



ITALIAN DEVELOPMENT COOPERATION
MINISTRY OF FOREIGN AFFAIRS

Guidelines for the introduction of the disability issue within the policies and activities of the Italian Cooperation

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INCLUDING THE RIGHTS OF PERSONS WITH DISABILITIES: THE ITALIAN COOPERATION APPROACH

Persons with disabilities account for 10-12% of the world's population. According to estimates, most of these people live in developing countries.

Therefore, persons with disabilities account for a significant part of the population and are more likely to live in poverty than their able-bodied peers. In many cases a disability can be the cause of poverty since it jeopardizes these persons' ability to fully participate in the economic and social life of the community they live in, especially if no adequate infrastructures and facilities are available.

At the international level, the UN "Convention on the Rights of Persons with Disabilities", adopted on December 13, 2006 by the General Assembly introduced a new international legal and cultural standard and is an important tool in promoting human rights and equal opportunities.

The Convention does not recognize "new" rights to persons with disabilities, but redefines existing principles within the human rights framework. The mandate of the Italian Cooperation has always fought against social exclusion and the mandate it was given by the Convention (Art. 32) strengthened its role:

"States Parties recognize the importance of international cooperation and its promotion, in support of national efforts for the realization of the purpose and objectives of the present Convention, and will undertake appropriate and effective measures in this regard, between and among States and, as appropriate, in partnership with relevant international and regional organizations and civil society, in particular organizations of persons with disabilities".

Between 2000 and 2008 Italian Cooperation launched initiatives to promote the rights of persons with disabilities in 25 countries (Albania, Angola, Bosnia Herzegovina, Cameroun, China, Cuba, Ecuador, El Salvador, Ethiopia, Jordan, Italy, Kenya, Kosovo, Lebanon, Libya, Morocco, Montenegro, Republic of Central Africa, Serbia, Sudan, Palestinian Territories, Tunisia, Vietnam, Yemen, Zambia).

This report is intended to form the documentary basis for a constructive debate on the Italian Cooperation's future commitment to reshape its procedures, fostering the inclusion of persons with disabilities in development projects and a collaborative process by exchanging.

Italian Minister of Foreign Affairs
FRANCO FRATTINI

PREFACE

In compliance with Law 49/87 that regulates the Central Technical Unit action, the Italian Development Cooperation has mapped the initiatives undertaken between 2000 and 2008 to promote and guarantee the rights of persons with disability.

The mapping process represents the first step to introduce the disability issue within the Agenda of the Italian Development Cooperation; this process has also been useful to draft the revision of Guidelines on Disability (2002), in compliance with international commitments (i.e. UN Convention on the Rights of Persons with Disabilities).

The resulting data have been collected in the “Report of the Italian Development Cooperation for promoting and guaranteeing the rights of persons with disability 2000-2008”. The draft of this report has also been presented during the International Forum for a Global Partnership on Disability and Development” (Turin, October 15, 2009) that has been organized by the Italian Development Cooperation, the World Bank, Global Partnership for disability and Development and Fondazione Cassa di Risparmio di Torino (Turin Savings Bank).

During the forum every participant has been provided with the report in order to start a constructive debate. Afterwards, the results have been collected by a working group composed of experts and external consultants of the Italian Development Cooperation, as well as members of other ministries (i.e. Welfare and Social Affairs) and World Bank staff. Thus, “Recommendations” presented in the report provide the basic framework of the Guidelines review on Disability; this document mainly aims to include disability issues in policies and activities undertaken by the Italian Cooperation.

Finally, the document has also been approved by regional and local institutions, the civil society, universities, as well as the organization of people with disability, who join the meeting organized by the Italian Cooperation in June 30, 2010. The final text includes any considerable intervention or contribution that has been made in that session. The dialogue between the Italian Cooperation and these actors will last in the future in order to fulfill the goal of promoting the rights for persons with disability, as well as enhancing disability *mainstreaming* policies in the Italian Cooperation programs.

Director General for Development Cooperation
ELISABETTA BELLONI

SUMMARY

INTRODUCTION

- I. PLANNING AND MONITORING NATIONAL POLICIES ON DISABILITY**
- National Observatory on the condition of people with disability
 - Annual Report to Parliament: section devoted to disability issues
- II. PLANNING AND MONITORING INTERNATIONAL POLICIES ON DISABILITY**
- Training activities
 - Twin track approach
 - Intervention in cases of emergency
 - Specific financial investment to fund initiatives for people with disability
 - Enactment of measures concerning “Accessibility”
 - Planning and formulating initiatives and projects for persons with disability
 - Ensuring coordination and consistency of policies on disability to improve Cooperation activities
 - Systematic data collection according to the OECD – DAC categories
 - Collaboration with other cooperation agencies for development
 - Involvement and support of organizations of persons with disabilities
 - Valuing the NGOs
 - Business community involvement
 - Sharing information and experiences with Italian institutions and utilizing their knowledge and experience
 - Monitoring and evaluating the application of Guidelines

III LEGISLATIVE REFERENCES

- National Framework
- International Framework

INTRODUCTION:

The commitment of Italian Cooperation toward the implementation of the Rights of Persons with Disabilities has its foundation in the experience that Italy has achieved in this sector.

From a legal point of view, Italy is considered one of the most advanced countries involved in the affirmation and protection of the rights of persons with disabilities, since the Italian legislation provides several policies devoted to disability issues.

Based on the national legislation, the Italian Development Cooperation has always considered the issue of disability as an essential component of its action and has always pursued an inclusive approach, aimed at overcoming special services for people with disabilities.

When drafting the International Convention on the Rights of Persons with Disabilities adopted by the UN General Assembly in 2006, Italy had the possibility to carry out a propulsive action by making its contribution to certain priority areas, for instance those concerned to the role of international cooperation, the importance of adopting specific measures for women and children with disabilities, inclusive education, as well as the important role that family has for a person with disabilities.

Italy was one of the fifty countries to sign the UN Convention on the Rights of Persons with Disabilities. By signing and ratifying the United Nations Convention and the Optional Protocol (Act March 3, 2009, n. 18), the Italian Cooperation has been entrusted by Art 32 with a specific mandate that should be pursued.

To fulfil the mandate entrusted by the Convention, the Italian Cooperation has carried out a mapping of the initiatives funded in 2000 to 2008. The results of this work have been collected into the "Report of the Italian Cooperation for the Promotion and Protection of the Rights of Persons with Disabilities". The analysis of the data presented in the report is also included in this document, which is mainly aimed at providing principles that can guide the Italian Cooperation in identifying equipments and actions to include the issue of rights of persons with disabilities in its policies and activities.

This work pursues the promotion of the rights of persons with disabilities, focusing on the centrality of the human being, as well as on the valorisation and inclusion of persons with disabilities, so that they can fully participate in the social, economic, political and cultural context of a society that accommodates and respects their differences.

I. PLANNING AND MONITORING NATIONAL POLICIES ON DISABILITY

The Italian Cooperation will provide its contribution to the activities concerning:

National Observatory on the condition of people with disability²

The law ratifying the entry into force of the UN Convention also established a “National Observatory” for the condition of persons with disabilities that will have the task to draft a detailed report on the measures taken to effectively implement the obligations ratified by the document and on the progress obtained for this purpose. This Observatory could:

- Envisage the presence of a representative of the Development Cooperation in order to report information about the two-year action plan scheduled by the Observatory;
- Contribute to the monitoring activities through the elaboration of a detailed report on measures undertaken at an international level to implement the UN Convention (Art.35).

Annual Report to Parliament: section devoted to disability issues

In order to report the implementation of the cooperation policies for development, the Annual Report to the Parliament by GDDC should contain a specific section devoted to disability issues.

² The law ratifying and implementing the UN Convention [See Article 3, paragraph 5 d) L.3.3.2009 n.18. Ratification and implementation of the UN Convention on the Rights of Persons with Disabilities, with the Optional Protocol, signed in New York December 13, 2006 and Establishment of the National Observatory on the Status of Persons with Disabilities. Published in the Journal no. March 14, 2009, No 61] include the creation of a National Observatory on the Status of Persons with disabilities who have the task of promoting the implementation of the Convention, to assume the inter-institutional coordination and active participation of organizations of persons with disabilities. In particular, the Centre has the task of developing the programming tool for monitoring both nationally and internationally.

II. PLANNING AND MONITORING OF NATIONAL POLICIES ON DISABILITY.

Training activities

- Training on disability issues and development for GDDC personnel, and more in general for the staff of the Ministry of Foreign Affairs, following the example of other bilateral cooperation. The same training program could be accomplished for all the executing entities which implement projects on the issue of decentralized cooperation, NGOs and DPOs (UN Convention, Art. 4 point i), as well as for collaborators in partner countries, taking account of the channel of university cooperation;
- Promoting "modules" of training on "development, human rights and disability" in the different areas where GDDC participates, such as university courses and master's degrees (UN Convention, Art. 8 point d);
- Training activities described in the paragraphs above should aim to promote the emergence of an increasingly open and sensitive approach toward disability issues, both in Italy and in the partner countries in order to overcome all the socio-cultural barriers still existing.

Twin track approach

- The Italian Cooperation must increase its efforts for promoting disability *mainstreaming*³ policies in its activities;
- It will also be important to continue implementing initiatives that specifically address persons with disabilities taking into account their specific needs (*disability specific activities*);
- With appropriate and regularly-issued statistics we will be able to monitor this approach. This can also be done by way of accessible web pages (based on the standards provided for by Italian Law 4/2004) on the Ministry's website. In the near future, an interactive databank should be developed, which could be accessed online and include all national and international information on the subject.

³ The term mainstreaming refers to the mainstreaming of disability issues into all policies and practices in social, economic, legislative, political and cultural.

Increase technical qualifications and project capabilities to more accurately define the needs and the rights of persons with disabilities in catastrophes and natural disasters.

Implement the provisions contained in Art. 5 of the Charter of Verona (Carta di Verona) on saving persons with disabilities in catastrophes and natural disasters considering the responsibility of institutions at all levels in implementing the provisions needed to guarantee the right level of protection and security of persons with disabilities in a risk situation and ensure that all services be provided, avoiding any discrimination on the grounds of disability.

Also, the initiatives of Italian Cooperation will have to constantly consider the evolution of the international legislative framework on strategies, policies and interventions in favor of persons with disabilities in emergency situations.

Formulating initiatives and projects for persons with disabilities

In its budget, the Italian Cooperation should allocate part of the funds specifically to promoting and protecting the rights of persons with disabilities.

Priority should be given to funding interventions at the regional level with a coordinated investment that would guarantee greater systematic order and a greater impact by avoiding the geographical fragmentation of the interventions.

Considering the tight link between poverty and disability and considering the 2009-2011 Guidelines and Programs, the Italian Cooperation should increase its efforts towards the poorest countries, like the African countries.

Enactment of measures concerning “Accessibility”

Since only 3.9% of projects mapped by the report implement activities aimed at eliminating physical and sensory barriers, it would be necessary to:

- Enact directives devoted to the accessibility issue, along the lines of what other cooperation agencies have done⁴;
- Ensure the accessibility of the infrastructures funded by GDDC (both new and renovated), in compliance with the UN Convention, Art. 9, par.1, point a;
- Promote the implementation of initiatives aimed at making LTU infrastructures accessible, by organizing training activities that will introduce the concerned

⁴ As an example, in June 2005 the U.S. Agency for International Development (USAid) issued a directive, the Acquisition & Assistance Policy Directive (AAPD) for implementing and supporting accessibility standards for persons with disabilities in terms of contracts, funding and cooperation agreements

personnel to a deep understanding of the national and international legislation that regulate the access of persons with disability.

Planning and formulating initiatives and projects for persons with disabilities

The Italian Cooperation should ensure that the financial proposals submitted to the decision-making body of GDDC will be aimed at:

- Analyzing the context by collecting data about the population so that it will be to clearly identify persons with disability, distinguished by age and gender;
- Adopting an updated terminology that takes account of the evolution of the international language which is increasingly becoming aware of the fact that disability, as well as the respect of human rights represent a many sided issue (UN Convention Art.1);
- Considering of the approach based on the principles of accessibility (*Universal Design*)⁵. This corresponds to plan accessible infrastructure, as well as to adopt accessible technologies (UN Convention, Art.32, par.1, point a);
- On the basis of the European experience in allocating structural funds for 2007-2013⁶, fostering projects to be accessible for persons with disability;
- Giving priority to the institutional strengthen of countries involved in the field of promotion of the rights of people with disability. Such approach could be more clearly directed towards those countries (i.e. Italy) that have ratified the UN Convention and should proceed to the updating and predisposition of the referential legislation, as established by this Convention;
- Within this context, supporting *capacity building* and *empowerment* activities of the DPO in the developing countries.

⁵ This term means “designing products, structures, programs and services useable by all persons, as extensively as possible, without the need for adaptations or specialized design. The “Universal Design” does not exclude support instruments for particular groups of persons with disabilities where necessary” (Art. 2 – UN Convention).

⁶ REGULATION (CE) N. 1083/2006 OF THE COUNCIL of July 11, 2006 which sets general provisions on the European Fund for Regional Development, on the European Social Fund and on the Cohesion Fund and repeals regulation (CE) n. 1260/1999. See *Article 16 – Equality between Men and Women and Non Discrimination:* “[...] Member States and the Commission adopt measures to prevent any and all discriminations on the grounds of gender, race and ethnic origin, religion or personal convictions, disability, age and sexual orientation during the implementation phases of the Funds, and specifically regarding access to said funds. Accessibility for persons with disabilities is one of the criteria to comply with in defining operations that are co-financed by the Funds and need to be considered in the various implementation phases.”

Ensuring coordination and consistency of policies on disability to improve Cooperation activities

- As stated in the 2004 OECD-DAC Peer Review and announced in the Peer Review of 2009, GDDC aims at examining consistency of policies on disability. This activity should be in line with national policies and procedures on disability, as well as international commitments (Art.4 - UN Convention). For this purpose, GDDC should promote initiatives, both on disability and education, aimed at encouraging partner Countries to adopt a legislation for the protection of the human rights of persons with disabilities;
- Establishing a monitoring system that should be structured on at least three levels: in the dialogue and negotiation phase with partner Countries when identifying policies we plan on supporting and activities we plan on implementing, and in evaluating completed initiatives;
- In the dialogue with the European Union, to whom the Italian Cooperation provides significant funding. One of the responsibilities of the European Union, that ratified the UN Convention on November 26, 2009, is development cooperation, emergency and the agendas with third countries, which should be regulated and monitored in compliance of article 32 of the Convention.
- In cooperation, that has been implemented through multilateral channels (United Nations, the World bank and regional development banks, etc.).

Systematic data collection according to the OECD – DAC categories

- Promoting the possibility to identify more clearly the projects directed to persons with disabilities, in compliance with the OECD-DAC classification mechanism. This would also produce an instrument that would enable us to better comply with the monitoring requirements set by the Convention on commitments made by Italy.

Collaboration with other cooperation agencies for development

In order to obtain a greater effectiveness of aid and to promote joint policies, the Italian Cooperation should take the lead in promoting initiatives aimed at encouraging an exchange of information and experiences on inclusive development with the other cooperation organizations that work for Development Aid.

With regard to promoting more compelling *mainstreaming* activities on disability, it would be useful to plan multi-dimensional and multi-partner initiatives that can impact the lives of persons with disabilities in a “no-gap policy” perspective. At the Country level, donors coordination meetings provide a unique opportunity.

Involvement and support of organizations of persons with disabilities

- Encouraging measures specifically directed to persons with disabilities, their organizations and their networks;
- Engaging persons with disabilities in identifying policies, in managing and evaluating cooperation programs.

Article 32 of the Convention invites all States Parties to undertake measures “that will lead the International Cooperation, as well as international development programs, to include persons with disabilities.”

This refers to the beneficiaries of the projects as well as to the operators.

- Building on the best practices developed by the World Bank, we propose the creation of an accommodation fund to actually implement such inclusion.⁷

Valuing the NGOs

- GDDC could support initiatives with broader scope that involve NGOs. Their presence and involvement would be coordinated and their initiatives would be implemented at a regional level.

Business community Involvement

- Identifying mechanisms that would responsibly engage the business community. The business community is competent in a number of fields (employment, training, providing civil works and services, technical assistance, etc.) and could better address the challenge of access to services, buildings and transportation;
- Information and technologies, in compliance with the principles of Corporate Social Responsibility;
- The active involvement of entrepreneurs could help design and develop accessible work environments that would facilitate the job integration of persons with disabilities by eliminating the barriers that deny their access to training, to jobs and to carriers opportunities;
- The involvement of the Italian business community should include the promotion of working activities in favor of persons with disabilities, as well as a financial

⁷ This would be a modest fund that can be used to cover any additional costs needed to allow participation of persons with disabilities (e.g. printing in Braille, interpreters for sign language, accessible transportation, etc.)

investment in support of activities promoted by the Italian Cooperation in the countries where it operates.

Sharing information and experiences with Italian institutions and utilizing their knowledge and experience.

- Encouraging the Italian Cooperation to support the involvement of universities, businesses and local agencies (decentralized cooperation) so that the experience Italy developed nationally could be known and utilized internationally;
- This involvement should be further enhanced by creating structured collaborations.

Furthermore, GDDC could act as a catalyst for political, cultural and financial investment by promoting synergies among Italian actors at the Country level, in order to implement coordinated measures in this field.

Monitoring and evaluating the application of Guidelines

- Defining a procedure system that complies with Art.32 of the UN Convention, and aims at introducing the disability issue in all the initiatives undertaken by the Italian Cooperation, including projects not directly focused on this issue. Furthermore, it should be evaluated the effective application of any project , as well as the effect it exerts on final beneficiaries (i.e. it will be useful to introduce the “disability” marker in the proposal for financing);
- Identifying specific indicators to measure the impact of the projects for persons with disability. Those indicators can be used in assessing project proposals funded by the Italian Cooperation;
- Promoting every useful link between this document and the revision of other Guidelines as approved by GDDC, in compliance with Art.6 and Art.7 of the UN Convention (i.e. gender issues or the rights of minors);
- Realizing an action plan of GDDC to regulate the implementation of its Guidelines.