



**CONVENTION ON THE ELIMINATION OF ALL FORMS OF
DISCRIMINATION AGAINST WOMEN**

**WRITTEN SUBMISSION TO THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN FOR THE SIXTY-SEVENTH
SESSION IN RELATION TO THE SEVENTH PERIODIC REPORT OF
ITALY**

**BY the ITALIAN DISABILITY FORUM
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About the authors

The **Italian Disability Forum (Forum Italiano sulla Disabilità - FID)** is an Italian not-for-profit DPO, full member of the European Disability Forum (EDF), representing the interests of persons with disabilities in Italy. It is composed exclusively of national organizations of persons with disabilities and their families. Its aims are to fight for the recognition, promotion and protection of the human rights of persons with disabilities, as well as for non-discrimination and equal opportunities. Since its establishment, the Italian Disability Forum has participated in all initiatives and activities carried out by EDF.

Introduction

By presenting this report, the Italian Disability Forum (hereinafter: “FID”) provides the CEDAW Committee with information on Italy for its consideration of the report submitted by the State.

The adoption of the United Nations Convention on the Rights of Persons with disabilities (CRPD) by Italy has triggered the long awaited discourse for the inclusion of disability in the human rights system, however the data collected by the civil society show that the cultural change underlying this new approach is yet to be consolidated in our country. Issues related to the rights of persons with disabilities and in particular of girls and women with disabilities still cover a marginal position in the political, social and cultural agendas, especially when it applied to national and local administrative policies.

Gender and disability are two dimensions that are hardly ever connected in today’s reality. Gender, which represents, in one way or another, the fundamental element of cultures and societies, is hidden in the world of disability. Beyond all doubt, its concealment is at the base of the violations of the human rights of the individual who is female and has a disability.

The double discrimination suffered by disabled women, being female and disabled, is evident but difficult to reveal because these women don’t have the right words to express themselves or to denounce the fact.

United Nations is engaged to mainstreaming disability in all Human Rights Conventions on the base of the UNCRPD principles and FID recommends to take in account the **Concluding Observations** of the UN Committee on the Rights of Persons with Disabilities to Italy, that includes some recommendations related to the rights of girls and women with disabilities. And in this regard take also in account the **General comment n. 3 (2016)** of the UN Committee on the rights of persons with disabilities **on the article 6 of the UNCRPD concern women with disabilities.**

For this reason, and also in order to encourage our country in meeting the CEDAW requirements, we submit this document to you, Chairperson, and to all the Committee Members in order to support the examination and monitoring activity of the Italian country report.

This document contains our observations on some specific issues that we believe are important to be evaluated, also because they are lacking in the Italian Report to this Committee.

Through these written submission we wish to suggest elements for the analysis and the evaluation of the policies for the promotion of human rights from a female disability perspective, and at the same time, to suggest a more in depth analysis of some key issues of pivotal role/importance for girls and women with disabilities.

Discrimination (Art. 1)

The inter-sectorial discrimination based on both gender and disability women with disabilities face has been recognised by the Committee on the Elimination of Discrimination against Women in its General Recommendation No. 18 (tenth session, 1991). In the same document the Committee recommends that States parties provide information on disabled women in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.

Nevertheless we believe that the dimension of inter-sectorial discrimination of women and girls with disabilities to be still underestimated and neglected in the Italian legislation and policies, as well as in the State reports on the equality condition of both women and persons with disabilities.

In Italy, **no legislation, policy, measure or action in favour of gender equality include specific references to women and girls with disabilities**, while the gender perspective is not explicitly **adopted in the development and the implementation of laws, actions and programs concerning disability**.

Speaking and writing explicitly about the specific problems of girls and women with disabilities increases the possibility that Governments take adequate measures to solve them. The UN CRPD Committee, in its Concluding Observations to Italy¹ *“recommends that gender is mainstreamed in disability policies and disability is mainstreamed in gender policies, both in close consultation with women and girls with disabilities and their representative organizations. The Committee recommends that the State party take into account article 6 of the Convention and the Committee’s General Comment no. 3² while implementing Sustainable Development Goal 5, targets 5.1, 5.2 and 5.5”*.

The gender-based discrimination concept in the Legislative Decree 198/2006³ does not include inter-sectorial discrimination suffered by women with disabilities, as women and as persons with disabilities. Inter-sectorial discrimination of women with

¹ CRPD/ITA/CO/1, 2006. n. 14

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fITA%2fCO%2f1&Lang=en

² CRPD Committee: General comment No.3 (2016),. article 6: women with disabilities.

³ Legislative Decree 11 April 2006, n. 198 "Codice delle pari opportunità tra uomo e donna, a norma dell'articolo 6 della legge 28 novembre 2005, n. 246"

disabilities is not taken into account in the anti-discrimination Law 67/06⁴, establishing a frame for legal protection in favour of persons with disabilities who are victims of direct or indirect discrimination, though the implementation of art. 3 of the Italian Constitution, enouncing the equality of all human beings, irrespective of gender, social and personal condition, is explicitly quoted among the goals of the law. Moreover the anti-disability based discrimination law 67/06 does not meet the obligations deriving from the CEDAW ratification, as it does not foresees specific remedies or sanctions for inter-sectorial discriminations and because its implementation is not defined, thus hindering its use by women with disabilities and their representative organizations in legal actions.

Recommendations

- To include specific reference to inter-sectorial discrimination of women and girls with disabilities, specific remedies and sanctions in anti-discrimination legislation.
- To mainstream gender perspective in the development and the implementation of laws, actions and programs concerning disability, as well as disability perspective in the development and the implementation of laws, actions and programs concerning gender equality

Policy Measures (Art. 2)

No explicit reference to women and girls with disabilities is included in the State report (para 25 – 28), concerning the implementation of actions aimed at promoting, supporting and improving the inclusion of women and girls with disabilities in economic, cultural and employment fields, as well as at combating gender-based discrimination.

In Italy there is a lack of data and statistics on inter-sectorial discriminations affecting women and girls with disabilities, to analyse their participation level in social life and their access to equal opportunity in all areas of life. Statistics provided by the Official Census are disaggregated by gender but do not include persons with intellectual or psycho-social disabilities and those living in institutions.

⁴ Law 67/2006, "Misure per la tutela giudiziaria delle persone con disabilità vittime di discriminazioni"

Lack of data and statistics hinder the understanding of inter-sectorial discrimination faced by girls and women with disabilities in all areas of life and the consequent adoption of effective policies, adequate measures and positive actions to overcome the inter-sectorial discrimination of women and girls with disabilities.

An independent National Human Rights Institute, in line with the Paris principles, is lacking in Italy, notwithstanding the iterated recommendations to Italy by the UN Human Rights Committees (UPR⁵, ICESCR⁶, CRPD⁷, ICCPR⁸). This gap challenges the promotion and the protection of human rights and the enjoyment of equal opportunities by women and girls with disabilities.

The existing bodies for detecting and combating discrimination, the National Office against Racial Discrimination (UNAR)⁹, the Observatory for protection from discriminatory actions (OSCAD)¹⁰, the Inter-Ministerial Committee for Human Rights (CIDU)¹¹, as well as the Department for Equal Opportunities at the presidency of the Council of Ministers¹², do not tackle inter-sectorial discrimination of women with disabilities. Moreover, they are Government's bodies. As such, they are not independent bodies. Finally, they do not have any specific mandate nor sanctioning power to combat inter-sectorial discriminations.

The National Observatory on the Condition of Persons with Disabilities¹³, whilst mentioning the multiple discrimination of women and girls with disabilities, is not entitled to receive individual or collective complaints, to bring legal proceedings to protect the rights of women with disabilities or to sanction defaulting institutions or public administrations. Moreover, there is a lack of information on the effectiveness and efficiency of the anti-discrimination actions run by the

⁵ UPR: A/HRC/28/4 October 2014

⁶ E/C/12/ITA/CO/5, 28 October 2015

⁷ CRPD/C/ITA/CO/1, August 2016

⁸ CCPR/C/ITA/CO/6, March 2017

⁹ UNAR-Ufficio Nazionale Anti-discriminazioni Razziali has been set up following the European Directive 2000/43/EC on race and ethnicity, which is described in the Report of the Italian Parliament as "equality body" (2013): <http://www.unar.it/unar/portal/wp-content/uploads/2014/01/Relazione-al-Parlamento-2013.pdf>

¹⁰ OSCAD, 'Osservatorio per la protezione dalle Azioni Discriminatorie

¹¹ CIDU, il Comitato Interministeriale per I Diritti Umani

¹² Dipartimento per le Pari Opportunità presso il Consiglio dei Ministri

¹³ the "Osservatorio Nazionale sulla Condizione delle Persone con Disabilità" has been set-up at the Ministry of employment and social policies to support the Ministry in its function of Focal Point for the implementation of the CRPD. presso il Ministero del Lavoro e delle Politiche Sociali per coadiuvare il suo ruolo di Focal Point della CRPD.

aforementioned bodies in improving the condition of women and girls with disabilities.

Recommendations

- To develop systematic investigations and research studies on inter-sectorial discriminations affecting women and girls with disabilities, on their participation in social life and their access to equal opportunity in all areas of life
- To implement the Concluding Observation n. 24 to Italy of the UN Committee on the Rights of Persons with disabilities, to mainstream gender in disability policies and disability is in gender policies, both in close consultation with women and girls with disabilities and their representative organizations
- To establish an independent National Human Rights Institute, in line with the Paris principles

Guarantee of Basic Human Rights and Fundamental Freedoms (Art. 3)

According to the CEDAW General Recommendation n. 19/1992¹⁴, Observation 6 and 7 and notwithstanding the higher attention to gender based violence in the last years, in Italy **violence against women and girls with disabilities remains an invisible phenomenon** because of the shortage of data collection analysis and statistics on gender-based violence on women and girls with disabilities. Research studies and statistics on the condition of persons with disabilities do provide disaggregated data by gender. Nevertheless they neglect women and girls with intellectual or psychosocial disabilities and those living in segregated institutions. Moreover, they fail to provide data on the occurrence of forced sterilization.

As an example, **in the multi-scope investigation by ISTAT “Women’s safety” (2006)¹⁵**, fully devoted to the occurrence of physical or sexual violence on women, **there is no reference to the physical, sexual, verbal and psychological violence on women and girls with disabilities**, as well as to disability among the features of women who suffered violence. The methodology itself of the investigation through telephone interviews, excluded a priori women with deafness or intellectual

¹⁴ General recommendations adopted by the committee on the elimination of discrimination against women, Eleventh session (1992), General recommendation No. 19: Violence against women

¹⁵ ISTAT, National Institute of Statistics: “Famiglia e società - Giustizia e sicurezza. La violenza contro le donne. Indagine multiscope sulle famiglie. “Sicurezza delle donne”. Anno 2006. (12 ott 2009)

disabilities, as well as institutionalised women, who are the most exposed to violence and abuse.

Information on women with disabilities are lacking in the ISTAT 's report "Violence and abuse against women"¹⁶ (2007), as well as in the ISTAT investigation "Harassment and sexual harassment" (2008- 2009)¹⁷. Some data on violence against women with disabilities have been published in 2015 by ISTAT in a new report on gender-based violence¹⁸. These data show that violence reaches 36,6% of women with disabilities, compared to 31,5% of the whole female population, while the most severe forms of sexual violence , such as rape or rape attempt, reach 10% of women with disabilities compared to 4% of the whole female population.

The shortage of data shows the neglect and lack of attention towards violence against women and girls with disabilities by national authorities , which are confirmed by the lack of references to women and girls with disabilities in the "Extraordinary Action Plan against gender-based violence and sexual violence"¹⁹, as well as in violence prevention policies, though persons with disabilities, and notably those who need high level of assistance, are more vulnerable to violence related to their dependency condition on others.

Institutionalization enhances the risk of physical and psychological violence , because of the dependency of users on others, because of the difficulties of victims with disabilities, and especially of those with intellectual disabilities, to report or even recognise violence, and because the staff is barely trained to recognise the signs of violence and abuse on persons with intellectual disabilities or tend to cover the crimes of and to protect perpetrators.

Institutionalization affects mainly persons with disabilities and the elders. Among them, **women prevail, representing 72% of institutionalised persons with disabilities** and 64% of the persons over 65.²⁰ Among institutionalised persons with intellectual disabilities , **women are more exposed to violence than men**. For instance, international studies have found that from 39 to 68% of girls with

¹⁶ http://www3.istat.it/dati/catalogo/20091012_00/Inf_08_07_violenza_contro_donne_2006.pdf

¹⁷ ISTAT: "Violenza e abuso contro le donne", commissionato dal Ministero per i Diritti e le Pari Opportunità , condotto da gennaio a ottobre 2007 sulla base dei risultati di uno studio sulla sicurezza delle donne, e dell'indagine " Molestie e Molestie Sessuali" condotto dal 2008 al 2009.

¹⁸ http://www.istat.it/it/files/2015/06/Violenze_contro_le_donne.pdf?title=Violenza+contro+le+donne+-+05%2Fgiu%2F2015+-+Testo+integrale.pdf

¹⁹ Piano d' Azione Straordinario contro la Violenza Sessuale e di genere

²⁰ ISTAT: La disabilità in Italia - Il quadro della statistica ufficiale, 2010

intellectual disabilities are sexually abused before their eighteenth birthday ²¹ compared to the 16 to 30% of boys with intellectual disabilities and the 10,6% of the general female population of the same age²². Moreover, persons with disabilities living in institutions do not have access to complaint mechanisms.

Professionals in charge of receiving complaints barely receive specific training on how to approach women with disabilities who are victims of rape.

Notwithstanding the high rate of violence crime perpetrated on women with disabilities, perpetrators are seldom punished. Statistics show that a few out of the many cases of gender-based violence brought before the court are perpetrated against women with disabilities. This means that either gender-based violence is not reported by women with disabilities because they are unable to do that, or that women with disabilities reporting gender-based violence are not believed.

Recommendations

- To implement data collection and provide statistics on gender-based violence on women and girls with disabilities, including women and girls with intellectual or psychosocial disabilities, those living in segregated institutions, and on the occurrence of forced sterilization
- To ensure access to complaint mechanisms, remedies and support to victims of all forms gender violence living in institutions

Sex Role, Stereotyping and Prejudice (Art. 5)

In a society conditioned by abstract stereotypes of female beauty, **women with disabilities** are seen as failed women and they **are exposed to humiliating attitudes** of fear, commiseration, compassion, piety and intolerance. Maternity of women with disabilities is hindered by health professionals because of the common prejudice that maternity to be reserved for "healthy" women or because of the alleged inability of women with disabilities to rear their children like any other woman.

Neither national awareness raising campaigns on gender – based discrimination include the inter-sectorial dimension of discrimination of women and girls with disabilities, nor the National Disability Action Plan provides for awareness raising actions aimed at the full recognition of their human value and dignity.

²¹ Sobsey, 1994, as reported in Reynolds, 1997, quoted in Rousso 2000

²² ISTAT: La violenza contro le donne dentro e fuori la famiglia, 2014 (2015)

7 years after the launch of the campaign “Diverse abilities, same desire of life”²³, its outcomes in terms of promotion of equal opportunities for women and girls with disabilities are still unknown. School, social and professional settings do not foster the development of relationships to peer, in which women with disabilities can fully live their femininity and perceive themselves as mothers, companions and professionals, on the same footing as other women

The exclusion of women and girls with disabilities from higher education and vocational training programmes, from the job market and from society itself is not determined by their condition, but rather by prejudice on their alleged blankness and incapacity to actively participate in social life. Not enjoying the same opportunities as other women or even as men with disabilities, **women with disabilities are the most excluded among the excluded.**

Recommendations

- To organize awareness raising actions and campaigns to foster overcoming prejudice and stereotypes on women with disabilities
- To mainstream the inter-sectorial dimension of discrimination of women and girls with disabilities in gender and disability action plans.

Political and Public life (Art. 7)

Women with disabilities in Italy are mostly excluded from participating in political decisions and in their implementation. They are underrepresented not only in the national Parliament and in its committees, in regional or local councils and in national observatories and monitoring committees, but even in the DPO’s governing bodies. This happens because the Government does not require or even encourage the gender balance in the DPOs governing bodies as a condition to recognize their representation, or in the DPOs delegations involved in policy consultation. Moreover, it does not support the empowerment of women with disabilities, the establishment of representative organizations of women with disabilities or of representative committees of women with disabilities within DPOs in order to ensure their overall gender representation.

²³ National campaign “Abilità diverse. Stessa voglia di vita”, launched in 2010-2011 by the Department for equal Opportunities.

For example, **in the National Observatory on the condition of persons with disabilities²⁴**, which analyses the compliance with the CRPD of national legislation and policies on disability and support the Ministry of Labour and Social policies in drafting the State reports on the CRPD's implementation, **women with disabilities are absent from the DPOs delegations**. Their exclusion from the National Observatory on the condition of persons with disabilities, as well as from the national, regional and local decision making institutions, contributes to maintain the invisibility of women with disabilities and their discrimination in all areas of life.

Recommendations

- To promote the gender balance among the candidates to the Parliament
- To actively involve women with disabilities through their representative organizations in all phases of policy decisions having an impact on their lives, from their design to implementation and monitoring.
- To encourage representative DPOs to set-up women's committees and support the establishment of such committees as well as of representative organizations of women with disabilities

Education (Art. 10)

The general comment n.4 of the CRPD Committee, para 44, affirms that States parties must adopt measures to ensure the equal enjoyment of the right to education to women and girls with disabilities, as intersectional discrimination and exclusion pose significant barriers to the realization of their right to education. States parties must identify and remove these barriers including, inter alia, gender-based violence and lack of value placed on education of women and girls, and put in place specific measures to ensure that their right to education is not impeded by gender and/or disability discrimination, stigma or prejudice. Harmful gender and/or disability stereotypes must be combatted in textbooks and curricula. Education plays a vital role in combating traditional notions of gender that perpetuate patriarchal and paternalistic societal frameworks.

²⁴ The Observatory on the condition of persons with disabilities was set-up and is chaired by the Ministry of labour and social affairs, as a consultative body of the Focal Point. It includes representatives of DPOs and civil society, regional and local administrations.

According to the last available annual statistic on the integration of students with disabilities by the Ministry of Education, University and research (MIUR)²⁵, in the Italian school system there is currently a prevalence of male students. 51.7% of students attending all school orders are males. **In the population of students with disabilities the prevalence of boys over girls is higher**, representing 68.8% of students with disabilities. This higher imbalance among boys and girls with disabilities rates compared to the students' general population, starts from kindergarten, where boys with disabilities are 69,6%, compared to 30,4% of girls, while among the general population of pupils with disabilities boys represent 52,1% compared to 47,9% of girls.

In primary schools 71,2% of pupils with disabilities are males, compared to 28,8% of females, while the males' prevalence is lower in the total population of pupils, where 51,6% are boys compared to 48,4% of girls. In the secondary school males with disabilities represent 67,0% of pupils with disabilities compared to 33,0% of girls with disabilities; while in the general population of pupils in secondary school boys are 52,0% compared to 48,0% of girls. In the higher school 66,9% of students with disabilities are boys, compared to 33,1% of girls, while in the general population of students 51,5% are boys, compared to 48,5% of girls.

The meaning of these figures is not clear, as in Italy all children with disabilities are enrolled in the mainstream school system by law. The imbalance could therefore be due rather to the more frequent occurrence of learning disabilities in boys, as 65% of pupils with disabilities in the Italian school system have intellectual disabilities²⁶, while about two-thirds of school-age students identified with intellectual disabilities are males.²⁷ Nevertheless, no research studies have been launched to better understand this imbalance among boys and girls with disabilities in the school system and to take appropriate measures, if necessary.

The inter-sectorial discrimination of women with disabilities in the field of education is more evident and better documented by the level of literacy of adults with disabilities. Women with disabilities have lower levels of literacy compared to both women without disabilities and men with disabilities. In the

²⁵ MIUR: L'integrazione scolastica degli alunni con disabilità, a.s. 2014-2015 (November 2015) http://www.istruzione.it/allegati/2015/L'integrazione_scolastica_degli_alunni_con_disabilit%C3%A0_as_2014_2015.pdf

²⁶ MIUR, Statistic service: "L'integrazione scolastica degli alunni con disabilità, a.s.2014/2015 (November 2015)

²⁷ U.S. Department of Education, Office of Special Education and Rehabilitative Services, Office of Special Education Programs, 25th Annual (2003) Report to Congress on the Implementation of the Individuals with Disabilities Education Act, vol. 1, Washington, D.C., 2005

Italian general population, 31% on average have secondary school license, of whom 33% are men and 27% are women. Such values fall to 17%, in the population of persons with disabilities, of whom 22% are males and 14,5% are females. 28 % of the general population obtained a high school diploma, with small differences between males (28,7%) and females (27,3%). On the contrary, in the population of persons with disabilities 8% on average obtained a high school diploma, with a significant difference between men (9,2%) and women (6,6%) with disabilities.

Only 2.5% of people with disabilities have a doctorate, a bachelor's degree, or a university degree, of whom 1,6% are females, compared to 4,42% of males, while in the general population persons with the same level of education are 8,7%, without significant differences between males and females. The majority of persons with disabilities, about 50%, obtained just the primary school licence, with a slight prevalence of women (50,1%) on males (47,9%), compared to 23% on average in the general population, with a higher prevalence of females (25%) on males (21%).

Persons with disabilities without any degree are 23% on average, of whom 26% are females compared to 15,3% of males, and compared to 9,6% in the general population on average, of whom 10,8% are females and 8,4% are males.²⁸

According to these figures, **school drop-out of girls with disabilities is higher compared to boys, while school drop-out in the general students' population is higher for boys (16,3%) compared to girls (12,5%)**²⁹.

According to the General Comment n. 4 of the CRPD Committee on inclusive education, para 44, States parties must ensure the access and retention of girls and women with disabilities in education as instruments for their development, advancement and empowerment. However in Italy no specific initiatives have been undertaken to identify barriers hindering the right to education of girls with disabilities in the school system, including stigma, prejudice and bullying, nor specific measures have been put in place to remove barriers, including gender-sensitive educational support, as well as disability specific qualified training, and qualification of support teachers and other school staff.

With regard to women with disabilities' participation in sports activities, both gender and the occurrence of a disability are actually discriminating factors: women with disabilities practicing sports are 12.5% compared to 48.6% of the female population

²⁸ ISTAT, Indagine multiscopo "Condizioni di salute e ricorso ai servizi sanitari - Anni 2004-2005 (2010)

²⁹ ISTAT, Rilevazione sulle forze di lavoro, anno 2010 (2011)

and to 21.4% of men with disabilities³⁰

Recommendations

- To undertake legislative and policy measure to reduce school drop-out of girls
- To enhance the literacy and qualification of girls in the school system by improving quality of teaching
- To enhance the access to high school and to vocational training programmes through specific support measures for girls and women with disabilities

Employment (Art. 11)

In Italy there is a significant gender-based discrimination in the field of employment. 70% of employed are men, compared to 50,6% of women³¹. The disability-based discrimination in the field of employment is evident as well: only 3,5% of Italians with disabilities access to a job in the labour market³². In this respect, the UN Committee on the rights of persons with disabilities in its Concluding observations recommends to Italy “... *to be guided by article 27 of the Convention in implementing Sustainable Development Goal 8, targets 8.5, to ensure achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work at equal value. In addition, the State party must implement special measures to address the low level of employment for women with disabilities*”³³.

Employment rates of persons with disabilities by gender show a clear inter-sectorial discrimination, as a matter of fact. The seventh Report to the Parliament on the application of the Law 12 March 1999 n. 68, “Rules for the right to work for persons with disabilities”. Years 2012-2013³⁴ highlighted that the majority of enrolled workers with disabilities were men (52,6%, compared to 47,4% of women).

³⁰ ISTAT, *Disabilità in cifre (2010), Persone di 6 anni e più disabili e non disabili per classe di età, pratica di una qualsiasi attività sportiva e sesso*. http://www.handicapincifre.it/indicatori/tabelle/dif01_2004.asp (4 dicembre 2010).

³¹ ISTAT: *Che genere di differenze?* 8 marzo 2017

³² ISTAT: *La disabilità in Italia. Il quadro della statistica ufficiale, 2009*

³³ CRPD/C/ITA/CO/1, August 2016, CO n.70

³⁴ Deputies Chamber, *Report on the application of the law on the right to work of persons with disabilities- Years 2012-2013, pages 111-135 (2014)*

http://www.camera.it/_dati/leg17/lavori/documentiparlamentari/IndiceETesti/178/001/INTERO.pdf

Employed women with disabilities in the labour market are 1,82%, compared to 6,82% of men with disabilities and to 50,6% of the general feminine population.³⁵

The Law 68/99 regulating, among other, the access to employment of persons with disabilities and compulsory quota of workers with disabilities in public and private enterprises, **doesn't include any specific measure or positive action to foster the recruitment of women with disabilities.** Men with disabilities benefiting from the compulsory recruitment rules of the Law 68/99 are 35 %, compared to 22% of women. About 30 % of employed with disabilities declare to have benefited from the compulsory recruitment rules. The majority of them obtained a full-time job. However, 3 % only of persons with disabilities have a work salary as the main source of income, of whom 6% are men compared to 1,5% of women. These figures show **the inter-sectorial discrimination of women with disabilities also in terms of salary level and of quality of their jobs**³⁶.

Among the working - aged population of persons with disabilities, the inactive prevail on the unemployed ones. Persons with disabilities seeking a job in the labour market are 0,9% only. Among them, men with disabilities (1,9%) prevail on women (0,4). These figures are referred to 2010, but they do not show any relevant variation in the more recent ISTAT investigation³⁷, where disaggregated data by gender are not available so far.

Recommendations

- To adopt and implement specific measures to address the low level of employment for women with disabilities
- To strengthen the surveillance on implementation of the law 68/99 towards women with disabilities and to increase sanctions in cases of inter-sectorial discrimination of women with disabilities in the labour market

Health (Art. 12)

The UN Committee on the rights of persons with disabilities in its Concluding observations³⁸ recommends to Italy *“to ensure accessibility to facilities and equipment, information and communications regarding sexual and reproductive*

³⁵ ISTAT: Che genere di differenze? 8 marzo 2017

³⁶ ISTAT: Che genere di differenze? 8 marzo 2017

³⁷ ISTAT, Disabilità in cifre, 2013

³⁸ CRPD/C/ITA/CO/1, August 2016, n.62

health services, and provide training to health personnel about the rights of persons with disabilities, in close collaboration with organisations representing persons with disabilities and particularly those representing women with disabilities”, as well as “strengthening mechanisms to combat discrimination and stereotyping in line with its General Comment No. 3³⁹”.

Data and statistics on the discrimination of women with disabilities in the field of healthcare are lacking. However, **women with disabilities refer a range of obstacles hindering their equal access to health care and to prevention programmes.** Main barriers women with disabilities face are structural barriers of health-care premises, the inadequateness of diagnostic instruments, the incompetence of medical staff on gender-based medicine taking into account the specific manifestations of disease and discomfort in persons with disabilities. In particular different susceptibility to, incidence, manifestations, prognosis, progression of diseases, response to therapies, social and personal perception, and adaption in women with disabilities compared to men with disabilities, as well as personal perception. Negative attitudes of the medical staff also represent barriers by determining negative experiences and challenging further use of the health system, as well as the shortage of accessible information. **No public information or prevention campaigns specifically address women with disabilities** or are available in accessible formats, such as Braille, sign or easy-to read languages.

International research studies⁴⁰ documented **greater difficulties for women with disabilities to access general or sexual and reproductive health-care, birth control and screening for early detection of breast and uterus cancer.** In Italy the resort to mammography and to pap-test in absence of disorders or symptoms is much more frequent among women without disabilities over 25 than among women with disabilities of the same age (for mammography, 44,8% among non-disabled women compared to 29,4% of women with disabilities; for the pap-test, 67,0% of non-disabled women compared to 36,2 % of women with disabilities).

Though in Italy forced sterilization or hysterectomy are prohibited by law and culturally unacceptable practices, media reports suggest **that forced sterilization practices on women with disabilities to be sporadically practiced** on women and girls with disabilities, in the name of protection but in patent violation of their right to maternity on the same footing as any other woman.

³⁹ CRPD Committee: General comment No.3 (2016), article 6: women with disabilities.

⁴⁰Jacobs Institute of Women's Health, Breast and cervical cancer screening disparities associated with disability severity, Elsevier Inc 2014, <http://www.ncbi.nlm.nih.gov/pubmed/24439941>

Recommendations

- To improve the accessibility of medical premises and diagnostic instruments for persons with disabilities, the adoption of reasonable accommodations for diagnosis and treatment's procedures to the individual needs of patients with disabilities, and in particular in the fields of diseases of the female reproductive system, access to sexual - reproductive health information for women with disabilities, including through protocols and guidelines drafted in collaboration with representative DPOs
- To adopt accessible formats in all campaigns and information in the field of health care to enhance the access to disease prevention and timely diagnosis for women with disabilities, and in particular to mammography and pap-test
- To promote the "gender medicine" and a better knowledge on disability features and needs across medical staff through extensive training on the peculiar manifestations and consequences of illnesses in women with disabilities.

Economic and Social benefits (Art. 13)

Annual research studies published by ISTAT do not include information on the economic condition of women with disabilities compared to other women or to men with disabilities. According to the report on policies against poverty and social exclusion by the Committee on Social Exclusion (CIES)⁴¹, material deprivation affects persons with disabilities to a greater extent than the general population. 24.7% of individuals with severe disabilities and 19.7% of persons with mild disabilities live in a state of material deprivation, compared to 14.2% of persons without limitations. The same is recorded in the case of serious deprivation, which affects 11.9% of people with severe disabilities and 8.6% of persons with mild disabilities, compared to 6.1% of those without limitations.⁴² Though **specific data on economic condition of women with disabilities are not available**, the high rate of unemployment and inactivity among them suggest that they are exposed to higher risk of poverty compared to the general feminine population and even to men with disabilities (see art. 11, Employment).

⁴¹ [Rapporto sulle politiche contro la povertà e l'esclusione sociale](http://www.condicio.it/allegati/93/CIES_Rapporto_2011_2012.pdf), anno 2010 (2012)

⁴² ISTAT: La disabilità in Italia - Il quadro della statistica ufficiale, 2010

As for the social condition of women with disabilities, women with disabilities are more excluded from society compared to other women or men with disabilities. Living on their own is consequent to social isolation and enhances social fragility, two conditions both especially occurring among women with disabilities. 37 % of persons with disabilities live in pairs. **Men with disabilities living with a partner are 60%, compared to 26% of women with disabilities.**

Persons with disabilities living on their own are 32 % on average. This percentage increases up to 41% when considering only women with disabilities, and goes down to 15% when considering only men with disabilities.⁴³ For the general population persons living on their own are 13,6% on average. This percentage increases up to 15,5% when considering only women, and goes down to 11,6% when considering only men⁴⁴. Men with disabilities are more satisfied with the various aspects of life compared to women with disabilities. Greater differences among men and women are seen in the areas of friendship and leisure activities.⁴⁵

Recommendations

- To develop research studies and systematically collect data on economic and social condition of women with disabilities

Equality before the Law (Art. 15)

As noted by the CRPD Committee in its Concluding Observations to Italy⁴⁶ the **Italian government fails to provide the necessary specific training on gender- and disability-based inter-sectorial discrimination to the staff of its departments and administrative bodies**, including in the Justice, Education, Healthcare and social systems, as well as to provide accessible information allowing women with disabilities to bring legal proceedings against offenders.

Moreover, it is not clear if and how legal actions by victims of inter-sectorial discriminations are supported by the National Solidarity Fund mentioned in the State report (para 25), including the defrayal of legal expenses. Legal expenses for anti-discrimination proceeding have been supported so far by the prosecutors with disabilities themselves or by their representative organizations. Lack or uncertainty of

⁴³ ISTAT: La disabilità in Italia - Il quadro della statistica ufficiale, 2010

⁴⁴ Censis : rapporto "Ridare slancio alla comunità"

⁴⁵ ISTAT: La disabilità in Italia - Il quadro della statistica ufficiale, 2010

⁴⁶ CRPD/C/ITA/CO/1, August 2016

financial support further discriminates women with disabilities in access to justice, because of their higher risk of poverty compared to men with disabilities and to women without disabilities, due to their lower qualifications and higher rate of unemployment /inactivity.

The anti-discrimination Law 67/2006 ensures access to judicial protection for persons with disabilities who are victim of discrimination, but it does not provide for preventive measures against discrimination, and does not include specific measures, remedies or sanctions to prevent and protect women with disabilities from disability and gender-based inter-sectorial discrimination.

Recommendations

- To provide specific training on gender- and disability-based inter-sectorial discrimination to the staff of the departments of Justice
- To ensure the access to and support legal actions by victims of inter-sectorial discriminations, including through the National Solidarity Fund

Marriage and Family life (Art. 16)

In Italy no legislation protects women or men with disabilities from discrimination in the enjoyment of their right to marry and found a family. In Italy legal institution of interdiction is still in force, depriving automatically the interdicted persons of the right and power of choice, decision and self-determination, including the right to marry and found a family. There is no national legislation explicitly ensuring to persons with disabilities, including persons with intellectual or psychosocial disabilities, the right to marry and to found a family, nor comprehensive surveys or reliable data on the extent to which persons with disabilities marry and found families compared to others.

The anti-discrimination Law 67/2006 does not provide for preventive measures against discrimination in the field of the right to marry and found a family. Persons, and mainly women with disabilities, are often seen and judged by judicial authorities, social services and by the society as a whole as less fit to have, rear and take care of children. These prejudices lead to barriers to marry, in particular for persons with intellectual and psychosocial disabilities.

Disability is still an invisible matter in the national policy agenda while its occurrence impacts dramatically on families, who are often left alone to care for

their relatives with disabilities. Families of persons with disabilities have to face the shortage of support services. This implies disproportionate costs for the families taking care of a relative with disability, not only in terms of direct economic costs, but also in terms of impact on the health of caregivers, whose life expectancy is 9 -17 years shorter compared to the general population, and of employment or career, mainly concerning women⁴⁷. Nevertheless, their role of care-givers is not recognized nor protected by law.

Mothers taking care of their children or of adult relatives with disabilities face inter-sectorial discrimination by association. A survey by Censis⁴⁸ on the condition of persons with multiple sclerosis and autism reports some figures on the inter-sectorial discrimination by association suffered by mothers of persons with disabilities, due to *“the disproportionate burden of taking care of their relatives with disabilities”* at home. This survey showed a **negative impact of disability on the working life of the majority of families** involved in the study: 65.9% on average of families reported a negative change of the working condition of at least one parent. The severity of disability of the family member enhances the negative impact on families of taking care of a relative with disability. Parents of relatives with *“severe or very severe disability”* are the most affected by a deterioration of their working conditions and of career opportunities (68.9%, compared to 61.3% among parents of persons with *“less severe”* disabilities).

Among them, mothers (62.6%) experienced a higher rate of discrimination as opposed to fathers (25.5% of cases) and to the feminine general population (44%)⁴⁹. In particular, 25.9% of mothers, left or lost their job, while 23.4% of mothers reduced their working time (e.g. by switching to a part-time job), compared to 11.3% of fathers.⁵⁰

Recommendations

- To include in the anti-discrimination legislation preventive measures against discrimination of women and girls with disabilities in the field of the right to marry and found a family

⁴⁷ CENSIS: 46° Report on the social situation of the Country: “Caregivers, women on the front line”, 2012

⁴⁸ CENSIS - Fondazione Serono: “The hidden dimension of disability”, 2011
http://www.censis.it/5?shadow_evento=117959

⁴⁹ ISTAT: “Come cambia la vita delle donne”, 2011

⁵⁰ CENSIS - Fondazione Serono: “The hidden dimension of disability”, 2011
http://www.censis.it/5?shadow_evento=117959

- To develop and adopt support measures and support services for children and adults with disabilities and their families, in particular mothers