



COUNCIL OF EUROPE

**SECOND EUROPEAN CONFERENCE OF THE MINISTERS RESPONSIBLE FOR THE
POLICIES FOR THE INTEGRATION OF PERSONS WITH DISABILITIES**
(Malaga, 7-8 May 2003)

Statement by

Senator Grazia Sestini,

Under-Secretary of State

Ministry of Labour and Social Affairs

ITALY

*Promoting Citizenship and full participation by developing effective legal and policy provisions to
ensure equality of opportunities for people with disabilities*

Malaga, 7 May 2003

Mr. President,
Colleagues,
Ladies and Gentlemen,

I wish to thank the Spanish Government and the Hon. Minister Eduardo Zaplana for hosting this Conference, while thanking the Council of Europe for having promoted to such an extent the treatment of the issues related to the safeguard of the rights of people with disabilities.

The Recommendation No. R(92)6 of the Committee of Ministers of the Council of Europe on a coherent policy for people with disabilities, adopted further to the first Conference of the Ministers responsible for policies on people with disabilities held in Paris in November 1991, inaugurated a season of awareness of their real needs with a coherent and concerted promotion of their rights. Indeed, it is the need for an actual confrontation that warrants today's meeting.

This Conference represents for all of us a precious occasion to take stock of the results achieved together and by each one of us in our respective Countries, but also and in particular to identify together the future courses to be taken in order to achieve a full integration and protection of persons with disabilities. From this point of view, 2003 is a strategic year: the European Union calls upon us to undertake a great responsibility with the celebration of the European Year, pointing to the ambitious goals to be attained. Ten years after the definition of standard rules, the United Nations have already been considering for quite a time a comprehensive Convention on disability-related issues.

It is an extraordinary effort, but also an occasion that may not be missed if we are to further the processes of integration, full citizenship, elimination of any discrimination, assertion of the principle of the actual access of all persons with disabilities to all the aspects of life in a Country, without distinctions, on the same conditions and with the same opportunities.

Hence, we need to further a constant dialogue among the States to get to a consolidation of a common base of rules, principles and good practices for the promotion and safeguard of the rights of persons with disabilities with a view to their actual realization within every national reality. The protection of human rights is the universal term of reference on which any legal or policy provision should be based.

Besides, we need to enhance the existing international instruments of legal and social protection and, whenever needed, to single out new ones to see to it that the proclamation of rights and intents is followed by their concrete attainment and implementation.

Those International Organizations that, like the Council of Europe, have the institutional task of promoting social cohesion and safeguarding human rights should play a leading role within this process.

The fundamental issues of this Second Conference devoted to the policies for the integration of persons with disabilities are "*citizenship*" and "*full participation*".

"*Citizenship*" means the full recognition and exercise of one's rights, the real protection in any policy and legal provision that may involve, even indirectly, the life of persons with disabilities, and their full defense in any type and level of Court. Hence, "*citizenship*" represents the leading principle in the work of national and international law and policy makers.

"*Full participation*" means to allow each individual to exercise his/her fundamental rights in full, to have as much self-determination as possible, to take consciously part in the decision-making processes that concern him/her, to play an active role in the social, economic and political life, and to take advantage of equal opportunities in every context.

However, how can we guarantee the citizenship and full participation of persons with disabilities allowing them to attain conditions of equal opportunities and full integration? How can we build an effective Agenda of political commitments moving in this direction?

I am convinced that we need to continue on our way, marked by successes but also by persistent obstacles that are hard to do away with, first of all the failure to acknowledge it as a reality that is a part of life in a society.

A proper handling calls for a continuous integration of the various functions and competences at an institutional level, with the full involvement of the community. We need to pursue the implementation of a coherent program of measures, coordinated at an international and national level, focusing our attention on such issues as education, employment, family, situations of serious disablement, accessibility, and new technologies.

In this work schedule, we need to overcome the logic of the welfare measures and the provisions warranting a mere protection with a view to developing actions that are likely to enhance the potential of citizens with disabilities and ways to share the disability-related problems through an holistic approach. Integration is a process and is never a point of arrival. Hence, it is not only necessary to be on the alert and defend acquired rights, but also to see to it that their exercise is not hindered or even limited by situations of inequality connected not only with a deficit but also with the territorial context where we live. The rights to citizenship of the persons with disabilities must not be limited to the access to health services, education in ordinary schools and universities, the provision of forms of social benefits, and the focused placement in employment. Indeed, the rights to full citizenship may only be exercised in the presence of conditions guaranteeing in every environment and every situation equal dignity and opportunities for all. This stresses how significant it is to succeed in allowing the persons with disabilities to have as much mobility as possible and full accessibility. Hence the need to work in a coordinated and consistent manner at all levels of responsibility.

Education

It is hardly possible to conceive a full integration of the persons with disabilities leaving aside the implementation of measures providing for their full educational integration.

To work out reasoned and systemic measures enabling people with disabilities to achieve the highest possible level of education within schools and universities is an “act due” from any civil society.

I would like to mention the example of my Country.

Since a number of years, Italy has been witnessing a process of school integration that started off by moving over and above the concept of mere inclusion. Such a process was furthered by the enactment of a series of law provisions that define the conditions and instruments allowing the exercise of the right to education in any school context. Taking the needs, abilities and bents of the individual pupil as the starting point, such an analysis is turned into personalized educational syllabuses including educational, rehabilitation and socialization projects, as well as supplementary activities outside the school, through an interdisciplinary approach and a considerable coordination among institutions and competences. These schemes definitely call for a systematic cooperation among school and social-health workers who must share the same objects. The social-health and rehabilitation services turn into genuine resources when they intervene in an early, timely and continuous manner and if they precede, accompany and follow up on the school attendance of a child with a disability.

The school integration is supported by specialized professionals and by providing the schools with technical equipment and educational aids meeting the specific needs of each individual case. This enables us to leave aside the seriousness of the disability while ensuring suitable educational courses meeting all the specific needs of a disabled child. Credit for this should be given to law no. 104 of 1992 that not only recognized the principles but also laid down definite arrangements allowing this right to be really exercised. The integration of children with disabilities in the Italian school is by now an integral part of our education system: it is a consolidated reality supported by successful results. While the school attendance of boys and girls with disabilities has increased to a considerable extent, a definitely noteworthy increase has been

reported in the last five years in high school attendance, where the number of students with disabilities doubled to over 20,000 in 1999/00 (also as a direct consequence of the extension of the compulsory school age to fifteen years). The reported quantitative growth must be matched more and more by a growing quality of the educational supply. The support staff assisting the main teacher requires more focused training courses; training and refresher courses on disability-related issues are a decisive factor to improve the staff performance.

Finally, with reference to the right to study of students with disabilities, another step forward was made in 1999 through law no. 17, that introduced a tutorship service in the universities allowing personalized study programs and the full integration in the academic life.

Employment

The commitment of all the Countries to create job opportunities for their citizens must also relate to citizens at a disadvantage.

Such a commitment must be codified by suitable legal instruments and concrete protection measures so as to guarantee and give concrete implementation to that right to work that is solemnly sanctioned by most modern Constitutions and International Conventions.

What we need is an agile and efficient system that, starting from education and vocational training, might guarantee a focused access to employment. It is essential to get to the best possible coordination between training, assistance, and employment policies in order to single out original and flexible forms of access to the labor world in keeping with specific local situation and the needs of workers with disabilities. The world of disabilities keeps on being characterized by a considerable want of qualifications and higher education. Considering that age and a long stay in the lists often compound this problem, we definitely have to step in with focused initiatives. Awareness-raising campaigns are needed to cause the enterprises – the leading actors in the creation of jobs – to understand the fundamental value of the right to integration of the persons with disabilities, precious allies in development, creativity and commitment to economic growth.

Keeping into account the working ability of the individuals and the requirements of the employers, a way to promote vocational rehabilitation and employment is to establish quotas for employees with disabilities within private enterprises and public corporations, as well as intermediation services connecting workers with disabilities and businesses.

Italy endeavored to attain this goal in 1999, through the enactment of law no. 68. This is an *ad hoc* provision that gives concrete form to a new cultural approach to the placement in employment of persons with disabilities that is no longer meant to be a welfare measure and a compulsory stage for an enterprise but that is indeed viewed as an enhancement of the potentials of the individual, considered both as a resource and an asset.

Keeping into account the residual working capacities of persons with disabilities, the law provides for their focused placement in the world of labor. It lays down that all the persons with a disability in excess of 45% have the possibility, until the age of retirement, to enter their names in special lists with the competent territorial offices that see to their placement in employment through a variety of procedures (name and number hiring, agreements with employers and cooperatives). The actual enforcement of the aforementioned law is monitored by the Ministry of Labor and Social Policies that plays a fundamental role in terms of information, promotion and dissemination of a proper culture on the relation between handicap and employment.

This recent law successfully set off a new scheme to step into this sector based on a system of territorially integrated services that are in a position to inform, support, accompany and profitably place the right worker in the right employment. Through the indispensable synergy among all the institutions, the local governments, and the initiatives of associations and private social organizations, the employment of people

with disabilities becomes the core issue of a constant dialogue among the parties that leads to concrete operational solutions.

This gives concrete implementation to a shared working project centered on the individual, and his/her capabilities and needs, which is free to organize his/her existence through employment, since the latter is no longer considered an obligation for employers and an assistance measure but an effective tool for economic independence and a condition to exercise the individual's right to full citizenship. Besides, it should be recalled that Italy is incorporating in its national system the EU Council Directive 2000/78/EC of November 27, 2000 that lays down a general framework for equal treatment in employment and occupation. This provision purposes to establish a general framework for combating even disability-related discriminations in employment and occupation. The incorporation of this Directive will introduce a considerable innovation in our national legislation – in a number of aspects already in line with the Community provisions – where it acknowledges the right of all persons who consider themselves wronged in terms of employment and occupation on the ground of their disability to have access to judicial and/or administrative procedures. Furthermore, in the last few months the Ministry of Labor and Social Policies - in a cooperative effort with NGOs and with the support of the European Union - has implemented a program of seminars for the launch of the Community Action Program 2001-2006 for combating discrimination even against people with disabilities and for raising the awareness of people working within such a Program.

Besides, we are endeavoring to promote initiatives furthering the self-entrepreneurship of persons with disabilities. The access to focused economic supports has resulted in quality working experiences that create income and services to society while allowing the fulfillment of the individuals and their creativeness. Through the setting up of a special fund, the Government plans to promote additional forms of self-entrepreneurship addressing in particular youths with disabilities.

Finally, we need to make the most of the potential offered by the new job opportunities and typologies. I am referring in particular to flexibility, the development of telecommuting and work at home arrangements that may be extraordinary opportunities for participating in the economic life for persons with disabilities.

The enterprises need to and may do more having also recourse to the proposals included in the program for the development of the Corporate Social Responsibility and the corporate social commitment: these are sound central themes of the Italian Presidency of the European Union. Those who invest in the employment of people with disabilities invest in the economic, civil and cultural success of both their businesses and society as a whole.

Family

I would now like to lay emphasis on a central theme of the public policies of our Country: the revival of the role of the family as the flywheel of development and social cohesion and, therefore, the support granted to the family undertaking its responsibilities, particularly when it comprises members with disabilities. The support to the families is first of all a right of the persons who endure conditions of limitation owing to a disability. The empowerment of a family is the empowerment of a person with a disability and is a decisive instrument towards the full and autonomous enjoyment of rights. The freedom to live one's life as an equal moves also through a strengthening of the solidarity networks where, at least in Italy, the family plays a leading role. Ninety-five per cent of the three billion hours devoted on a yearly basis for care services are spent within the informal networks of family members, even in a broader sense. It goes without saying that the family must be placed at the center of any political decision-making process and legal provision in favor of the disabled as a concentric circle of the person with disabilities. This is the reason why the recent White Paper on Welfare submitted by the Italian Government places the family in a definitely central position, viewing it as a strong instrument of social inclusion, particularly in respect of the most vulnerable categories of persons. That document singles out a series of measures on the financial, taxation, social, and employment fronts that needs to be implemented in keeping with a social agenda, in order to

allow the family to see to its numberless commitments without experiencing inconveniences and breaks-up, even through a strengthening of the solidarity networks, particularly those entailing mutual and self-help.

In particular, the families who take care of persons with disabilities need economic, social and medical support to relieve them of the daily difficulties they meet in order to allow persons with disabilities to remain as far as possible within the household.

Hence, the integration of a person with disabilities means also the protection and integration of his/her family into society.

The first and foremost right of a family that comprises a member with disabilities is the right to information. It must have access to suitable information and data to handle in the best possible manner any disability-related situation. Moreover, information needs to start first of all from prevention. To disseminate a suitable health culture on the causes of disability and every possible action to prevent impairment is an initial and indispensable measure to be implemented, particularly with respect to newly established families.

On the other hand, in the presence of a disability, the information procedures must guarantee that the family is aware of the services available throughout the territory, that it has the possibility to find its way among them and plan a real support network to do away with that feeling of “loneliness” experienced by so many families comprising members with disabilities.

Special attention should be paid to the families that have children with disabilities, since their disability is compounded by the special condition of being minors. Hence, particularly when dealing with children with disabilities, we need to guarantee and implement that “best interest of the child” sanctioned also by article 3 of the 1989 UN Convention on the Rights of the Child. The latter must be the fundamental principle of any intervention in favor of children and translates into the creation of equal opportunities of access to medical care, school, vocational training, socialization, and all that allows a placid growth and a harmonious development of the personality of the child. Besides, in May of last year, the special session of the UN General Assembly confirmed that the family is the basic core of society and must be strengthened as such; all children are entitled to live within their household; and, finally, all the measures needed to guarantee the full and equal enjoyment of all the human rights and fundamental freedoms must be adopted in respect of children with disabilities.

Due attention should also be paid to households comprising elderly persons with disabilities. The demographic revolution that hit the industrialized Countries is giving rise to a tissue of society where the persons who are over 65 represent a sizable percentage: today they are over ten million and they will exceed 22 million in 2050.

The ageing of the population is a phenomenon that needs to be tackled even from the point of view of the growing incidence of disabilities, providing concrete answers to the conditions of those who are not self-sufficient. The functional autonomy loss of those who are over 65 affects nearly a senior citizen out of five, with a disability rate that is 193.3 per thousand. This rate gets to 476.7 per thousand when dealing with the elderly who are 80 and over.

There is no doubt that even more specific and focused measures must be implemented to deal with the conditions of those households that have one or more members with serious disabilities.

In particular, in those cases it seems advisable to strengthen the integration between the social and medical interventions, promoting measures of personal aid and support to the daily home care, but also residential and semi-residential facilities, while implementing measures to achieve accessibility and disseminating those new technologies that are likely to back up the most difficult situations.

As regards this subject, Italy has seen to the transfer of special resources to the Regions for the creation of halfway homes accommodating persons with serious disabilities who lack the assistance of their family members, particularly when the latter have died. This, just as other provisions, fits within a farther-

reaching project that we are implementing with a view to protecting families, with special regard to those comprising members with disabilities.

Hence, we have promoted tax cuts for households as well as policies supporting motherhood and fatherhood.

Besides, we have increased the possibility for workers who care for disabled family members to take advantage of paid leaves, covered from the social security point of view. A recent regulation included in the 2001 Finance Act (law no. 388/2000) provides for an extraordinary paid leave of absence of up to two years in favor of parents and, should there be none, of a brother or sister, who take care of a person with serious disabilities.

Accessibility and mobility

Accessibility and mobility are two inescapable conditions if we are to enjoy our rights to citizenship.

The access to education, health services, the world of labor and a relational life presupposes the elimination of barriers in public and private building, tourist facilities, cultural and leisure establishments, as well as transport facilities.

Hence, we absolutely need to keep up our effort, at every possible level, to do away with every obstacle to accessibility and mobility. Nonetheless, starting from the universities, we need to intensify the study of and research on the suitable design of new facilities that keep into account even the needs of persons with disabilities.

All this is going to enable them to exercise their right to leisure time, sport, culture, and socialization, a tangible proof of real integration and actual participation.

New technologies

The new technologies play an increasingly greater role for the autonomy and social participation of persons with disabilities.

The efforts made in the scientific and technological research and its concrete application must be supported both at a national and an international level.

Besides, technologies and aids must be placed at the disposal of all persons with disabilities guaranteeing, even in this context, equal opportunities in the use of every technical means that is likely to improve the quality of life.

The challenge represented by the construction of a more accessible world urged me to become the promoter (together with the Minister for Community Policies) of a bill furthering the access of people with disabilities to information technology tools and supporting computer-assisted technologies through a broad series of measures affecting both the Public Administration and the private sector.

Private sites that prove accessible shall be promoted on the basis of definite rules through the issue of a special label; workers with disabilities shall be encouraged to use suitably adjusted IT tools even for telecommuting purposes.

Women with disabilities

A debate on the integration of persons with disabilities may not fail to consider the equal opportunities for women with disabilities, which must be guaranteed a greater protection of their specific needs and a full representation within NGOs and in the dialogue with the Institutions.

This outline of what I believe to be the fundamental aspects of both integration and the full participation of persons with disabilities in society points to the fact that no concrete policy for persons with disabilities may be conceived without taking into consideration the individual in his/her entirety and throughout his/her existence.

This means that we need to develop an integrated and multidisciplinary approach to the interventions providing for schooling, permanent education, occupational and social measure, as well as for the access to services and medical care, conceived for each individual person and in the context where the latter lives.

This is the reason why, thanks to a recent law (law no. 328/2000), Italy is strengthening its institutional capacity, with special regard to local governments, fully in keeping with the principle of both the vertical and the horizontal subsidiarity, as well as the realization of individual life projects, further to the request of the person involved, worked out by Municipalities in accord with the health structures.

The project includes a diagnostic-functional assessment, care and rehabilitation services, personal care services, with special regard to the recovery and social integration of the individual, as well as economic measures needed to overcome conditions of poverty, sidelining and social exclusion. Quite clearly, all this does not imply an attempt at "placing" the person with disabilities in a pre-defined construction, as it is an effort to create a sound starting position from which resources and potentials may be developed, in addition to guaranteeing the indispensable assistance.

Conclusions

I would like to conclude stressing that no effort we make to promote policies in favor of persons with disabilities may leave aside a constant dialogue with the NGOs on which we may draw proposals and guidelines on the issues and instances they represent and with whom we may confront ourselves and verify the measures that have already been implemented.

Besides, we should not neglect the need for coordination with and among the leading International Organizations with a view to working out homogeneous policies and legal instruments. My thought goes to the global Convention project currently being worked out by the United Nations for the promotion and protection of the rights and dignity of the persons with disabilities.

Our common effort shall move in this direction: to find a global and universal approach that, nonetheless, may succeed in adjusting to the situation of every Country, so that the full implementation of the declarations of principles might be always guaranteed in any context.

I hope that this Conference might be followed by a season of concrete interventions resulting not only from the commitment of the Committee of the Ministers of the Council of Europe but also from the effort of all the Countries involved.

Taking also as a starting point what is going to be realized throughout 2003 - the European Year for Persons with Disabilities - of which we are going to take stock during the closing Conference to be held in Italy in December, I look forward to the continuation of the constant and effective dialogue on the disability-related issues as a sign of honor and as a sign of civilization.

Thank you, Mr. President.