabinieri; keeps contact with associations and public and private institutions engaged in countering discrimination. OSCAD is also responsible for anti-discrimination training for the Police and provides support to training and information programmes together with other institutions both public and private.

Children with disabilities (art. 7)

Reply to the issues raised in paragraph 5 of the list of issues

12. The National Institute for Statistics (Istat) produces estimates on children with disabilities (aged 0-5) through sample surveys and data from administrative sources. The sample surveys refer to children with at least one disability – including blindness, deafness, motor disability, mental retardation, mental illness/behavioural disorders – or suffering from limitations (both severe and not) for at least 6 months due to health problems. In the range 0-5 years estimates show 81,000 males and 68,000 females for a total of 149,000 persons aged 0-5 years, 4.5% of the population of the same age.

13. The survey of administrative data (hospital discharge records) integrated with the mortality data collected by Istat, provides an estimate of the number of children with birth defects: each year about 21,100 children are born with congenital malformations, therefore amounting to about 115.000 in the age group from 0 to 5 years.

14. In perspective it is possible to use another administrative source to estimate the prevalence of babies born with congenital malformation: the flow related to the childbirth assistance Certificates (Cedap), activated by the Health Ministry, surveying information on pregnancy, childbirth, babies and parents. However it have not yet reached sufficient coverage of childbirths in order to ensure completeness of data. The available data underestimate the phenomenon if compared to data collected from hospital discharge clinical records.

Reply to the issues raised in paragraph 6 of the list of issues

15. The 2016 national budget introduces new measures to support poor families with children, establishing the Fund for Combating Poverty and Social Exclusion, endowed with 600 million Euro for 2016 and one billion from 2017 onwards. The resources for 2016 are earmarked for a special programme to support active inclusion giving priority to interventions for families with children and children with disabilities.

16. The resources allocated from 2017 onwards are devoted to the introduction of a national measure against poverty and for the rationalization of existing instruments, to ensure the implementation of the National Plan to Combat Poverty and Social Exclusion. In the implementation phase, access to the measure is favored for families with persons with disabilities, including children with disabilities. Specific monitoring and evaluation activities are foreseen.

Awareness raising (art. 8)

Reply to the issues raised in paragraph 7 of the list of issues

17. It means that the State party is aware of the fact that in order to be implemented at the domestic level Art. 8 requires the adoption of specific measures.

Accessibility (art. 9)

Reply to the issues raised in paragraph 8 of the list of issues

18. Complaints and monitoring and sanction systems are in place in both the design and inspection phase. In case of non-compliance of the project with rules regarding access by persons with disabilities, the building permit is not issued. If, after construction, the building is not accessible to persons with disabilities it is declared “not accessible”. The designer, the construction manager, the technical manager and the construction inspector are directly responsible and punishable with fines and the suspension from their professional registries for a period from one to six months (art. 24 Law 104/1992). In 2011 the Regulatory Transport Authority was set up. Its responsibility includes the ascertainment of European Union regulations and the imposition of related sanctions. In 2014/15 specific procedures and complaint forms have been approved with regard to the rights of passengers traveling by sea, on rivers, on roads and by railway. With regard to schools, in May 2014 an ad hoc structure has been established at the Presidency of the Council of Ministers to coordinate and promote the upgrading of school buildings. The structure includes the Ministries of Instruction, Infrastructure and Transport, the Department of Civil Protection and of Economic Cohesion Policies. It is in charge of the listing of school buildings and of the detection of architectural barriers. Available data show that 40% of buildings provide transportation facilities for students with disabilities.

Reply to the issues raised in paragraph 9 of the list of issues

19. The introduction of accessible communications across all public sectors will be tackled within the next action plan to be developed by the National Observatory on the Status of Persons with Disabilities. The first step will entail a survey of existing accessible communications in order to identify best practices to be encouraged across all public sectors.

Situations of risk and humanitarian emergency (art. 11)

Reply to the issues raised in paragraph 10 of the list of issues

20. Collection of data with specific regard also to persons with disabilities has only recently began. The following data are available, referring to the period 31 January-11 May 2016:

	<i>Total</i>	<i>%</i>
Migrants rescued	11.771	100%
Men	8.630	73,3%
Women	1.690	14,4%
Minors	1.185	101%
Number of events	71	-
Number of migrants who received sanitary trillage	11.771	100%
Disabled	16	0,14%
Disabled men	16	0,14%
Disabled women	-	-
Pregnant women	85	0,7%
Single parents with minors	6	0,1%
Victims of violence	11	0,1%
Migrants with severe pathologies	1.101	9,4%

Equal recognition before the law (art. 12)

Reply to the issues raised in paragraph 11 of the list of issues

21. As detailed in para. 30 of the Italian National Report, the Italian legal system does not allow discrimination on the basis of disability with respect to legal capacity.

22. The 2004 law on the so called “support administrator” (amministratore di sostegno) introduced a mechanism to support the free decisions of persons with disabilities, helping them to carry out daily tasks without substituting their will, according to a decree adopted by a judge. Therefore this mechanism belongs to the category of legal mechanisms of support to expression of the free will and legal capacity of the person with disability. The beneficiary of the measure retains in any case his own sphere of capacity with regard to the requirements of his daily life as well as those for which his capacity has not undergone any limitations. The measure is flexible in time and subject to review which can lead to its being lifted.

23. In 2016 the Ministry of Labour and Social Policies has launched a national project involving several Regions on the “amministratore di sostegno” in order to encourage training activities and to introduce data collection at national level.

Access to justice (art. 13)

Reply to the issues raised in paragraph 12 of the list of issues

24. Training for judges includes non-discrimination in all forms.

Reply to the issues raised in paragraph 13 of the list of issues

25. Specific provisions – see the national report – are set in articles 119 of the Code of Criminal Procedure and 124 of the Civil Procedure Code. They make specific reference to hearing and communication disabilities because of the oral character of the criminal trial and of the acquisition of evidence in the civil process. Article. 119 of the Code of Criminal Procedure is aimed at protecting the defendant and not only the witness.. A programme of dematerialization of the administration of justice is being implemented including digitalization of all documents, which will eventually be accessible to visually impaired persons thanks to new technologies.

Liberty and security of the person (art. 14)

Reply to the issues raised in paragraph 14 of the list of issues

26. Italian legislation does not allow the detention of a person solely on account of his disability. Restrictive security measures are foreseen only for socially dangerous persons (arts. 199 et seq. C.p.p) that have committed a crime.

27. For people deemed dangerous to themselves or to others, Law 81/2014 states that: “the provisional or final custodial security measures including hospitalization in the residences for the execution of security measures, cannot last beyond the time allotted for the sentence of imprisonment provided for the offense, having regard to the maximum amount prescribed”.

28. Most judiciary psychiatric institutions (OPGs) have been phased out by the end of 2015 March. On 1 April 2015 residences for the execution of security measures (REMS) were introduced. They are socio-sanitary residential structures replacing which they have replaced the admissions to the care homes, day care, and hospitalization in the judicial psychiatric hospitals. The Regions which have been unable to set up REMS have asked for an extension to 1 April 2017 of the timeline for the closure of judiciary psychiatric institutions. REMS are to be considered residual solutions since current legislation privileges measures other than internment. Presently 23 REMS are active. In May 80 people were still hosted in the OPGs which were still active.

29. Italian legislation provides that no one may be subjected to medical examination or hospitalization against his will. The mandatory medical treatment (T.S.O.) in case of mental illness can occur in hospital only if: a) there are mental alterations requiring urgent therapeutic treatment; b) the patient does not want to voluntarily undergo treatment; c) it is impossible to take timely and appropriate extraordinary measures without resort to hospitalization (see Law 833/1978, Arts. 33, 34 and 35 for details of the procedure requested for the application of mandatory medical treatment and Circular of the Ministry of the Interior No. 3/2001 – Mandatory medical treatment for persons with mental illness).

Freedom from torture or cruel, inhuman or degrading treatment (art. 15)

Reply to the issues raised in paragraph 15 of the list of issues

30. As a general rule, applicable also to persons with disabilities, medical treatment must respect the right of the individual to freedom, dignity and self –determination, in line with Art. 32 of the Constitution.

31. Clinical trials on healthy or ill persons for clinical-scientific and therapeutic ends are regulated by law (DPR 439/2001 and Legislative Decree 211/2003, the latter with regard to all drugs currently being tested). The following principles must be complied with:

- Information on the goals, risks and benefits of experimentation must be detailed and informed consent must be expressed;
- Ethical committee must express positive advice taking into consideration benefits for treatment;
- The right to physical and mental integrity and to privacy;
- The right to revoke at any time the informed consent and to renounce to experimentation without prejudice.

32. Consent is expressed by parents or legal representatives in case of minors and by tutors or support administrators in case of adults.

Reply to the issues raised in paragraph 16 of the list of issues

33. The matter is under consideration by the National Guarantor of the Rights of detainees and persons deprived of personal freedom who has been identified as the national preventative mechanism.

Freedom from exploitation, violence and abuse (art. 16)

Reply to the issues raised in paragraph 17 of the list of issues

34. Following an agreement between ISTAT and the Department for Equal Opportunities of the Presidency of the Council of Ministers, regular surveys take place to detect violence against women with disabilities. The last survey was conducted in 2014 on a sample of 24.761 women aged 16-70 and showed that 36% of the sample surveyed were victims of physical or sexual violence. 10% were victims of rape or attempted rape.

35. In coordination with regional and local authorities and all institutions concerned (schools, health agencies, paediatricians, etc.), the National Authority for Children and Adolescents carries out the collection of reports from citizens and associations about situations of violation, or risk of violation, of the rights of childhood and adolescence, including children with disabilities.

Protecting the integrity of the person (art. 17)

Reply to the issues raised in paragraph 18 of the list of issues

36. According to available data, in 2014 surgical admissions under the age of 18 referring to intersex variations amounted to 34, of which 23 under the age of 10.

Living independently and being included in the community (art. 19)

Reply to the issues raised in paragraph 19 of the list of issues

37. There have been no budget cuts affecting the quality of services for persons with disabilities. The total amount of 1,563,584,045.00 € has been allocated to the Regions since 2010 and over the past five years through the National Fund for non-self-sufficient persons (FNA) From 2016 the FNA is endowed with € 400 million each year. For 2016 the amount

of €15 million is devoted to independent living projects. No data are available for independent living for 2011 and 2012 because pilot projects started in 2013.

38. Since 2013 23,200,000.000€ have been made available to the Regions for experimental projects on independent living, according to the table below:

<i>Region/autonomous province</i>	<i>Total 2013</i>	<i>Total 2014</i>	<i>Total 2015</i>	<i>Total amount per region</i>
Abruzzo	€ 76.896,00	€ 320.000,00	€ 0,00	€ 396.896,00
Basilicata	€ 80.000,00	€ 160.000,00	€ 160.000,00	€ 400.000,00
Calabria		€ 80.000,00		€ 80.000,00
Campania	€ 316.800,00	€ 958.840,00	€ 960.000,00	€ 2.235.640,00
Emilia Romagna	€ 240.000,00	€ 869.600,00	€ 1.053.145,00	€ 2.162.745,00
Friuli vg	€ 80.000,00	€ 240.000,00	€ 240.000,00	€ 560.000,00
Lazio	€ 320.000,00	€ 1.040.000,00	€ 1.040.000,00	€ 2.400.000,00
Liguria	€ 80.000,00	€ 320.000,00	€ 320.000,00	€ 720.000,00
Lombardia	€ 315.408,16	€ 955.412,28	€ 1.023.720	€ 2.294.540,44
Marche	€ 80.000,00	€ 320.000,00	€ 320.000,00	€ 720.000,00
Molise	€ 80.000,00	€ 80.000,00	€ 80.000,00	€ 240.000,00
Piemonte	€ 208.000,00	€ 671.816,00	€ 1.050.304	€ 1.930.120,27
Puglia	€ 240.000,00	€ 880.000,00	€ 800.000,00	€ 1.920.000,00
Sardegna	€ 160.000,00	€ 400.000,00	€ 480.000,00	€ 1.040.000,00
Sicilia	€ 233.600,00	€ 1.103.968,00	€ 1.144.000,00	€ 2.481.568,00
Toscana	€ 232.463,84	€ 792.005,00	€ 240.000,00	€ 1.264.468,84
Trento	€ 73.600,00	€ 80.000,00	0	€ 153.600,00
Umbria	€ 80.000,00	€ 240.000,00	€ 240.000,00	€ 560.000,00
Veneto	€ 223.232,00	€ 396.080,00	€ 835.544,00	€ 1.454.856,00
Valle d'aosta	€ 80.000,00	€ 80.000,00	0	€ 160.000,00
	€ 3.200.000,00	€ 9.987.721,28	€ 9.986.713,27	€ 23.174.434,55

39. A draft law on the assistance for persons with severe disabilities without family support was approved by the Chamber of Deputies and by Senate, and it provides a fund of EUR 90 million for the direct implementation of the UN Convention on the Rights of Persons with Disabilities with the aim to enable targeted support in the field of independent living.

40. The National Institute for Statistics (ISTAT) carries out an annual survey on expenditure of municipalities for persons with disabilities and disabled guests of social and socio-sanitary residential structures. Data indicate that in Italy municipalities spend about € 1,000 annually for each citizen with disabilities, in the form of provision of assistance and economic transfers. Such expenditure rises up to 2,500 euro annually for each person with disabilities under the age of 65 years.

Freedom of expression and opinion and access to information (art. 21)

Reply to the issues raised in paragraph 20 of the list of issues

41. A specific proposal (“Provisions for the removal of barriers of communication, for the recognition of the Italian Sign Language (LIS) and tactile LIS, as well as to promote social inclusion for deaf, for deaf-blind persons and hearing disability in general”), is under discussion in the Parliament.

42. With regard to access to communication technologies for persons with disabilities the Italian National Institute of insurance for work accidents (INAIL) provides prosthetic assistance and benefits to workers injured or affected by occupational disease (see Ministerial Decree No. 332/1999), according to the bio-psycho-social health and functioning model (ICF) and providing technical devices to support reintegration at work of the person with disabilities..

43. INAIL provides a wide range of mobility aids, accessibility, posture, environmental control and communication to facilitate the recovery of autonomy and augmentative alternative communication aids, alongside specific rehabilitation programs for interpersonal communication and access to information and culture.

44. Furthermore, Inail supplies appropriate technological devices according to requirements (PCs, notebooks, PDAs, tablets, smartphones, targeting systems , voice input systems, keyboard mouse emulation software, communicators etc.) and training courses for the use of hardware and software, including communication programs and web interaction,

45. INAIL identifies the required technical devices through special multidisciplinary teams that carry out an integrated assessment based on functional limitations and needs of autonomy of the person with disabilities.

Respect for home and family (art. 23)

Reply to the issues raised in paragraph 21 of the list of issues

46. A specific proposal (“Provisions for the removal of barriers of communication, for the recognition of the Italian Sign Language (LIS) and tactile LIS, as well as to promote social inclusion for deaf, for deaf – blind persons and hearing disability in general”), is under discussion in the Parliament.

47. With regard to access to communication technologies for persons with disabilities the Italian National Institute of insurance for work accidents (INAIL) provides prosthetic assistance and benefits to workers injured or affected by occupational disease (see Ministerial Decree 332 / 1999), according to the bio-psycho-social health and functioning model (ICF) and providing technical devices to support reintegration at work of the person with disabilities..

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50. INAIL identifies the required technical devices through special multidisciplinary teams that carry out an integrated assessment based on functional limitations and needs of autonomy of the person with disabilities.

51. Since 2014 40% of the National fund for non-self-sufficient persons (FNA) is earmarked for people with serious disabilities.

52. The following tax breaks are provided for persons with disabilities:

- Personal income tax deduction for children with disabilities: 1620€ up to the age of three; 1350 for the age of three or above;

- Personal income tax deduction for health expenses and aid means: 19%;
- Personal income tax deduction for carers of not self-sufficient persons;
- Deduction from total income of pension contributions up to the amount of 1.549,37€;
- Personal income deduction of 19% of expenditure on carers, to be calculated on the maximum amount of 2.100€ spent on carers provided the income is below 40.000€;
- Tax breaks for the purchase of computers and technical aids: 19%;
- Specific benefits for the blind (purchase and maintenance of guide dogs and purchase of editorial publications: personal income deduction of 19% for purchase and of 516,46 € for maintenance);
- Deduction for the removal of architectural barriers: 50%;
- Inheritance tax and donation: exemption is increased to 516.456,90€ for beneficiaries with severe handicap recognized ex art. 3, para. 3 of Law 104/1992. For donations exempted from transfer tax the registry tax is not due;
- Personal income tax deduction for purchase of transportation means: 19% (within the limit of maximum expenditure of 18.075,99€);
- VAT relief on the purchase of new or used cars;
- Permanent exemption from the property tax on cars;
- Exemption from registration of property and transfer of car.

Reply to the issues raised in paragraph 22 of the list of issues

53. Training for judges includes non-discrimination in all forms.

Education (art. 24)

Reply to the issues raised in paragraph 23 of the list of issues

54. The Italian Statistical institute (ISTAT) carries out an annual survey on primary and secondary schools collecting data on resources, activities, and tools available to promote inclusive education of students with disabilities, and information on pupils enrolled (with regard to type of problem, level of autonomy, use of assistive and didactic aids, type of certification, age, class, weekly support hours, weekly hours of cultural and educational assistant hours of classroom and out of classroom instruction, participation in school trips with or without accommodation. In the school year 2014-2015 87,000 pupils were enrolled in primary schools and 67,000 in secondary schools. There were 79,642 support teachers, 5000 more than in 2013/14 (+ 6.8%).

Reply to the issues raised in paragraph 24 of the list of issues

55. Support teachers are curricular teachers. Initial training for teachers (all school levels) consists in a Master degree, a specialization and a traineeship in schools lasting 1 year (TFA). Teachers willing to work as support teachers must also acquire , a specific qualification issued by universities. Training includes at least 300 hours of traineeship activities related to the school level in which they are going to work. Training activities are organised and regulated by each university in compliance with general criteria established by the Ministry of Education.

56. Initial teacher training for curricular primary school teachers foresees 31 compulsory credits on inclusive education.

57. According to the collective employment agreement, school staff have the right and the duty to undergo in-service training. Law 128/2013 introduced the principle of compulsory in-service training. Since pupils with special educational needs are the responsibility not only of support teachers, but of all the school staff, teachers and school principals at all school levels undergo specific in-service training for pupils with special educational needs. Training activities focus on topics such as early risk identification, didactic measures to be adopted both with the pupil and with the class group, assessment procedures and guidance. The specific training plans are drafted by the MIUR and by schools, according to their autonomy. Training activities may also involve universities, research institutes, scientific organisations, associations and local health authorities.

58. Teacher education is currently favoured by the most recent legislative innovations in the field of specific learning disabilities (implementation decree of Law 170/10 No. 5,669 dated 12 July 2011), which gave various incentives to in-service teachers in compulsory education. Education dedicated to learning disabilities promotes inclusive practices, starting from educational paths that require digital and innovative methodological-didactic expertise.

59. Law 107/2015 delegates the Government to reform initial teachers training by introducing a unified and coordinated system that includes both teachers' initial training and the procedures for access to the profession and allocates 40 million euros each year.

Reply to the issues raised in paragraph 25 of the list of issues

60. According to Ministry of Education data, in 2014/2015, there were 6217 pupils with hearing impairments in the national education system, of which 690 in private schools. No data are available concerning the number of requests of assistants in sign language, since such assistants are provided by local authorities.

61. According to ISTAT figures for 2014/15 38% of pupils with hearing impairments in primary and secondary schools have a communication assistant.

Health (art. 25)

Reply to the issues raised in paragraph 26 of the list of issues

62. The Italian Constitution (Art. 32) states that “no one can be forced to a specific medical treatment unless required by law” (so called T.S.O. described under paragraph 14). Italian law is therefore based on the general principle that informed agreement of the patient is a requirement for any treatment. In accordance with the Italian Constitution, Law 833/1978, establishing the National Health Service, excludes the possibility of carrying out clinical checks and medical treatments against the patient's will. (See paragraph 11 with regard to special cases where the patient is not able to consciously express his/her own consent.) The Code of Medical Deontology, according to the Oviedo Convention, states that if the patient is unable to express will and consent, in the choice of treatment the doctor must take into account the previously documented will expressed by the when he/she had full freedom of decision (so called advance directives). As already pointed out above in the cases in which the legal system provides for an exception to the general principle of informed consent, the judge must assess the individual's inability to make decisions on medical treatment.

63. Data on treatment which has been consented by a third party and not by the individuals themselves are not available due to the way data are currently collected.

Reply to the issues raised in paragraph 27 of the list of issues

64. The National Pact for Health (NPH) for 2014-2016 envisages the adoption of the new basic levels of care (LEA). The 2016 budget allocates 800 million € for this purpose.

Work and employment (art. 27)

Reply to the issues raised in paragraph 28 of the list of issues

65. Law 68/1999 provides for the assessment of the work skills of persons with disabilities to put them in appropriate working places through support services and measures of targeted employment, which have been strengthened in 2015 (see Legislative Decree 151/2015). Since 2013 legislation banning new recruitment in the public sector does not apply to persons with disabilities.

Adequate standard of living and social protection (art. 28)

Reply to the issues raised in paragraph 29 of the list of issues

66. The Social Card does not provide additional benefits for persons with disabilities. The protection from the specific impact of disability on personal and family income is guaranteed through several specific measures for persons with disabilities: a) direct economic benefits at national (e.g. school attendance allowance and allowance for continuous personal assistance) and regional level; b) extensive pension coverage for work incapacity, reversibility of pensions of parents paid to persons with disabilities; c) specific employment policies aimed at persons with disabilities developed by the Regions in accordance with Art. 117 of the Constitution.

67. A constitutional reform currently under way will allow – once it is approved – for homogenization of interventions and policies throughout the national territory.

Reply to the issues raised in paragraph 30 of the list of issues

68. Within the current constitutional framework the responsibility in the field of social assistance resides with the regional governments. However the Ministry of Labour and Social Policies is actively engaged in proposing to the Regions models and standards to ensure consistent levels of service and performance and overcome possible gaps.

Participation in political and public life (art. 29)

Reply to the issues raised in paragraph 31 of the list of issues

69. Persons with disabilities exercise voting rights with the help of a voter of his own family or of another voter voluntarily chosen as carer. When the disability is not evident or not known to the president of the polling station, a specific certificate issued by doctors appointed by the local health unit must be produced, attesting that “the physical infirmity does not allow the elector to vote without the help of another elector”. Such certificates must be issued immediately and at no cost. No elector can exercise the function of carer for more than one person with disabilities. Municipalities must provide public transport to ensure persons with disabilities reach polling stations.

C. Special obligations

Statistics and data collection (art. 31)

Reply to the issues raised in paragraph 32 of the list of issues

70. Since 1999 the National Institute for Statistics (ISTAT) has implemented the “Information System on disability”: the system is intended to provide support both for the programming of disability policies, as required by Law 104/92, and for information to citizens and the national and international scientific community (www.disabilitaincifre.it). Its data warehouse is accessible to persons with disabilities.

71. After the Italian ratification of the Convention on the Rights of Persons with Disabilities, ISTAT has developed a system of indicators designed to monitor the rights of persons with disabilities provided for by the Convention taking into consideration the specific requirements identified by the Observatory on the status of persons with disabilities. The indicators provide support for the evaluation of equality of rights with respect to the following issues: health, life expectancy, education and training, employment, income and economic well-being, participation in cultural, social and political life, subjective well-being, self-determination and independent life.

International cooperation (art. 32)

Reply to the issues raised in paragraph 33 of the list of issues

72. The disability sector is currently included in the Programming Guidelines of Italian Development Cooperation 2014-2016. More specifically, in close cooperation with civil society (Italian Network on Disability and Development RIDS) the Italian Cooperation approved its first Guidelines on Disability in 2010 followed by the Disability Action Plan in 2013, in line with the Convention. The contents of the Action Plan have been incorporated in Italy’s Biennial Program of Action (2013) for the promotion of the rights and inclusion of persons with disabilities.

73. To support the activities of the Action Plan, specific working groups with civil society have been set up: inclusive education, accessibility, humanitarian crises, data and analysis. Some important initiatives in 2015 include: “Disability and Development – How to include persons with disabilities in development cooperation” publication; “Humanitarian Aid and Disability Vademecum” also 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); “Inclusive education and International Cooperation” document; “Guidelines for accessibility of buildings”; “Inclusion, Disability and International Cooperation – The Italian experience 2009/2014” is currently in the final stages of publication; a working group is also engaged in technical work aimed at integrating disability into the OECD-DAC list of sectors and markers.

74. The Italian Cooperation supports initiatives based on the twin track approach and is working on mainstreaming disability with important projects such as those in Palestine: “POSIT Developing The System Of Primary Care” and the project “Start Up Palestine”. The Italian Cooperation also supports the project “Mainstreaming disability in African National policies” in collaboration with UN/DESA. Italian Cooperation projects in specific partner countries (for example Tunisia and Sudan) also focus on implementing the Convention through supporting awareness, capacity building of institutions and civil

society, drafting action plans and strategies for the implementation of the Convention and the new 2030 Agenda.

National implementation and monitoring (art. 33)

Reply to the issues raised in paragraph 34 of the list of issues

75. Parliament is currently examining draft legislation for the establishment of an independent national human rights institution in line with the Paris Principles.
