****

**CESCR - International Covenant on Economic, Social, and Cultural Rights**

**72nd Session (26 Sep 2022 - 14 Oct 2022)**

**Information for consideration of Italy’s Sixth Periodic Report**

**Submitted by Forum Italiano sulla Disabilità - FID**

**25 August 2022**

The Italian Disability Forum (Forum Italiano sulla Disabilità - FID) is an Italian not-for-profit organization of persons with disabilities (DPO), a 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. It aims 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. In the last years FID published and submitted to the specific Un Committees:

* Written Proposal for Recommendations on Italian UPR Review 2nd Cycle (2014) and contribution by our members to a joint submission for the 3rd Cycle (2019);
* Written Submission to the CESCR Committee on the List of Issues in relation to the fifth periodic report of Italy (2015);
* Alternative Report and List of Issues to the CRPD Committee (January 2016), Written Replies to CRPD Committee (July 2016), Italy’s review CRPD (August 2016);
* Written Submission to the Human Rights Committee (HRC) for the 119th Session in relation to the sixth periodic report of Italy on the ICCPR (2017);
* Written Submission to CEDAW Committee in relation to the seventh Periodic Report of Italy (2017);
* Joint Submission to CoE GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) with Italian Women’s NGOs of the Shadow Report on the Implementation of the Istanbul Convention (2018);
* Written Submission to CoE Grevio (Istanbul Convention) in relation to the Report submitted by Italy for the implementation of the Istanbul Convention in Italy (2018).
* Written Submission to CESCR Committee in relation to the 66 Pre-Sessional Working Group (09 Mar- 13 Mar 2020) for Adoption of lists of issues prior to reporting (2020).

Contact details of the authors:

Forum Italiano sulla Disabilità (FID) - Italian Disability Forum - Via Borgognona 38 - 00187 ROMA Italy - Secretariat - International Relations Office: Tel. (+39) 06/69988375-388

E-Mail: fid.presidenza@gmail.com

Facebook: <https://www.facebook.com/forumitalianodisabilita>

Web: <https://www.uiciechi.it/AttivitaInternazionali/fid.asp>

**Introduction**

In January 2020 FID submitted to this Committee[[1]](#footnote-1) during the 66 Pre-Sessional Working Group its document containing several issues about the non-application of the International Covenant on Economic, Social and Cultural Rights (ICESCR). Issues, as critical aspects, remain valid today for the current review process. We will focus on a few key and urgent points that are the FID’s main concerns on the Italy ICESCR application.

While the State Party[[2]](#footnote-2) submitted information on the application of the Convention (following the List of Issues (E/C.12/ITA/QPR/6) of 13/03/2020), many of the Recommendations made also in the latest Concluding Observations[[3]](#footnote-3) related to persons with disabilities in Italy, remain incomplete and unfulfilled.

**FID’s main concerns on ITALY ICESCR application**

**National Human Rights Institution** (LoI n. 6)

It is again recalled that Italy is one of two European states still without an independent NHRI, despite voluntary commitments concerning Italy's membership of the UN Human Rights Council and countless relevant recommendations by all UN treaty bodies and 1st, 2nd. 3rd UPR. As for the *lively debate at the parliamentary level* for the establishment of such an institute, it is characterized by a long series (No. 15) of discussions and postponements that from the year 2018 until May 2022 **show the government's lack of political will to undertake the process for the establishment of the NHRI.** The non-establishment of an NHRI impact on the points highlighted in the following FID’s Written Submission after the reading of the Committee LoIpR and State report.

At present, the **enabling act on disability Law n. 227/21**[[4]](#footnote-4) provides in Article 1 for the establishment of a Guarantor on the Rights of Persons with Disabilities, which **is still insufficient** to protect, promote and safeguard all the human rights guaranteed by the United Nations Conventions ratified by Italy.

**Equality Bodies** (LoI n. 13)

**The existing bodies for detecting and combating discrimination**, are the National Office against Racial Discrimination (UNAR), the Observatory for protection from discriminatory actions (OSCAD), the Inter-Ministerial Committee for Human Rights (CIDU), as well as the Department for Equal Opportunities at the presidency of the Council of Ministers, have a very limited scope of prevention of abuses and discrimination.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 discrimination, inter-sectorial discrimination abuses, and torture**. The tables in Annex XI only show the numerical data. **It is not possible to know the process adopted by UNAR following reports of discrimination.**

The Discrimination Measurement Pathway in Official Statistics in Italy[[5]](#footnote-5) barely highlight discrimination based on disability.

**Suggested recommendation**

*The Committee recommends the State party ensure equality bodies have a comprehensive mandate and adequate powers, full legal independence, and equipped with adequate resources. The mandate of equality bodies should cover all areas of life and all forms of discrimination; have the capacity to impose sanctions when their recommendations are not followed by private or public organizations; be capacitated to collect disaggregated data on cases of discrimination, such as the grounds of discrimination, intersectionality, and the area in which the discrimination took place (e.g., employment, education, access to good and services, health). They should also collect data on the perpetrators, and on how different groups are included in their activities and outreach.*

 **Comprehensive anti-discrimination legislation** (LoI n. 13)

*Although the principle of non-discrimination is contained in numerous normative sources,* these remain related to separate categories.Regarding **multiple discrimination and intersectional discrimination** in the current legal system, **the application of anti-discrimination law is still carried out in separate categories without any reference to the different grounds of discrimination or to the recognition of multiple identities** (in our case, for example, gender and disability, ethnic and disability, sexual orientation and disability, etc).

For disability-based discrimination, there is**law no. 67/2006: “Measures for the legal protection of persons with disabilities who are victims of discrimination.” At the moment, there are no mechanisms to collect data on the phenomena and monitor the implementation of law no 67/2006**.

Moreover, the anti-discrimination Law 67/06 fails to provide details on its implementation in practice, thus preventing citizens with disabilities from undertaking legal actions at the individual or collective level on the grounds of such Law in case of direct or indirect discrimination, multiple and intersectional discrimination.

**Suggested Recommendation:**

*The Committee recommends enacting appropriate legislation and policies designating enforcement mechanisms to address multiple and intersectional discrimination, including effective sanctions and remedies, providing training to all departments, and ensuring persons with disabilities have information on lodging complaints and seeking remedies.*

**The concept of reasonable accommodation** (LoI n. 13)

The Italian legislation still **does not acknowledge the denial of reasonable accommodation as discrimination based on disability**. The national anti-discrimination law is inconsistent in its scope, as it is restricted to legal protection but it does not provide for preventing discrimination against persons with disabilities. Law 67/06 does not completely satisfy the obligations deriving from the ratification of the UN CRPD Convention in the field of non-discrimination. In particular, it does not include a legal definition of reasonable accommodation and **it does not explicitly acknowledge the lack of reasonable accommodation as a form of discrimination based on disability. It also does not include the definition of the concept of multiple and intersectional discrimination.**

*De Facto*, **there is no legal definition** of the concept and principle of reasonable accommodation.

Reference is always made to **the cited Law 227/21**[[6]](#footnote-6), which provides in Article 1 for the issuance of an implementing decree defining reasonable accommodation in all areas of application.

**Suggested recommendation**

*The Committee recommends the State party immediately adopt a definition of reasonable accommodation aligned to the CRPD Convention and enact legislation that explicitly recognizes the denial of reasonable accommodation as disability-based discrimination across all areas of life including within public and private sectors.*

# **Equal right to the enjoyment of all ESC rights**

These previous transversal concepts introduce an element that is never considered an infringement of the Economic, Social, Civil, and Cultural rights of persons with disabilities, namely the **infringement of Article 3 of this International Covenan**t[[7]](#footnote-7) and Article 12 of the Convention on the Rights of Persons with Disabilities[[8]](#footnote-8).

The State party affirms that **the right to equality before the law is enshrined in the Italian Constitution**, and that, as a consequence, the **Italian legislation does not allow disability-based discrimination in the field of legal capacity.** Nevertheless, the same national legislation still allows the withdrawal of legal capacity based on the inability of a sound mind. To date legal institutions of interdiction and incapacitation, based on the assumption of the existence of individual conditions of the total or partial inability of sound mind, are still in force. The legal institution of the Support Administrator has been regulated in 2004 with Law 6/04. According to this law, the Support Administrator supports persons with limited/impaired capacity for action.

Both the legal institutions of interdiction/incapacitation, that are still in force, and the current legal institution of **Support Administration** **are based on a concept of protection in the best interes**t of the person, in contrast with art. 12 of the CRPD, which disposes of the **recognition of the full legal capacity** of all persons with disabilities **without exceptions**, as well as **for the provision of support to decision making in the respect of the person’s will.**

Today, much evidence shows how the current legal system also lends itself to **configuring situations of arbitrary suppression of the rights of vulnerable persons, when not outright violence**. There are several stories, few of which have come to light thanks to the Associations, of people who have had to and still have to come to terms with the **degeneration of this institution of protection, and with many other forms of systemic discrimination that heavily affect their live**s. The story of Ms. Alice[[9]](#footnote-9) who continue to experience segregation or Ms. Yaska[[10]](#footnote-10) who, in addition to segregation, experienced forced abortion or Mr. Carlo[[11]](#footnote-11) who finds himself forcibly admitted to a residential facility without his consent. Persons who were subjected to the decisions of the Administrators against their will and with a judgment of the Tutelary Judge. A Tutelary Judge who did not consider it necessary to take their will and preferences into account.

**Suggested Recommendation**:

*The Committee recommends the repeal of all laws that permit substituted decision-making by legal guardians, including the mechanism of administrative support and the enactment and implementation of supported decision-making provisions, including the training of professionals in the justice, health, and social sectors.*

# **Health**

## Pandemic Sars-COVID 19

Last 30th July 2020, we, the Italian Disability Forum - FID drafted a document and sent it to the UN CAT Committee - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[[12]](#footnote-12) before Italy's review.

Referring to this document to CAT Committee, considering the condition of persons with disabilities during the SARS-COVID-19 pandemic and the conformity of the response actions taken by the government, FID is now denouncing also the non-application of the ICESCR in three main areas: 1) **lack of equal access to health care,** 2) **lack of capacity to intervene in emergencies and with protection systems**, 3) **inadequate care of persons admitted to long-term care residences and monitoring of the situation.**

To these considerations, FID added the violation of human rights under the CRPD, ratified by Italy in 2009, particularly in Articles 3 (General Principles), 5 (Equality and non-discrimination), 11 (Situations of risk and humanitarian emergencies), 12 (Equal recognition before the law), 15 (Right not to be subjected to torture, cruel, inhuman or degrading treatment or punishment), 25 (Health) and 31 (Statistics and data collection).

**In this document, we also highlight the violation of the human rights of the ICESCR in Art. 12 (the right to the highest attainable standard of health) particularly art. 12.2.c and 12.2.d item c) and d).**  And clearly defined by **ICESCR General Comment n. 14 (2000).**

## Sexual and reproductive health and rights (SRHR) of women and girls with disabilities

Women and girls with disabilities are still confronted with many forms of discrimination in all areas of life. Because of myths, stereotypes, and lack of knowledge of disability, they **face discriminatory treatment and abuses that particularly affect their sexual and reproductive health and rights,** with important and sometimes irreparable consequences on their lives**.** **Menstrual management forced sterilization, forced contraception and coerced abortion** are just some examples of denial of rights that many women and adolescents with disabilities suffer, without giving their consent or fully understanding the intentions. **Women and girls with high support needs, intellectual or psychosocial disabilities, women who are deafblind and those with multiple disabilities, and in particular those living in institutional settings[[13]](#footnote-13) - are particularly vulnerable to such abuses**.

Women with disabilities are rarely supported throughout motherhood and face multiple barriers to reproductive and adoption services. The **barriers are not only physical but also cultural, preventing women with disabilities from fully and adequately accessing essential gynecological treatments.** And the pandemic has worsened an already critical situation.

In March 2022, the Association UILDM[[14]](#footnote-14) repeated a survey 9 years after the previous one. Well, nothing has changed. The combination of the inaccessibility of gynecological facilities with the denial of one's feminineness and all that goes with it ends up acting as a deterrent to gynecological health care and prevention for girls and women with disabilities.

**Any of the measures described in the State Report on the issue of Reproductive Health** (points 178-181) **are not available for girls and women with disabilities** due to cultural gaps and access problems. According to the UILDM report cited, **only 4 centers**[[15]](#footnote-15) throughout Italy provide quality services specific to their needs and disabilities. Moreover, the gender-specific service mentioned in the State report, notably the Rosa point at the Florence Hospital Careggi, is just available for women with motor and sensory disabilities, while the ASDI service is not gender specific and **sedation is the only tool available to women with an intellectual and developmental disability** to access Reproductive health services.

## Children with disabilities

Approximately 20% of the child population has impairments related to the diagnosis of “neuropsychological or neurodevelopmental disorder”, which would be the main cause of disability in the 0-17 age group. [[16]](#footnote-16) Although the number of children taken into care by specialist services has increased, in Italy **only 1 out of 2 children manage to access diagnostic services**, and **only 1 out of 3 manage to access the rehabilitation intervention** they need.[[17]](#footnote-17)

*The* ***serious lack of homogeneity in the organization*** *of the network of NPIA services in the various Italian Regions leads to inhomogeneity in the pathways and makes it* ***complex to******guarantee the equity*** *of response and uniformity of data collection and planning. In many regions a system of NPIA services has not been structured and, when they do exist, they are not always integrated into a coordinated care network. There is a lack not only of dedicated in-patient beds but above all of the semi-residential therapeutic facilities, which are indispensable for guaranteeing more complex and intensive interventions and for preventing, as far as possible, recourse to hospitalization and therapeutic residency.* ***The gap between North and South is particularly evident****[[18]](#footnote-18).*

**There is no specific reference regulation for “neuropsychic disorders” and rehabilitation in the developmental age** that takes into account the needs, and the characteristics of the problems of this specific age group and that makes it possible to provide clinical, social-health, and rehabilitation care consistent with scientific knowledge. ***The administrative model that regulates rehabilitation in the developmental age is stuck in the logic of adult rehabilitation*** *based on the post-acute rehabilitation paradigm, linked to the "fee for services" logic. It is unsuitable for organizing services for these types of frailty because it excludes the recognition of network activities and the strengthening of contexts and the educational network.* ***This is potentially discriminatory because it tends to increase inequalities between population groups and between different geographical areas*[[19]](#footnote-19).**

# **Education**

## Children with disabilities

Despite the 23.4% increase in teachers for support (compared to an increase in pupils with disabilities of 7%), **the number of specialized teachers is still insufficient**: teachers who carry out support activities **do not have any specific training in 36% of cases.**[[20]](#footnote-20) This phenomenon is more frequent in the Northern regions, where the share of teachers without specialization carrying out support activities rises to 47% while in the South it decreases to 21%. The Legislative Decree 36/2022 in configuring a new system of initial training and recruitment, does not address, once again, the critical issues deriving from the **shortage and unequal distribution of specialized teachers throughout the country.**

No separate careers and specific roles have been established for support teachers, nor have the training for personal care and hygiene, autonomy and communication assistants been regulated at the national level, nor have specific qualifications been defined or regional registers of skilled assistants been established.

The management, the criteria for recruiting and training programs for school assistants are delegated to the Local Authorities through t Program Agreement, Convention, or Understanding Protocol, which **has often failed to ensure timeliness and continuity** of the appointments of assistants because of delays or non-compliance by local authorities in the stipulation of contracts, where the required qualifications range from a degree in psychology or training sciences to a socio-pedagogical diploma, up to courses provided by private training companies. **The diversification of regional models to the detriment of the provision of adequate and uniform assistance service in the school system throughout the country is a factor in the poor quality of the assistance service and inequality on a territorial basis.**

The containment measures adopted **to contrast the COVID 19 pandemic have shown that access to home education is still not guaranteed for all pupils with objective impediments to attending school.** With the activation of mandatory **Distance Learning (DAD),** starting from 9 April 2020 (Legislative Decree 8 April 2020, 22) **to deal with the health emergency from Covid-19, the levels of participation of children with disabilities in school education have significantly decreased**: between April and June 2020, over 23% of pupils with disabilities (about 70,000) did not take part in the lessons. **The technical and organizational difficulties, combined with the lack of adequate tools and support, have therefore made participation in Distance Learning more difficult for pupils with disabilities, especially for those with serious limitations**[[21]](#footnote-21).

In 2019, almost 2 out of 3 women had a high school diploma, with a percentage about 5 points higher than that of men (64.5% vs 59.8%), while 22.4% of women (versus 16.8% of men) had a university degree. **The educational level of women in the general population is therefore relatively higher than that of men. Nevertheless**, **the disability condition exacerbates the gender differences for all types of problems.** The share of people with disabilities who have achieved the highest qualifications (high school diploma and academic qualifications) is 30.1% among men and 19.3% among women, compared to 55.1 % and 56.5% for the rest of the population. 17.1% of women have no qualifications against 9.8% of men, while in the rest of the population the quotas are respectively 2% and 1, 2%.

**The rate of early school leaving of students with disabilities is much higher than that of the generality of students** (3.8% in 2nd-grade secondary school and 1.17% in 1st grade). Furthermore, among young people between 15 and 29 with disabilities, almost one in two does not study or no longer participates in a training course or is not even engaged in a job; it, therefore, falls into the NEET category - Not in Education, Employment or Training. Also in this case **the difference with young people without limitations, among whom the percentage of NEET stands at 22%, shows once again the disadvantage of people with disabilities**[[22]](#footnote-22).

At the end of the school cycle, when they try to enter the labor market, people with disabilities encounter numerous obstacles, which originate already during the school cycle, especially for those with severe disabilities, who have greater difficulty in reaching high levels of education.[[23]](#footnote-23)

**The accessibility of school buildings has not improved significantly**. In the school year, 2019-2020 **only one school out of three is accessible** for pupils with physical disabilities. Only in 12% of schools, works were carried out aimed at removing architectural barriers during the 2019-2020 school year. Furthermore, according to the data from the National School Building Registry, 17.1% of first-cycle schools do not have gyms or sports facilities, a percentage that rises to 23.4% in the southern regions, and 38.4 % if we also consider second-cycle schools. The schools that have all the sensory-perceptive aids intended to promote orientation are just 2% and only 18% have at least one aid.

# **Poverty**

**The presence of one or more person with a disability in a family represents one of the main causes of poverty**. The lack of a job or difficulties in accessing the labor market, high costs of the social and health services, lack of assistive care, and the overhead for families who eventually resort to the private market or take on the caregiving role, with significant impact on the career path of caregivers, are all factors affecting the family income.

According to the **ISTAT Inequalities Annual Report 2022**[[24]](#footnote-24) even though welfare policies have reduced the risk of poverty for **families with persons with disabilities, they are not able to reverse extensive forms of material deprivation**. Welfare services and interventions still leave a significant burden of care on families and do not make it possible to overcome the disadvantage in the employment and career prospects of caregivers and persons with disabilities themselves.

However, **it must be emphasized that families of people with disabilities are forced to incur substantial expenses**: in 2017, almost a quarter of them purchased services for assistance and care,

91 percent incurred costs for the purchase of medicines and 79.2 percent for treatment

medical care. Approximately half of these households rate the impact of these expenses on the

family budget, a burden that increases considerably if one also includes the costs for

home care with specialized personnel[[25]](#footnote-25).

It is no coincidence that **one-fifth of households with at least one person with disability are deprived** [[26]](#footnote-26) : more than 25 percent among single-income households and almost 30 percent among those residing in South regions; all values are significantly higher than those recorded among households without disabilities (12.4 percent of total households, 16.6 of single-income households, 16.8 of those residents in the Islands and 22.9 percent in the South).

**Annual data on poverty published by ISTAT [[27]](#footnote-27)does not include information on the condition of persons with disabilities poverty, even compared to other citizens.**

More up-to-date information on the relationship between disability and poverty can be found in a 2019 general report on disability, where, however, information is provided only on the economic conditions of families with persons with disabilities and **not of persons with disabilities as individuals**. In this report[[28]](#footnote-28) it is estimated that there are approximately 2.3 million families in Italy in which at least one person with severe limitations lives. More than 300,000 families have a child with a severe or moderate mental disability. **Families in which people with disabilities live, struggle to reconcile working and caring activities.** Again according to ISTAT, the overall economic conditions are worse than those of the rest of the families. Despite transfers from the welfare system, economic difficulties persist, often translating into material deprivation for families with disabilities: 28.7% compared to the national average of 18%.[[29]](#footnote-29)

As for the condition of **poverty among children with disabilities**, it is once again stressed that **there are no national statistics relating to children with disabilities between 0 and 6 years old**. In addition, official data on children's poverty does not provide information relating to children with disabilities from 0 to 18 years old.

# **Employment**

Again ISTAT in its Inequality Report 2022[[30]](#footnote-30) indicates that in the average 2020-2021 the share of **employed persons aged 15-64 with severe limitations[[31]](#footnote-31) is half of that observed in the population without limitations**: only one-third of the former are employed. **The gender gap is confirmed**, and attenuated for people without limitations, **while the gaps by territory and educational qualification are widened**. In addition, the employment rate for persons with disabilities who have attained at least a university degree is 15 percentage points lower than for persons without limitations, leading to unemployment and especially inactivity. **The application of Law 68/99 and the reservation of posts in public tenders has favored the employment of persons with disabilities in the public administration,** where about 43 percent of those with limitations are employed. The **data on unemployment paint a rather critical picture**: as many as one-fifth of persons with severe limitations declare themselves to be seeking employment (13.5 percent among people without limitations) and more than a quarter between the ages of 25 and 44 (16.4 percent). Again, the latest data on the unemployment of persons with disabilities, registered in the list of law 68/99 (937.154 in 2018), show that **it is necessary to strengthen work policy concerning Law 68/99 with the inclusion of the target of persons with disabilities in active employment policies in particular young, women,** etc.[[32]](#footnote-32)

Moreover, among women with disabilities, the share of unemployed women is similar to that recorded among women without limitations (13.6 percent compared to 12.2 percent), while the share of those who are inactive (41.3 percent compared to 25.7 percent), **indicates signs of a marked discouragement in the employment search.**

# **Gender Policies**

## Gender Equality National Plan

Italy, from 2021, has a **Strategy for Gender Equality[[33]](#footnote-33)** which is part of the interventions envisaged for the implementation of the National Recovery and Resilience Plan (**PNRR Mission 5 Cohesion and Inclusion**) and the reform of the **Family Act**.

Are foreseen transversal measures that envisage *support for the fragility* with the **integration of the gender perspective linked to situations of fragility** both in the planning of the measures envisaged by the strategy and in the adoption of specific measures aimed at target groups. As well as the **enhancement** of official **statistics,** the **contrast to *hate speech* and multiple discrimination** through educational initiatives to be carried out in schools and universities and through the implementation of dedicated communication campaigns, with attention also to the target of women with disabilities, and in general to the risks associated with multiple discrimination.

While waiting for these premises to become reality for girls and women with disabilities, it is reported that on 19 July 2022 two Observatories were set up with a Technical Scientific Committee (CTS) on both Gender Violence[[34]](#footnote-34) and Gender Equality[[35]](#footnote-35). The Ministry of Disability, representatives of Anti Violence Centers, and Women’s Associations **but** **no Association representing persons (women) with disabilities are present**. In contrast to CRPD General Comment no. 7[[36]](#footnote-36) on the participation of persons with disabilities.

**Suggested Recommendation:**

*Consistently mainstream gender and gender-based violence in relevant policy areas, for instance in policies regarding women and girls with disabilities and supporting, funding, and closely cooperating with women with disabilities' NGOs representing them.*

## Family policies

**On 10 August 2022**, the National Observatory on the Family[[37]](#footnote-37) approved the **new Family Policies National Plan,** a strategic document that defines the priorities, objectives, and actions to be promoted for the better development of family policies in Italy. To date, it has not yet been published. So the previous one (2012) applies.[[38]](#footnote-38)

Reading this 2012 Plan shows that :

\* it proposes *medium to long-term stable and structural innovations for a family policy at the forefront of the European scene.*

*\** Families with disabled or elderly dependents are identified among the three areas of urgent intervention.

*\** The actions envisaged in this Plan shall be *adopted and implemented within the regional and local family plans and programs according to the resources available. The Regions and Local Authorities also undertake to identify common objectives to be pursued in the aforementioned actions*

Pending the new Plan, which was approved last August 2022**, the effects of the implementation of the current one (2012) are unknown.**

## Violence, statistics, secondary victimization

In the **National Strategic Plan on Male Violence Against Women (2021-2023)**[[39]](#footnote-39) **t**here is little reference to girls and women with disabilities, while there is a lack of concrete operational action on their protection, targeted and specific communication campaigns on their condition, and data collection. Since the need to collect data disaggregated by gender and disability is not specified in any way, victims with disabilities seem to be treated unreasonably and inadequately by the framework.

The comparison between ISTAT surveys [[40]](#footnote-40) on the phenomenon and those developed by the Associations of Persons with Disabilities show the difference in results and show the true dimension of the phenomenon. According to **VERA[[41]](#footnote-41)** investigation (*Violence Emergence Recognition and Awareness* ), carried out by FISH (Italian Federation of Overcoming Handicap) between May and November **2020** on a sample of 486 women with disabilities aged 31 to 60 years, 303 women (62.3%) suffered the violence of various types, in the 51.4% of cases psychological, 34.6% sexual, 14.4% physical and 7.2% economic. In 47% of cases, the violent act was committed by men, in 45% by men and women, and 7.5% by women. In 87% of cases of violence, the victim knew the perpetrator well, mostly a family member or *partner*.

The recent **law** **5** **May** **2022**, n. 53, **"Provisions on statistics on gender violence"**, provided that **ISTAT** (National Statistical Institute) and **SISTAN** (National Statistical System) carry out surveys on violence against women every three years by collecting disaggregated data. Unfortunately, **the text does not in any way provide for the data collected to be disaggregated also in consideration of the disability of the victims, nor for the detection, in the survey, relating to anti-violence centers and shelters.**

Moreover, **in the Italian Plan against Male Violence, there is no provision regarding the guarantee of rights to accessibility, reasonable accommodation, and universal design.** There is no mention of the barriers to the physical, motor, sensory, and communication accessibility experienced daily by women with disabilities, a serious gap that must necessarily and as soon as possible be filled.

As for the phenomenon of **secondary victimization**, women with disabilities are among the victims of gender-based violence most exposed to **secondary** **victimization**, also about the role of mothers, in the recent report titled "*The secondary victimization of women who suffer violence and their children in the procedures governing 'custody and parental responsibility*”[[42]](#footnote-42) of the Parliamentary Commission of Inquiry about femicide and any other gender-based violence in **May** **2022**, **women with disabilities appear to be completely and seriously ignored**.

 **Suggested Recommendation:**

*Strengthen measures to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, such as women with disabilities and integrate the perspective of such women into the design, implementation, monitoring, and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women with disabilities’ NGOs representing them;*

1. <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2550&Lang=en> [↑](#footnote-ref-1)
2. E/C.12/ITA/6 [↑](#footnote-ref-2)
3. E/C.12/ITA/CO/5 [↑](#footnote-ref-3)
4. <https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2021-12-30&atto.codiceRedazionale=21G00254&elenco30giorni=false> [↑](#footnote-ref-4)
5. <https://www.istat.it/it/files//2022/04/Istat-Discriminazione-e-odio_Comm.-Antidiscriminazioni_13_04_2022.pdf> [↑](#footnote-ref-5)
6. See footnote n 4  [↑](#footnote-ref-6)
7. Article 3 ICESCR The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social, and cultural rights outlined in the present Covenant. [↑](#footnote-ref-7)
8. <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-12-equal-recognition-before-the-law.html> [↑](#footnote-ref-8)
9. <http://www.informareunh.it/storia-di-alice-un-altro-caso-di-cattiva-applicazione-dellamministrazione-di-sostegno/> [↑](#footnote-ref-9)
10. <http://www.superando.it/?s=yaska&submit=Cerca> [↑](#footnote-ref-10)
11. <https://www.garantenazionaleprivatiliberta.it/gnpl/it/risultati_ricerca.page?search=RSA> [↑](#footnote-ref-11)
12. See the text at the UN High Commissioner for Human Rights webpage <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCAT%2fICS%2fITA%2f42954&Lang=en> [↑](#footnote-ref-12)
13. <https://www.lasicilia.it/news/cronaca/365594/troina-la-violenza-shock-su-una-disabile-scoperta-perche-la-ragazza-e-rimasta-incinta.html> [↑](#footnote-ref-13)
14. <https://www.uildm.org/sites/default/files/Report%20Donne%20Sessualit%C3%A0_UILDM.pdf> [↑](#footnote-ref-14)
15. Sant'Anna Hospital, Turin; 'Fior di Loto' Outpatient Clinic ASL Turin; 'Al Quadraro' Consultatory, Rome; AmBulatori Aou Careggi Florence. The latter has a service (Rosa Point Service) for motor and sensory disabilities and one for intellectual disabilities (ASDI Service). [↑](#footnote-ref-15)
16. <https://www.salute.gov.it/portale/saluteMentale/dettaglioContenutiSaluteMentale.jsp?lingua=italiano&id=5621&area=salute%20mentale&menu=azioni> [↑](#footnote-ref-16)
17. <https://www.quotidianosanita.it/allegati/allegato8398665.pdf> Guidelines on neuropsychiatric and neuropsychological disorders in childhood and adolescence. Page 9 [↑](#footnote-ref-17)
18. UNICEF. Deep Dive Italia: <https://www.unicef.org/eca/media/23056/file/Deep%20Dive%20Italy%20-%20Main%20Report%20IT.pdf> page 94 et seq. [↑](#footnote-ref-18)
19. M.Molteni: [https://lanostrafamiglia.it/images/documenti/missione/Bilancio\_di\_Missione\_LNF2021\_completo\_pag\_affiancate\_ridotto.pdf pages 34-35](https://lanostrafamiglia.it/images/documenti/missione/Bilancio_di_Missione_LNF2021_completo_pag_affiancate_ridotto.pdf%20pages%2034-35) [↑](#footnote-ref-19)
20. ISTAT, 2 dicembre 2020: L’Inclusione scolastica degli alunni con disabilità AS 2019-2020. [https://www.istat.it/it/files/2020/12/Report-alunni-con-disabilità.pdf](https://www.istat.it/it/files/2020/12/Report-alunni-con-disabilit%C3%A0.pdf) [↑](#footnote-ref-20)
21. ISTAT, 2 dicembre 2020: L’inclusione scolastica degli alunni con disabilità, a.s. 2019-2020. [https://www.istat.it/it/files//2020/12/Report-alunni-con-disabilità.pdf](https://www.istat.it/it/files//2020/12/Report-alunni-con-disabilit%C3%A0.pdf) [↑](#footnote-ref-21)
22. Corradini S., Martinez L. “Il ruolo del lavoro per le persone con disabilità – Cosa dicono i numeri”. Relazione al Convegno CNUDD *Un ponte tra Università e mondo del lavoro per l’inclusione e la vita indipendente* [↑](#footnote-ref-22)
23. ISTAT, 2019: Conoscere il mondo della disabilità, Persone, <Relazioni, Istituzioni. [https://www.istat.it/it/files/2019/12/Disabilità-1.pdf](https://www.istat.it/it/files/2019/12/Disabilit%C3%A0-1.pdf) [↑](#footnote-ref-23)
24. ttps://www.istat.it/storage/rapporto-annuale/2022/Capitolo\_4.pdf page 262 et seq. [↑](#footnote-ref-24)
25. Cfr. Istat, 2019. [↑](#footnote-ref-25)
26. The deprivation indicator used in this analysis measures spending capacity and refers to being able to adequately heat their home, face an unexpected expense of 800 euros, eat an adequate meal at least once every two days, and be able to enjoy a week's holiday. [↑](#footnote-ref-26)
27. <https://www.istat.it/it/files//2022/06/Report_Povert%C3%A0_2021_14-06.pdf> [↑](#footnote-ref-27)
28. <https://www.istat.it/it/files/2019/12/NOTA-STAMPA-RAPPORTO-DISABILITA.pdf> [↑](#footnote-ref-28)
29. *Ibidem*  [↑](#footnote-ref-29)
30. <https://www.istat.it/storage/rapporto-annuale/2022/Capitolo_4.pdf> page 262 et seq. [↑](#footnote-ref-30)
31. ISTAT, in line with the directives issued by the European statistics system, to identify persons with

disability, uses in its population surveys a single question, known as the Global activity limitation

indicator (Gali), which surveys people who report having limitations, due to health problems, in carrying out usual and ordinary activities. In the analyses, the terms 'persons with disabilities and 'persons with severe limitations' identify the same collection and are used alternatively. [↑](#footnote-ref-31)
32. <https://www.lavoro.gov.it/priorita/Pagine/Stato-attuazione-Legge-68-sul-diritto-al-lavoro-dei-disabili.aspx> [↑](#footnote-ref-32)
33. <https://www.pariopportunita.gov.it/wp-content/uploads/2021/08/strategia-Parit%C3%A0_genere.pdf> [↑](#footnote-ref-33)
34. <https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2022-05-13&atto.codiceRedazionale=22A02862&elenco30giorni=true> [↑](#footnote-ref-34)
35. <https://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2022-03-30&atto.codiceRedazionale=22A01988&elenco30giorni=true> [↑](#footnote-ref-35)
36. <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no7-article-43-and-333-participation> [↑](#footnote-ref-36)
37. <https://famiglia.governo.it/it/politiche-e-attivita/comunicazione/notizie/nuovo-piano-nazionale-per-la-famiglia/> [↑](#footnote-ref-37)
38. <https://famiglia.governo.it/media/1334/piano-famiglia-definitivo-7-giugno-2012-def.pdf> [↑](#footnote-ref-38)
39. <https://www.pariopportunita.gov.it/wp-content/uploads/2021/11/PIANO-2021-2023.pdf> [↑](#footnote-ref-39)
40. ISTAT: La violenza sulle donne (2020)

<https://www.istat.it/it/violenza-sulle-donne/il-fenomeno/violenza-dentro-e-fuori-la-famiglia/numero-delle-vittime-e-forme-di-violenza> [↑](#footnote-ref-40)
41. <https://www.fishonlus.it/la-violenza-sulle-donne-con-disabilita-i-dati-e-i-fatti/> [↑](#footnote-ref-41)
42. <https://www.altalex.com/documents/news/2022/05/04/vittimizzazione-secondaria-donne-vittime-violenza-loro-figli-si-relazione> [↑](#footnote-ref-42)