



# **European Semester 2020-2021 country fiche on disability equality**

Italy

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# **European Semester 2020-2021 country fiche on disability equality**

With comparative data annex provided by EDE

## **Italy**

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European Disability Expertise (EDE) provides independent scientific support to the Commission's policy Unit responsible for disability issues. It aims to mainstream disability equality in EU policy processes, including implementation of the United Nations Convention on the Rights of Persons with Disabilities.

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<sup>1</sup> For an introduction to the Semester process, see <https://www.consilium.europa.eu/en/policies/european-semester/how-european-semester-works/>.

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## **1 Executive summary and recommendations**

### **1.1 Key points and main challenges for the European Semester in 2021**

The situation of persons with disabilities in Italy is strongly affected by the way in which the Italian welfare system is organized. At present, this system is highly fragmented, due to the plurality of institutions responsible for defining and implementing the welfare interventions. This fragmentation often leads to the rights being violated in practice (or not being effectively implemented). Implementation of an inclusive and coherent social protection system, which involves the territorial entities, but which is not lacking in a strong direction at the national level is a priority.

#### *Labour market*

The system for collecting data on persons with disabilities in the labour market has some flaws. It is necessary to improve this system and to ensure that the submission to Parliament of the biennial reports of the Ministry of Social Policies, provided for by the Law No. 68/1999 (Article 21) is carried out in a constant and timely manner. From an operational point of view, and in consideration of the protracted Covid-19 emergency, it is important to ensure that virtual workplaces are fully accessible and inclusive. In this regard, it is necessary to ensure the correct implementation of Law Decree No. 76/2020 ('Misure urgenti per la semplificazione e l'innovazione digitale' and converted into Law No. 120/2020), which has expanded the obligation to use accessible computer media, extending it to private entities that offer relevant services to the public.

#### *Education*

The analysis highlights the presence of architectural barriers, the removal of which represents a precondition for the right to education of people with disabilities as protected and promoted by the Italian Constitution. The lockdown and the closure of schools due to the Covid-19 pandemic have severely penalized students with disabilities. Distance learning has had a negative impact especially on students with intellectual and psychosocial disabilities and has highlighted the absolute need to find appropriate solutions, including regulation of the accessibility of telematic platforms, definition of flexible solutions for home education, support for families, and provision of interventions to ensure the appropriate use of teaching and educational staff.

#### *Social policies and healthcare*

The analysis of the social situation of persons with disabilities shows that it is necessary to reorder and harmonize the regulatory provisions and the related administrative procedures, regarding criteria and requirements for access, provision and determination of benefits, interventions and services aimed at the person with disabilities; rearrangement of the various funds intended for the protection, support and promotion of the rights of the person with disabilities and the enhancement of the role of care, support and assistance of the family. At the same time, it is of particular importance to reverse the condition of poverty, review the protocols of taking charge and care and implement a harmonious data system, also aimed at an effective and efficient management of emergency situations in residential structures.

## 1.2 Recommendations for Italy

These recommendations are based on the evidence and analysis presented in the following chapters of our report.

- **Recommendation:** Rationalization of sources of law in this field and reorganization of welfare measures. Greater coordination between territorial levels and definition of the essential levels of benefits. Approve the Code on disability, to harmonize the provisions in force on this field.  
**Rationale:** The plurality of the levels of government involved, the multiplicity of interventions and measures, and the diversity of access criteria produce: I. uncertainty about the effectiveness of rights; II. considerable territorial differentiation, contrary to the principle of equality (Art. 3 of the Italian Constitution).
- **Recommendation:** Implement measures already present in the legal framework and invest public funding to eradicate barriers to persons with disabilities participation in the labour market; improve the data collection system.  
**Rationale:** Law no. 68/1999 lacks implementation and its revival, provided by the *Secondo piano biennale sulla disabilità* (Second two-year programme on disability, 2017), is still not happening. Data shows that I. participation level of persons with disabilities into the labour market is lower than average and that II. persons with disabilities face multiple forms of discrimination.
- **Recommendation:** Improvement of the accessibility and inclusiveness of schools and the presence of qualified support teachers. Develop digital skills for persons with disabilities.  
**Rationale:** The Italian model of 'integrazione scolastica' (educational inclusion) has long been regarded as a leader in the field of inclusive education, but there are still many school buildings with architectural barriers. Furthermore, the number of support teachers is insufficient and support teachers are often poorly trained.
- **Recommendation:** Improve measures to combat poverty of persons with disabilities and review the care protocols, also to limit the use of residential services as much as possible and to favour home care, inclusive interventions and independent living paths.  
**Rationale:** Disability is a key factor that exposes people to the risk of poverty in Italy. The legislation that introduced measures to combat poverty is marked by fragmentation and a high number of subsequent amendments, which have not adequately taken disability into account concerning the definition of access criteria. The Covid-19 epidemic has shown how persons with disabilities living in institutions are more likely to contract the virus, have higher mortality rates, and are at greater risk of developing more serious health conditions.

## 2 Opportunities to mainstream disability equality in the Semester documents

### 2.1 [Country Report](#) for Italy (Staff Working Document)

In 2020, the Country Report for Italy included the following direct references to disability issues:

- ‘p. 43 Adequacy and access to quality social services remains a challenge... groups of vulnerable persons who depend on social services but who may not be among the beneficiaries of the minimum income, such as the elderly or people with disabilities, may be particularly affected’
- ‘p. 48 Teacher shortages are a major challenge ... Finally, more investment in the skills and professional competences of teachers would also benefit the integration of students with disabilities’

The Country Report does not take into consideration the difficulties and the barriers persons with disabilities face when entering the job market. The Country Report just affirms that ‘There has been some progress in i) ensuring that active labour market and social policies are effectively integrated and reach out to vulnerable groups’ (p. 3) and that ‘the ESF has supported the participation in employment and social inclusion initiatives of 107,600 persons with disabilities’ (‘Box 2.1: EU funds and programmes to address structural challenges and foster growth and competitiveness in Italy’, p. 20).

Disability inclusion in the workplace and equal employment should be taken into consideration in the future. There is considerable evidence available to support this analysis, which is provided in chapter 3 of our report and in the statistical annex.

### [Country Specific Recommendation](#) for Italy (CSR)

In 2020, the Country Specific Recommendation for Italy included the following direct references to disability issues:

- ‘17. Strengthening income replacement and support is particularly relevant for atypical workers and people in vulnerable situations. Provision of services aimed at social and labour market inclusion is also key. The new minimum income scheme, which provided over the past year benefits to more than one million households (EUR 513, on average), may mitigate the effects of the crisis. However, its reach out to vulnerable groups could be improved.’
- ‘18. Some steps were taken to strengthen public employment services and better integrate them with social services, adult learning and vocational training’
- ‘19. The current emergency also shows the need to improve digital learning and skills, including for working age adults and distance learning ... investing in distance learning as well as in the digital infrastructure and skills of educators and learners, is particularly important.’

Persons with disabilities suffers from the digital divide for socio-economical and accessibility reasons. The ‘didattica a distanza’ (e-learning), during the Covid-19 emergency, has been a discriminatory factor. Specific difficulties faced by persons



with disabilities in relation to digital inclusion should be taken into consideration, by connecting it to other EU initiatives.

### 3 Disability and the labour market - analysis of the situation and the effectiveness of policies

In 2016, the UN CRPD Committee made the following recommendations to Italy:

[Article 27 UN CRPD](#) addresses Work and Employment.

'70. The Committee recommends that the State party be guided by Article 27 of the Convention in implementing targets 8.5 of the Sustainable Development Goals; and that it ensures the achievement of full and productive employment and decent work for all, including persons with disabilities, and equal pay for work of equal value. In addition, the State party must implement special measures to address the low level of employment for women with disabilities. It also recommends that the State party remove any legislation limiting the rights of persons with disabilities to perform any profession on the grounds of their disability.'

Having regard to the relation between disability and the labour market, the Second two-year programme on disability, approved in 2017,<sup>2</sup> is strongly linked to the First Biannual Action Plan, dating back to 2013.<sup>3</sup>

The Second two-year programme on disability contains eight lines of interventions; line no. 5 is devoted to work and employment. It states that Italy has important know-how in the field of work inclusion of persons with disabilities. It recommends adopting relevant measures and to update the legal framework in order to improve the overall efficiency and safety of the system.

#### 3.1 Summary of the labour market situation of persons with disabilities

Data from EU-SILC indicate an employment rate for persons with disabilities in Italy of 51.9 % in 2018, compared to 67.1 % for other persons and approximately 1.1 points above the EU27 average - resulting in an estimated disability employment gap of approximately 15 percentage points (EU27 average gap 24.2, see Tables 2-4).

The same data indicate unemployment rates of 16.6 % and 13.3 %, respectively in 2018 (see Tables 5-7) and the economic activity rate for persons with disabilities in Italy was 62.3 %, compared to 77.5 % for other persons (see Tables 8-10). These indications are broken down by gender and age in the respective tables in annex.

Labour-market challenges for people with disabilities in Italy are rooted in an overall complex situation, which has worsened in recent years. The system for collecting data on disability and labour market in Italy presents some flaws (outlined in annex 7.1.3). Nevertheless, in the second quarter of 2020, as highlighted by ISTAT, 'the dynamics of the labour market were affected, even more than in the previous quarter, by the important perturbations induced by the health emergency. Labour input, measured by hours worked, showed a sharp decrease compared to both the previous quarter (-13.1 %) and to the same quarter of 2019 (-20.0 %). These trends were consistent

<sup>2</sup> <https://www.lavoro.gov.it/notizie/Documents/II-Programma-di-azione-biennale-disabilita.pdf>.

<sup>3</sup> <https://www.gazzettaufficiale.it/eli/id/2013/12/28/13A10469/sg>.

with this stage of exceptional drop in the economic activity, with a quarter-over- quarter GDP decline of 12.8 %.<sup>4</sup>

Recently, in December 2019, the Istituto Nazionale di Statistica (hereinafter, ISTAT) published an e-book titled *Knowing the world of disability: people, relations and institutions*.<sup>5</sup> The data collected in the e-book show that persons with disabilities are still facing numerous obstacles when they enter the labour market.

In particular:

- In Italy, just 31.3 % of persons with severe impairments, aged 15-64, have an occupation, *versus* 57.8 % of persons without impairments.
- a gender gap clearly emerges just 26.7 % of women with disabilities are employed, *versus* 36.3 % of men with disabilities.
- The educational level is a dividing line in a general way. Obviously, this is also true for persons with disabilities.
- The data show the persistence of the well-known North/South divide, even with regards to working inclusion.
- The main employer for persons with disabilities is the public service, because Law no. 68/1999 is strictly enforced by public entities. Moreover, a specific regulation guarantees reservations (i.e. quotas) in public competitions. A *contrario*, one could argue that the sanctions referred to in Law No. 69/1999 are not dissuasive enough for private firms and employers. As pointed out by disability rights activists, for many employers paying the fines provided by Law No. 68/1999 is the simplest and cheapest choice.
- Employee satisfaction is lower for persons with disabilities. Among persons without disabilities, the percentage of individuals 'very satisfied' or 'fairly well satisfied' is significantly higher.
- In Italy, the achievement of individual autonomy from the family of origin is slower than in other EU countries. Disability narrows the possibilities to reach this goal and having a job is the first step on the road to independent living. The findings show that among persons with disabilities who have their own family unit, the percentage of persons who have a job is meaningfully high (49.5 %). For people with severe disabilities, work inclusion is a determining factor for autonomy.

### **3.2 Analysis of labour market policies relevant to the Semester**

The Second two-year programme on disability contained some specific lines of work concerning the quality of the targeted employment services throughout the country. For large companies, it proposed measures like the establishment of 'company monitoring bodies' and the recruitment of 'disability managers' to promote the inclusion of persons with disabilities' in the workplace.

Also, it stressed the need to coordinate specific interventions regarding the work inclusion of persons with disabilities with far-reaching labour market reforms, like the one adopted in 2015 with the so-called Jobs Act (Legislative Decree No. 151, 14 September 2015, 'Disposizioni di razionalizzazione e semplificazione delle procedure

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<sup>4</sup> <https://www.istat.it/en/archivio/247057>.

<sup>5</sup> <https://www.istat.it/it/archivio/236301>.

e degli adempimenti a carico di cittadini e imprese e altre disposizioni in materia di rapporto di lavoro e pari opportunità, in attuazione della legge 10 dicembre 2014, n. 183'), which modified Law No. 68/1999 ('Norme per il diritto al lavoro dei disabili').<sup>6</sup>

Law No. 68/1999, following Law No. 482/1968 ('Disciplina generale delle assunzioni obbligatorie presso le pubbliche amministrazioni e le aziende private'), aims to promote of the insertion and labour integration of disabled people in the world of work through support services and targeted placement (Article 1). Since its approval, Law No. 68/1999 has been unanimously considered the pivotal act regarding disabilities and work inclusion in Italy. Accordingly, every amendment should be carefully considered and promptly implemented. Nevertheless, as already underlined by previous ANED reports, some new tools are defined by d. lgs. No. 151/2015 (the Linee guida per il collocamento mirato, Guidelines for targeted employment, and the Banca dati sul collocamento mirato delle persone con disabilità, Database on targeted employment for persons with disabilities). Although such tools are seen as essential to guarantee the right to work for persons with disabilities, as of today they have not been implemented.

Specifically, the Second two-year programme on disability includes three wide-range actions. The first action is titled 'Identification of specific improvement and work integration interventions', the second one, 'Interventions in targeted placement activities', the third one, 'Technical and organizational interventions to improve the targeted work activity'. Every macro-action is broken down into specific actions that must involve social partners and subnational entities. In particular, regional participation seems to be crucial.

Having in mind the Italian constitutional framework, it must be pointed out that work inclusion of persons with disabilities and implementation of Law No. 68/1999 vary from region to region. Northern and central regions adopted promotional measures, with the aim of improving the national regulation's efficacy. The southern regions have been less ambitious. Such regional asymmetries are partially tied to relevant disparities in education and professional skills development.

The National Reform Program - DEF 2020, in referring to the labour market, does not take into account the situation of persons with disabilities and their professional skills. Reference is made to the measures adopted by Decree No. 18 of 17 March 2020 (also known as Cura Italia; converted into Law 27/2020).<sup>7</sup> The Cura Italia provided an organic set of fiscal and economic policy measures aimed at ensuring the necessary economic support to citizens and businesses throughout the country. The same decree provided (Article 26), the possibility of taking time off from work for workers with disabilities or immunosuppressed, who are potentially more vulnerable to contagion. In this case, absence from work is equated to hospitalization, for which a reduction of 2/5 of the normal allowance is envisaged if there are no dependent family members.

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<sup>6</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1999-03-12;68!vig=2020-09-11>.

<sup>7</sup> <https://www.gazzettaufficiale.it/showNewsDetail?id=2537&provenienza=home>.

More determined action should be taken concerning financial support for self-employed persons with disability, considering that there is no certain time for the end of the social distancing measures necessary to avoid the spread of Covid-19.

As pointed out by UN, 'While having a disability probably doesn't by itself put someone at higher risk from Coronavirus, many persons with disabilities do have specific underlying conditions that make the disease more dangerous for them'.<sup>8</sup> Social distancing for persons with disabilities, though, must not become a reason to justify their 'precautionary' removal *sine die* from workplaces. This can have serious negative consequences for their long-term occupation and, in the long run, for their health and well-being.

Smart working skills are crucial nowadays, but the virtual workplaces have to be fully accessible and inclusive. From this point of view, it should be emphasized how a recent provision (Law Decree No. 76/2020, converted into Law 120/2020)<sup>9</sup> has expanded the obligation to use accessible computer media, also extending it to private entities offering relevant services to the public. In November 2019, the Agenzia per l'Italia Digitale (AGID) published the Linee guida per l'accessibilità degli strumenti informatici (Guidelines for the accessibility of informatic tools),<sup>10</sup> implementing EU Directive 2012/2016. The Guidelines provides criteria per workplace accessibility.

Possible interventions might aim to:

- Improve the efficacy of the placement mechanisms outlined by Law no. 68/1999 and adopt a more effective and persuasive system of incentives and sanctions.
- Improve the data collection system. To implement effective policies, policymakers need early and clear information. Moreover, a shift toward data-based policy making could promote a more transparent public debate about disability labour policies.
- Improve the quality of digital and technological skills.
- Lack of accessibility is still a problem: legal measures are often ineffective and the funds to ensure accessibility of workplaces are inadequate.
- The Italian legal framework, after the decision CJEU C-312/11 (4 July 2013),<sup>11</sup> expanded the scope of application of reasonable accommodation. But for many employers, the concept of reasonable accommodation is still virtually unknown. A shift of cultural paradigm should be promoted: reasonable accommodation is mandatory for each and every employer. Reasonable accommodation denial is a discriminatory action, forbidden by Legislative Decree no. 216, 9 July 2003, as modified by Law No. 99, 9 August 2013.<sup>12</sup>

### *Response to Covid-19*

Recently, in spring 2020, during the Covid-19 pandemic, a working table appointed by the Italian government published a three-year plan named 'Iniziativa di rilancio

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<sup>8</sup> COVID-19 Outbreak and Persons with Disabilities, 21 March 2020, available at <https://www.un.org/development/desa/disabilities/news/dspd/covid-19.html>.

<sup>9</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2020-07-16;76/vig=2020-09-11>.

<sup>10</sup> <https://www.agid.gov.it/it/design-servizi/accessibilita/linee-guida-accessibilita-strumenti-informatici>.

<sup>11</sup> <https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=CELEX%3A62011CA0312>.

<sup>12</sup> <http://www.normattiva.it/eli/id/2003/08/13/003G0240/CONSOLIDATED/20130628>.

2020-2022'<sup>13</sup> (also known as Piano Colao (Colao Plan), after the name of the working group chairman).

The plan is well conceived and wide-ranging; it has no legal value, but a political one.

Anyway, it should be noted the Piano Colao contains explicit reference to disability. Point 82 enumerates seven actions concerning the work inclusion of persons with disabilities. These actions have to do with: 1. the identification of a protection system for all workers with disabilities in the phase when work activities reopen, 2. the reasonable accommodations, 3. the availability of 'disability managers', 4. the implementation of the above mentioned 'Database on targeted employment for persons with disabilities', 5. the reform of the data collection system in the working environment, 6. the need for a deeper and adequate inclusion of persons with disabilities in active employment policies, and 7. accessibility and removal of architectural barriers in the workplace.

It has to be pointed out that the Piano Colao makes reference to the United Nations Convention on the Rights of Persons with Disabilities, but it does not mention the European Pillar of Social Rights, nor are mentioned targets 8.5 of the Sustainable Development Goals.

In the near future, the downturn generated by Covid-19 pandemic will have serious repercussions from an economic point of view.

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<sup>13</sup> [http://www.governo.it/sites/new.governo.it/files/comitato\\_rapporto.pdf](http://www.governo.it/sites/new.governo.it/files/comitato_rapporto.pdf).

#### **4 Disability, social policies and healthcare – analysis of the situation and the effectiveness of policies**

In 2016, the UN CRPD Committee made the following recommendations to Italy:

[Article 28 UN CRPD](#) addresses Adequate standard of living and social protection.

‘72. The Committee recommends expediting constitutional reform to homogenize social protection interventions and policies throughout the national territory; expedite the adoption and implementation of Minimum Standards of Social Assistance; conduct assessments of the impact of austerity measures on children and adults with disabilities, and prevent any further reduction in resources that can increase levels of poverty. In addition, the Committee recommends to the State party to be guided by article 28 of the Convention in implementing Sustainable Development Goal 10, target 10.2, including by mainstreaming disability in its poverty reduction policies.’

[Article 19 UN CRPD](#) addresses Living independently in the community.

‘48. The Committee recommends that the State party implement safeguards to retain the right to autonomous independent living across all regions, and redirect resources from institutionalization to community-based services and increase budget support to enable persons with disabilities to live independently across the country and have equal access to services, including personal assistance.’

[Article 25 UN CRPD](#) addresses Health.

‘66. The Committee recommends expediting the adoption, funding and implementation of Minimum Standards of Healthcare (LEA) so all children have access to early identification and intervention according to their requirements. The Committee recommend that the State party take into account article 25 of the Convention while implementing Sustainable Development Goal 3, target 3.7 and 3.8’

[Article 26 UN CRPD](#) addresses Habilitation and rehabilitation.

‘68. The Committee recommends reviewing and revise the Minimum Standards of Assistance, in close consultation with organizations representing persons with disabilities, to refrain from resourcing segregated services and redirect resources to support for independent living. The Committee further recommends expediting the adoption, funding and implementation of the Minimum Standards of Assistance, so that all adults and children with disabilities have full access to comprehensive services and programs of habilitation and rehabilitation within their community.’



The 2017 Second two-year programme on disability<sup>14</sup> contained eight lines of interventions. Line No. 2 is devoted to 'Policies, services and organizational models for independent living and inclusion in the Society'. The proposed actions focused mainly on interventions relevant to Article 19 CRPD.

#### 4.1 Summary of the social situation of persons with disabilities

Data from EU-SILC indicate the poverty risk rate for working age persons with disabilities in Italy was 24.1 % in 2018, compared to 20.2 % for other persons of similar age - an estimated disability poverty gap of approximately 4 percentage points (see Table 14). For people aged over 65, the disability poverty gap was 4.6 points (17.2 % for older persons with disabilities and 12.6 % for other persons of similar age). The tables in annex also indicate the respective rates of AROPE and break these down by gender as well age.

ISTAT data indicate that social payments, even often inadequate to enjoy human dignity, equal treatment, and independent life, play an important role in helping persons with disabilities and their families. Nevertheless, as 28.7 % of the families with a member with disabilities are in a situation of material deprivation (i.e. cannot afford necessary goods and services).

As highlighted by Global Burden of Disease Study findings, in 2015, life expectancy in Italy was 82.7 years (second highest in the EU) but per capita expenditure on health was below the EU average (9.1 % of GDP). Based on these data, Italy's overall health-care system performance was highly ranked in global indices.<sup>15</sup> In relation to disability, the ISTAT data<sup>16</sup> indicates that:

- The link between limitations and chronic morbidity is very strong. In 2015, 10.7 million people declared at least 3 chronic diseases (18.5 %). 9.2 million report at least one serious chronic disease (15.9 %). 69 % of persons in these groups report limitations and this share exceeds 77 % among the elderly.
- In southern Italy, the population as a whole has higher prevalence of chronic morbidity than the Centre-North for the same age classes.
- The gaps in the prevalence of chronicity related to the severity of the limitations are also differentiated by gender. Women are affected more frequently than men by three or more chronic diseases (22.0 % vs. 14.8 %).
- In Italy, in the population >15 years old, the percentage of people with severe limitations sensory or motor is very close to the European average: 2 % declare serious limitations in sight (2.1 % EU28), 4.1 % in hearing (4.1 % EU28) and 7.2 % in walking (6.6 % EU28).
- There is a strong link between illness, disability and socio-economic status.

The Italian welfare system provides disability-related financial support if a reduction or a loss of the ability to work and to perform activities of daily living independently is recognized, and is distinguished between *assistance* and *pensions*, depending on the

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<sup>14</sup> <http://www.handylex.org/stato/d121017.shtml>.

<sup>15</sup> Italy's health performance, 1990–2017: findings from the Global Burden of Disease Study 2017, Lancet, 2019.

<sup>16</sup> <https://www.istat.it/it/files//2019/12/Disabilit -1.pdf>.



financial sources. In fact, assistance is financed through the general taxation and has a solidarity-type purpose, aimed at protecting subjects in conditions of need; the pension system is financed by the contributions paid while working by workers and employers.

In Italy, payments regarding social assistance prevail over social direct interventions. According to ISTAT data, in 2017 the Italian welfare system disbursed EUR 23 billion for 4.4 million of interventions of assistance. In the same year, the expenditure on disability-related pensions was EUR 14 billion for 14.4 million people. Since 2012, the total amount of resources allocated for persons with disabilities' financial support seems to be substantially steady. The figure is affected by the general trend regarding funds for social assistance, which depend on the allocations of the annual budget laws. The pensions part is stable, while assistance continuously decreased until 2016. Almost half of the beneficiaries (43.1 %) are over 75 years old and 59.4 % are over 65.

Public intervention regarding social care for persons with disabilities is primarily a matter for municipalities. Since 2003, municipalities increased the amount of money for disability-related policies: in 2003, it was EUR 1.22 billion, in 2016 EUR 1.797 billion; the amount per capita is almost doubled (EUR 1.478 in 2003, EUR 2.852 in 2016). The type of interventions also changed considerably over time, reflecting an increasing interest in independent living policies even at a local level.

The Covid-19 crisis, as underlined by DEF 2020, will have major economic consequences for Italy. The incoming recession could stress the economic-social situation of persons with disabilities and their families and endanger their rights. Moreover, pandemic has aggravated the consequences of the legislative and factual framework briefly mentioned above, highlighting the limits of the Italian care system.

## **4.2 Analysis of social policies relevant to the Semester**

### *Fragmentation and segmentation of supports*

The condition of persons with disabilities in the social and health context is strongly affected by the connotation of the Italian welfare system, characterized by fragmented, also due to the plurality of institutional subjects responsible for defining and implementing the interventions. Consequently, the fragmentation of the interventions often leads to the ineffectiveness of the legal situations protected.

The effects of the split between 'health' and 'assistance' matters, the first shared between the State and the regions (Article 117, paragraph 3 of the Italian Constitution), the other reserved for regions (Article 117, paragraph 4, of the Italian Constitution) and delegated to local authorities, have not been resolved by the transversal intervention of the State on the subject of essential levels of benefits (Article 117, paragraph 2, letter m, of the Italian Constitution), an intervention that has not been carried out in a consistent way yet.

Once the competences were separated, the spending centres were fragmented, giving rise to an inconsistent multilevel system and a source of inevitable legal uncertainty, which makes the reorganisation of local public policies problematic.

On the one hand, the reconstruction of services in kind (services) is extremely complex, since these interventions are carried out by regions, local authorities (single or associated) and healthcare companies. On the other hand, the inconsistency also depends on the plurality of economic services pertaining to the assistance sector. It is a multiplicity of interventions that vary according to the condition of disability and the age of the recipient; they are activated only at the request of the interested party and, except for the companion allowance and the allowance for the blind and deaf, are subject to certain income limits, which vary on a yearly basis.

Each intervention has a specific legislative regulation, often very old, in some cases integrated with subsequent interventions, and periodically updated with ministerial and circular decrees limited to income thresholds and benefit amounts. Unlike what happens for the provision of services, which refer to the various local authorities, for the economic services benefits are all centrally provided and managed by INPS, on the basis of state funding.

The construction of an inclusive and consistent welfare system, which involves the territorial autonomies but which is not lacking in a strong direction at the national level (through the identification of the essential levels of benefits, pursuant to Article 117, 2 lett.), is the priority to be implemented. From this point of view the *Piano per la Non autosufficienza 2019-2022*,<sup>17</sup> approved by Prime Ministerial Decree of 21 November 2019, represent an important first step. In fact, it outlines a gradual path aimed at strengthening interventions in favour of serious and very serious non self-sufficient people, with a view to defining essential levels of performance.

### *Building a more co-ordinated support for independent living*

The relevant action line of the Second disability programme is broken down into six specific actions:

- Fight against isolation, segregation and measures in favour of deinstitutionalization;
- Availability of services/facilities for the community, on an equal basis with others, to persons with disabilities and adaptation of services/facilities to their functioning;
- Promoting independent living and home care services;
- Strengthening and efficacy of personal assistance;
- Sharing and spreading principles and tools of personalized intervention;
- Legal protection of persons with disabilities and their self-determination.

The ultimate goal is the guarantee of the right to independent living, as defined by Article 19 CRPD. The programme underlines that since 2013 the Ministero delle politiche sociali experimented with a new approach regarding independent living policies, aiming to build a uniform method of intervention throughout the country. To date, however, there are significant differences between regions:

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<sup>17</sup> <https://www.gazzettaufficiale.it/eli/id/2020/02/04/20A00639/sg>.

- As highlighted by the 2020 National Reform Programme for Italy, the adoption of the enabling law on disability, approved by the Council of Ministers No. 48 of 28 February 2019, assumes a strategic value;
- The objective of the enabling law is to ‘harmonize, rearrange and simplify, even by innovating, the provisions in force on disability, also for the purpose of defining the Code for the person with disabilities’.

In particular, Article 3 paragraph 1 of the draft law provides that the delegated legislator intervenes according to the following criteria and guiding principles:

- Ensure the integration of the offer of interventions and services, identifying for this purpose the essential levels of benefits in favour of persons with disabilities, pursuant to Article 117, paragraph 2, letter m), of the Constitution;
- Reorder, harmonize and simplify the regulatory provisions and the related administrative procedures, regarding: criteria and requirements for access, provision and determination of benefits, interventions and services aimed at the person with disabilities, taking into account the actual and specific degree of socio-economic needs;
- Rearrange the various funds intended for the protection, support and promotion of the rights of the person with disabilities and the enhancement of the role of care, support and assistance of the family.

The Code, with a view to simplifying and making effective rights, aims to increase the effectiveness of the system of protection of persons with disabilities, in accordance with the CRPD and to strengthen all measures aimed at promoting their independent life. The financial resources allocated with the Budget Law for 2020 on the new Fund for disability and non self-sufficiency is targeted to this purpose.

As specified in the 2020 NRP, a first step in this process is represented by the adoption of the *Piano per la Non autosufficienza 2019-2021*.<sup>18</sup> Over the three-year period, more than EUR 1.7 billion are earmarked for the implementation of the Plan.

### *Health care*

From a legal point of view, Article 32 of the Italian Constitution provides that ‘The Republic safeguards health as a fundamental right of the individual and as a collective interest and guarantees free medical care to the indigent.’

Law No. 833/1978<sup>19</sup> established the *Servizio sanitario nazionale* (National health service), implementing Article 32 IC. As stated above, the health care system is markedly decentralised, with large responsibilities carried by subnational governments.

The *Secondo programma biennale disabilità* recognizes the crucial importance of protecting the health of persons with disabilities, but underlines that ‘the National Health System still has a long way to go to guarantee full access to care, quality of interventions and respect for nature and condition specific to Persons with disabilities’.

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<sup>18</sup> <https://www.gazzettaufficiale.it/eli/id/2020/02/04/20A00639/sg>.

<sup>19</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1978-12-23;833!vig=2020-12-16>.

In order to achieve this target, the *Secondo programma biennale disabilità* provides specific actions concerning 1. the definition of basic levels of care, 2. Actions for the development of health and social integration and of guidelines, to improve effectiveness of programmatic action, 3. Development of regulatory tools, thematic investigations and information system. The *Secondo programma biennale disabilità* also underlines the need for some punctual interventions concerning regulations regarding prosthetics, mental illness and psychiatric disability, and rights of person with autism spectrum disorders.

With regard to mental illness, the *Rapporto SISM (Analisi dei dati del Sistema Informativo per la Salute Mentale - SISM)*,<sup>20</sup> published by the Ministero della salute in December 2019, affirms that in 2018 more than 800.000 persons have received psychiatric care. This data is incomplete: one Province (Provincia autonoma di Bolzano/Bözen) did not provide required information. In addition, it must be taken into account that a share of people with mental illness do not turn to specialist services but are partially treated by their general practitioner or in the private sector, remaining outside the data collection. As the SISM data show, 53.8 % of the patients are female and 5,3 % are foreign nationals living in Italy.

The Piano Colao, approved in spring 2020, at point 92, emphasizes the lack of funding for community-based psychiatric interventions and underlines that there is the risk of new institutionalization dynamics for persons with intellectual disabilities. The Piano Colao proposes to A. Increase investment in the areas of mental health and Pathological Addictions by at least 35 %, providing for the gradual overcoming interregional access inequalities; B. Guide the praxis of the Servizio sanitario Nazionale towards the personalization of interventions and the overcoming of residential structures, through an impressive training plan and qualification of activities according to evidence-based criteria; C. Subject the activities carried out to systematic monitoring and evaluation, including process and outcome indicators relating to Mental Health and Addictions Pathologies in the New LEA Monitoring System. D. Verify the expected increase in the resilience capacity of the population of fragile users of Mental Health and Pathological addiction through surveys national on ISTAT data.

The issue of mental health deserves particular attention towards foreign citizens. Italy is the first point of entry to migrants crossing the Mediterranean. So, consideration should be given to mental disorders in asylum seekers and refugees. In 2017, the Ministero per la salute published the Guidelines for the planning of assistance and rehabilitation interventions, and for the treatment of mental disorders of holders of refugee status and subsidiary protection status who have suffered torture, rape or other serious forms of psychological, physical or sexual violence (*Linee guida per la programmazione degli interventi di assistenza e riabilitazione nonché per il trattamento dei disturbi psichici dei titolari dello status di rifugiato e dello status di protezione sussidiaria che hanno subito torture, stupri o altre forme gravi di violenza psicologica, fisica o sessuale*).<sup>21</sup>

Another particularly matter of importance and sensitivity in national disability policies is represented by interventions in favour of people with autism Living conditions of

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<sup>20</sup> [http://www.salute.gov.it/portale/documentazione/p6\\_2\\_2\\_1.jsp?lingua=italiano&id=2841](http://www.salute.gov.it/portale/documentazione/p6_2_2_1.jsp?lingua=italiano&id=2841).

<sup>21</sup> [http://www.salute.gov.it/imgs/C\\_17\\_pubblicazioni\\_2599\\_allegato.pdf](http://www.salute.gov.it/imgs/C_17_pubblicazioni_2599_allegato.pdf).

persons with ASD. In 2015 Italian parliament passed a law (134/2015) entitled *Disposizioni in materia di diagnosi, cura e abilitazione delle persone con disturbi dello spettro autistico e di assistenza alle famiglie*.<sup>22</sup> Law 134/2015 was hailed as a big step for persons with ASD's rights guarantee. After 5 years, Law No. 134/2015 is underfunded. Recently, some judicial decisions recognized the right of children with ASD to receive ABA therapy using public funds, but at date the normative framework is not clear nor complete. Lastly, the European Court of Human Rights condemned Italy for violating Article 14 (prohibition of discrimination) of the Convention taken in conjunction with Article 2 (right to education) of Protocol No. 1, with regards to the right of education of a child with ASD.<sup>23</sup>

### *Priorities and developments*

Based on the analysis outlined above, it seems important to the authors, to focus attention on some policies to be implemented shortly.

- Disability, dignity and minimum income: many persons with disabilities living in Italy are at risk of poverty.

As evidenced in the data, disability is a factor that exposes people disproportionately to the risk of poverty. The implementation of structural measures to combat poverty contributes to the achievement of a series of Sustainable Development Goals. In particular, these measures respond to the improvement of Objectives 1 'No Poverty', 3 'Good Health and Well-Being', and 10 'Reduced Inequalities' of the 2030 Agenda.

The Reddito di Cittadinanza ('citizenship income') was introduced by the decree law of 28 January 2019, no. 4, and is defined in art. 1 as a 'fundamental measure of active labour policy to guarantee the right to work, to eradicate poverty, inequality and social exclusion, (...) aimed at promoting the right to information, education, training and culture through policies aimed at economic support and the social inclusion of those at risk of marginalization in society and in the world of labour'. It is a measure subject to the means test.

This measure is intended to ensure the integration between economic support and adhesion to a personalized inclusion project defined by social services based on the resources and needs of the beneficiary families, which also includes adherence to a training or reintegration path working.

The reform, as the Country Report points out, was accompanied by the presentation of some proposals aimed at introducing a statutory minimum wage. Consequently, the 2020 National Reform Programme envisaged a gradual introduction of a minimum hourly wage through the involvement of the social partners and the institutions concerned. The aim is to make the condition of those without a job and those with wages below the poverty line more dignified.

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<sup>22</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2015-08-18;134!vig=2020-12-16>.

<sup>23</sup> Cour Européenne des droit de l'homme, I sec., G.L. c. Italie, Requête 59751/15, 10/9/2020.

The 'citizenship income', as required by the Law Decree 4/2019,<sup>24</sup> converted into Law 26/2019, has some positive outcomes but also some flaws towards persons with disabilities.

In respect of the latter, it is necessary to consider the provisions of Article 2, paragraph 6, according to which, only for the purposes of citizenship income, family income must be determined 'net of any welfare treatments included in the ISEE and inclusive of the annual value of welfare treatments currently being enjoyed by the members of the family unit', with the sole 'exception for services not subjected to the means test' (i.e. the companion allowance).

The rule specifies that 'the disbursements referring to the payment of arrears, the reductions in the sharing of the cost of services and the exemptions and concessions for the payment of taxes, disbursements against reporting of expenses incurred, do not include in the value of welfare treatments disbursements in the form of service vouchers or other securities that perform the function of replacing services'.

In other words, on the basis of the law in question, it is also necessary to calculate civil invalidity, deafness, civil blindness pensions, partial invalidity allowances, attendance allowances and social pensions. On the other hand, companion allowances, which are not subjected to the means test, are excluded, as well as some contributions which then provide for reporting (for example, contributions for independent living), payments in the form of service vouchers and, through a formulation which appears rather vague, the 'other titles that perform the function of substituting services'.

Consequently, having included the annual value of welfare benefits in the calculation of the income limit corresponds to having affected persons with disabilities.

More than a year after its introduction, the 2020 National Reform Programme for Italy aims to evaluate the efficiency and effectiveness of the citizenship income and tries to introduce the necessary improvements. This is an opportunity to improve the negative elements highlighted above. It is necessary to review the economic requirements governing access to citizenship income for persons with disabilities by not counting the amounts relating to the receipt of welfare treatments in the income.

### *Covid-19 and the right to health of persons with disabilities*

It is necessary to rethink protocols for emergency screening and to build a disability inclusive response to Covid-19. Persons with disabilities are disproportionately impacted by the Covid-19 outbreak and those living in institutions are more likely to contract the virus, have higher rates of mortality and are at greater risk of developing more severe health conditions and dying from Covid-19. Both the CRPD and the 2030 Agenda call for placing persons with disabilities at the centre of efforts, as agents of planning and implementation.<sup>25</sup>

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<sup>24</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legge:2019-01-28;4!vig=2020-12-16>.

<sup>25</sup> Policy Brief: A Disability-Inclusive Response to COVID-19, United Nations, <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/05/Joint-statement-Disability-inclusive-response-to-COVID-19.pdf>.



Many regions, between the end of February and the beginning of March, invested considerable resources - at the moment of the maximum health emergency - to reorganize the hospital network, with particular reference to the beds allocation in the intensive and sub-intensive care wards. This prevalent and absorbing concern diverted attention away from strengthening the territorial network of services and in particular to long-term care services and paths (the need for which is strategic, in order to maintain the response in terms of health).

The residential services have become Covid-19 incubation and contagion centres; moreover, many of the hospitalized people, although not contracting Covid-19 and despite being followed appropriately from a strictly medical point of view, have experienced a deterioration in their health picture, due to various factors: the interruption of support and rehabilitation services, the difficult access to health information and the inaccessibility of information relating to prophylaxis for Covid-19, the difficulties associated with the distribution of personal protective equipment.

Another determining factor was the disappearance of daily relational networks, and the absence of evaluation mechanisms designed to assess the overall well-being of persons with disabilities. These mechanisms assume fundamental importance in an emergency situation of this type.

The contingent situation has, therefore, highlighted the need to rethink the residential level of services in a general and in an innovative and inclusive way, meanwhile highlighting the need to have available - both at the state and regional/local level - tools and validated information in order to implement the most consistent strategies possible with the needs, maximizing the effectiveness, efficiency, quality and safety of the paths themselves.

From this point of view, the provisions of the 2020 National Reform Programme for Italy are therefore particularly important with respect to the objective of strengthening the analytical and quantitative tools to support health planning and equip one with tools capable of processing large amounts of data in real time, referring to users of the national health system and health resources available throughout the national territory.

The most important interventions are building a validated and structured system of data and information on infections from Covid-19, shared at all levels. The lack of these elements, with particular regard to the situation within residential structures, was one of the major issues. The Istituto Superiore di Sanità (the Italian National Institute of Health), made use of a voluntary sample survey to detect the situation of Covid-19 infections in residential facilities for elderly people.<sup>26</sup> Many regions have engaged in the management of residential structures, through the provision of dedicated staff and specific local systems for surveillance and management. In this context it is necessary to build a validated and structured data and information system, shared between local authorities, regions, the state and health companies.

It is also necessary to review the care protocols, in order to limit the use of residential services as much as possible and to favour home care, inclusive interventions and

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<sup>26</sup> [https://www.iss.it/documents/20126/0/Report\\_surveyFinale+RSA.pdf/4b14b829-5a07-24e9-955a-4d4c9a7e4440?t=1592402115720](https://www.iss.it/documents/20126/0/Report_surveyFinale+RSA.pdf/4b14b829-5a07-24e9-955a-4d4c9a7e4440?t=1592402115720).

independent living paths. On this point, the Piano Colao envisages the Strengthening of Individualized Therapeutic-Rehabilitation Projects supported by the Health Budget and Personalized Independent Life Projects, priority tools for the creation of a welfare of inclusion and alternative to hospitalization in residential structures, in response to needs of care and emancipation of fragile and vulnerable people.



## 5 Disability, education and skills – analysis of the situation and the effectiveness of policies

In 2016, the UN CRPD Committee made the following recommendations to Italy:

[Article 24 UN CRPD](#) addresses Education.

'56. The Committee recommends that the State party implement an action plan — with sufficient resources, timelines and specific goals — aimed at monitoring the implementation of laws, decrees and regulations to improve the quality of inclusive education in classrooms, support provisions and teacher training across all levels. It also recommends that the State party be guided by article 24 of the Convention, including its general comment No. 4 (2016) on the right to inclusive education, in implementing targets 4.5 and 4 (a) of the Sustainable Development Goals, to ensure equal access to all levels of education and vocational training, and build and upgrade education facilities that are disability-sensitive and safe.

58. The Committee recommends that the State party monitor and provide highly qualified sign language interpreters for any deaf child who requests such assistance, and to desist from recommending general communication assistants as an exclusive alternative.

60. The committee recommends that the State party undertake, through legislative and other measures, including the newly drafted decree on education, to guarantee the availability of accessible learning materials and the provision of assistive technology in a timely manner in order to ensure inclusive and quality education in the mainstream setting.'

The 2017 Second two-year programme on disability contained eight lines of interventions. Line No. 4 is concerned with 'School inclusion and training processes'.

### 5.1 Summary of the educational situation of persons with disabilities

The EU-SILC estimates concerning educational attainment should be treated with some caution due to variable confidence levels, but they consistently indicate disability quality gaps. Table 16 indicates early school leaving rates disaggregated by disability status. Youth with disabilities (aged 18-24) tend to leave school significantly more than non-disabled peers of the same age groups (and this is reinforced by widening the sample size to age 18-29). Table 17 shows completion rate of tertiary education disaggregated by disability and age group. Persons with disabilities (age 30-34) are less likely to complete tertiary education than their peers (and this is reinforced in the wider sample for age 30-39).

The trend increases in the number of students with disabilities in Italian schools. Just over 284.000 pupils with disabilities attend school (3.3 % of students). The number has grown by approximately 91.000 in the last 10 years. Almost all of them (98.4 %) have a certification according to the Law No. 104/1992. Although this certification is necessary for the provision of services for school support, there remains a marginal share, of students (1.6 %) who do not have any certification (0.5 % in the northern regions and 4 % in the Centre).

Pupils with disabilities are predominantly boys, 212 for every 100 girls. The most frequent disability is an intellectual disability (42 % of students with support), followed by developmental disorders (26.4 %), and less common sensory problems (8 %).

Specific learning difficulties and the preparation of procedures and interventions aimed at protecting and supporting pupils who are affected are of particular importance in the school environment.<sup>27</sup> The purpose of the law no. 170 of 8 October 2010 is to recognize these disorders, protect the right to study of children, and dictate the general principles that must guide intervention in the school and health sector to ensure appropriate management of the SLD to favour the best realization of the people who are affected by respecting all the different learning abilities.

Awareness of this phenomenon has grown, both among families and schools, with a considerable increase in the number of certifications. In the last 8 years, the number of pupils with SLD out of the total attendance has gone from 0.7 % in the 2010/2011 school year to 3.2 % in the 2017/2018 school year. This increase is recorded above all in the lower secondary school (from 1.6 % to 5.6 %) and second grade (from 0.6 % to 4.7 %). As often happens in Italy, these follow an irregular territorial spread. Certifications are issued to a greater extent in the north-western regions (where the percentage of pupils with SLD is 4.8 %) in the Centre (3.9 %) and in the north-east (3.6 %). In the southern regions, the percentage drops dramatically to 1.6 %.

The lockdown and the consequent closure of schools due to the Covid-19 pandemic had negative effects on students with disabilities. Distance learning has had a negative impact especially on students with intellectual and relational disabilities and has highlighted the absolute need to find appropriate solutions, also through: the regulation of the accessibility of telematics platforms, the definition of flexible solutions for home education, support for families, provision of interventions to ensure the appropriate use of teaching and educational staff.

## **5.2 Analysis of education policies relevant to the Semester**

The education sector has been of crucial importance to support a paradigm shift towards the social model of disability: in this field the integration process has evolved into an inclusive process. In this overall picture, case law of the Italian Constitutional Court has played an essential role. Since the end of the 1980s, with Judgment No. 215/1987,<sup>28</sup> the Court highlighted how school attendance is an essential factor in redressing and overcoming marginalization, together with care and rehabilitation practices and integration into the family. Therefore, this began before Article 12 of the Law No. 104/1992<sup>29</sup> ('Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate') attributed the right to education and instruction to students with disabilities, starting from kindergarten to university (paragraph 2).

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<sup>27</sup> These are situations similar to those of disability, not because they are characterized by a cognitive deficit but because they represent situations that interfere with a person's normal ability to adapt and participate in a certain context of life (in this case the school context), thus representing forms of psychosocial disability.

<sup>28</sup> <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=1987&numero=215>.

<sup>29</sup> <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:1992-02-05;104!vig=2020-12-16>.

Recently, the Constitutional Court returned to rule on the importance of the right to education for students with disabilities (Judgements No. 275/2016 and No. 83/2019). It intervened on the delicate balance between guaranteeing the right to education of pupils with disabilities and the need to ensure a balanced budget. According to these judgements, the core of the rights of persons with disabilities cannot be dependent on financial choices which the legislator complies with by provisions that makes the disbursement and extent of the due benefits uncertain.

### *Accessibility and technology*

Law Decree No. 18 of March 17, 2020, as amended by Law 24 April 2020, No. 27 increased the Fund for the functioning of educational institutions by EUR 85 million (fund provided for by Article 1, paragraph 62, of the Law No. 107 of 13 July 2015). These resources are aimed at:

- allowing educational institutions to equip themselves with platforms and digital tools useful for distance learning, or to enhance those already provided, *in compliance with the accessibility criteria for persons with disabilities*;
- making available to less well-off students, individual digital devices for the use of platforms and necessary network connectivity;
- training school staff on the methodologies and techniques for distance learning.

The ISTAT data<sup>30</sup> indicates that although during the 2018/2019 school year 15 % of schools carried out works aimed at removing architectural barriers, only one in 3 schools is accessible for pupils with motor disabilities. The dislocation of architectural barriers is very uneven among the Italian regions: while in the north, there are values higher than the national average (38 % of compliant schools) in the south the figure drops considerably (29 % of compliant schools in Southern Italy). The most virtuous region is Aosta Valley, with 67 % of accessible schools, the least virtuous is Campania, which is distinguished by the lowest presence of schools without physical barriers (24 %).

- The most common barrier is the lack of an elevator (46 %); followed by lack of ramps (33 %) or bathrooms in accordance with the law (29 %).
- The overall picture is also critical concerning sensory disabilities: only 2 % of schools have all the sensory-perceptive aids intended to facilitate the orientation within the school building, and only 18 % of schools have at least an aid.
- In this field, a clear North-South divide emerges in the territory: the share gradually decreases, passing from 23 % of the northern regions to 14 % of southern ones.
- Regarding technology, although it can play an important role in the school inclusion of students with disabilities, it is often underestimated and not well used.
- Firstly, in Italy, one in four schools does not have computer stations adapted to the needs of pupils with disabilities.
- Also, more than 60 % of schools have this equipment in environments outside the classroom, such as specific classrooms for support or dedicated computer

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<sup>30</sup> <https://www.istat.it/it/files//2020/02/Alunni-con-disabilita-2018-19.pdf>.

labs. This element reduces the positive potential of such technologies, negatively affecting their ability to be included in the classroom and student community.

- Moreover, even when the computer stations are inside the classroom, they are inadequate for 22 % of schools (in the northern schools the value drops to 17 %, in those of the Centre to 23 %, finally in the southern schools to 26 %).

Technological tools are particularly important also for students with SLD, as facilitation for understanding learning content. Also, and taking into consideration the possible need to return to e-learning linked to the trend of Covid-19 pandemic, the Ministry of Public Education, in a note of March 2020, requested to provide for the use of compensatory and dispensatory instruments also in e-learning activities.<sup>31</sup>

### *Lack of support in schools*

As clarified by the Constitutional Court, the right to education extends to interventions and services that function as preconditions for making education enjoyable in practice. From this point of view, support teacher and the assistants for autonomy integrate and make effective the right to study of the person with disabilities. Support teachers are called upon to fulfil the 'ineliminable (also on the constitutional level) forms of integration and support' in favour of students with disabilities (Judgement No. 80/2010 of the Constitutional Court<sup>32</sup>). In the 2018/2019 school year, there were almost 173.000 support teachers in Italian schools. At the national level, the pupil-teacher ratio (1.6 pupils per support teacher) is better than that provided for by the Law No. 244/2007, which provides for 2.

The most critical element is the lack of specialist training of these teachers: 36 % of support teachers do not have specific training to support pupils with disabilities. This phenomenon is more frequent in the northern regions, where the share of curricular teachers carrying out support activities rises to 47 % and decreases in the south to 21 %.

Even training in educational technologies is still not widespread: in 12 % of Italian schools, no support teacher has attended a specific course for the appropriate use of technologies to support teaching, in 64 % of the schools only some teachers attended courses, while in the remaining cases (24 %) all teachers attended at least one course.<sup>33</sup>

The lack of training for teachers and its impact on the inclusion of students with disabilities was highlighted in the 2020 Country Report for Italy according to which 'the procedures for selecting and hiring teachers do not ensure a reliable supply of qualified and well-trained teachers [...] The national contract does not include any performance-based component. [...] More investment in the skills and professional competences of teachers would also benefit the integration of students with disabilities.' This assumes particular importance, and requires greater and decisive investments, also because of the resumption of distance learning, linked to the Covid-19 pandemic.

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<sup>31</sup> Nota del Ministero dell'Istruzione - Dipartimento per il sistema educativo di istruzione e di formazione, n. 388, 17 marzo 2020.

<sup>32</sup> <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2010&numero=80>.

<sup>33</sup> <https://www.istat.it/it/files//2020/02/Alunni-con-disabilita-2018-19.pdf>.

The assistant for autonomy and personal communication of pupils with disabilities is available to the educational institution to provide specialized assistance to individual students with disabilities, to support them in the learning activity within the school. 'educational institution. Judgement No. 83/2019<sup>34</sup> of the Constitutional Court also includes the functions performed by the assistant for autonomy within the essential core of the right to education.

Assistants are extraneous to the didactic activity in the strict sense. The assistants for autonomy and personal communication differ, therefore, from support teachers and curricular teachers, with whom they are called to cooperate according to the objectives of the Individualized Education Plan (IEP) provided for in Article 12, paragraph 5, Law No. 104/1992, for mediating the communication between the disabled students and the people they interact with in the school environment, as well as support their autonomy.

In Italian schools, there are just under 54.000 assistants for autonomy and communication who support teachers (19 per 100 pupils with disabilities) and they are particularly few in the southern regions. / assistant is equal to 4.8; in the South, growing to 5.8 with peaks in Campania and Molise, where it exceeds the threshold of 14 and 13 pupils for each assistant, respectively. The presence of assistants increases in central and northern regions (4.4), reaching the highest levels in the Autonomous Province of Trento and in the Region of Marche, with a ratio that does not exceed the threshold of 3 pupils per assistant.

### *Tertiary education*

At the beginning of 2019, a Working Group for Disability, SLD, and access to university training was established at ANVUR (National Agency for the Evaluation of the University and Research System). This working group has the task of analysing the policies and interventions implemented by the Italian university system, to favour the access and inclusion of university students with disabilities and SLDs.

The working group initiated a discussion with the Ministry, with experts in the sector, with the Delegates to Disability of the universities, with the CNUDD (National University Conference of Delegates for Disability), and with the delegated councillor of the Presidency of the Council of Ministers, prof. Giuseppe Recinto.

The objective of the ongoing analysis is to offer the entire academic system some cognitive elements, to promote and improve the policies initiated, also through the drafting of a specific Biennial Report on the State of the University System and Research 2020. At the time of writing, surveys are underway at each Italian university (state and non-state, including telematic universities). The purpose is to allow:

- an adequate representation of the characteristics and quality of services dedicated to students with disabilities and SLD;
- the collection of information at an aggregate level, not currently available in other databases.

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<sup>34</sup> <https://www.cortecostituzionale.it/actionSchedaPronuncia.do?anno=2019&numero=83>.



In perspective, the ongoing investigation lays the foundations for equipping the national university system with tools for monitoring the policies implemented by universities for social inclusion. Any indicators and/or descriptors for measuring and evaluating services dedicated to students with disabilities and SLDs may also be contemplated in the new Guidelines for periodic accreditation and the context of the guidance activities for the performance evaluation of ANVUR.

### *Priorities and developments*

Based on the analysis outlined above, it seems important to us to focus attention on some policies to be implemented shortly and that we consider particularly important.

- Access to school and learning environment for students with disabilities is poor.

ISTAT data shows that the share of school buildings with architectural and sense-perceptive barriers is still very high. As highlighted by the *II Rapporto Biennale Disabilità*, the accessibility of schools must be understood as a prerequisite for access to the right to education by students with disabilities.

It is necessary to adapt all school buildings to the legislation relating to the removal of architectural and sensory barriers following the principles of Universal Design and ensure the provision of reasonable accommodation.

- The Covid-19 emergency highlighted problems regarding e-learning accessibility and the digital divide for persons with disabilities.

The Ministerial Decree no. 39 of 26 June 2020 introduced the *Piano Scuola 2020-2021*.<sup>35</sup> This (as well as the *Linee guida per la didattica digitale integrata* provided for by the subsequent Ministerial Decree No. 89 of 7 August 2020)<sup>36</sup> states that all local authorities and schools work to guarantee in-person school attendance of pupils with disabilities with the involvement of support professionals. For these pupils, the Individualized Education Plan must indicate as a priority the guarantee of the daily presence at school, in a true and participatory inclusive dimension, adopting all the ordinary and extraordinary organizational measures possible, defining specific reasonable accommodations (according to the provisions of CRPD), in compliance with specific needs and conditions.

The *Piano Scuola 2020-2021* also specified that should the epidemiological trend configure new emergencies, each school identifies ways to redesign the teaching activity, with particular regard to the specific needs of pupils with disabilities, with Specific Learning Disorders, and with other special educational needs. These measures must be interpreted together with the 'Definition of mandatory minimum standards for schools in the field of electronic tools for distance learning (use of platforms) and educational products, which provide accessibility and usability for all'.

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<sup>35</sup> *Documento per la pianificazione delle attività scolastiche, educative e formative in tutte le Istituzioni del Sistema nazionale di Istruzione*,  
<https://www.miur.gov.it/documents/20182/2467413/Le+linee+guida.pdf/4e4bb411-1f90-9502-f01e-d8841a949429>.

<sup>36</sup> <https://www.miur.gov.it/documents/20182/0/ALL.+A+ +Linee Guida DDI .pdf/f0eeb0b4-bb7e-1d8e-4809-a359a8a7512f?t=1596813131027>.

It is necessary and preliminarily to identify the operational methods and strategies to guarantee all students the same possibilities, in terms of access to the tools necessary for full participation in teaching activities. It is equally important to provide specific systems to monitor the effective implementation of these measures throughout the national territory.

- As pointed out by the Italian Constitutional Court, the right to education of persons with disabilities is a fundamental right, but often the teaching support is underpowered, and teachers are not adequately trained.

The 2020 NRP, among its priorities, indicates to increase the number of support teachers and improve their training. Among the measures to be taken, the NRP plans to increase the number of permanent support teachers through stabilization of a quota of support posts, to be achieved through an expansion of staff posts. To address this problem, the Observatory on Inclusion was reactivated, and EUR 5 million were allocated for training of support teachers and school staff in general.

It is necessary to continuously provide specialization courses for support teachers and undertake training initiatives aimed at making teachers acquire skills in the field of inclusive teaching and methodology permanently. It is equally important to provide for specific systems to monitor the effective implementation of these measures throughout the national territory.

- Lack of early childhood education and care has an impact on caregivers' work-life balance (mainly for women).

From the data recalled at the beginning of this chapter, we note the trend towards an increase in the number of students with disabilities in the school. As noted in the *// Programma Biennale Disabilità*, it is equally important to encourage the increase of children with disabilities in child-care places.

Attendance at nursery school, as an educational and, at the same time, social service (most recently, Constitutional Court, Judgements No. 107/2018), has a fundamental role, even for children with disabilities, in promoting a balanced psycho-physical development of the child, and allows to acquire the skills, knowledge, and effective and relational endowments useful for building a balanced life experience. Interventions aimed at encouraging this goal also have a significant impact in terms of work-life balance (as referred to in the Country Report, p. 38) and gender balance (according to the provisions of Objective 5 of the 2030 Agenda).

The legislative and administrative competences of regions and local authorities on the organization and management of early childhood services make it difficult to collect reliable data on the access of children with disabilities to nursery schools and supplementary services for early childhood at the national level.

The support granted to nursery school classes welcoming children with disabilities vary from region to region, based on local regulations. Moreover, the requirements for the reception of children with disabilities in nurseries vary from region to region. They range from generic non-exclusion or non-discrimination obligations based on disability

to positive discrimination policies. Furthermore, the conditions for the reception are often not explicitly regulated within private schools.

It is necessary to define the essential levels (qualitative, quantitative, and process) of educational services for early childhood at the national level, with particular reference to the integration of children with disabilities.



## 6 Investment priorities in relation to disability

### 6.1 Updates on use of existing EU funds (to 2020)

The *Accordo di partenariato 2014-2020*,<sup>37</sup> approved in October 2017, refers to disability providing that the condition of persons with disabilities is taken into account by thematic Objective 9, in terms of active policy interventions specifically intended for this target, and with regard to interventions for persons with disabilities particularly vulnerable. Moreover, disability is mainstreamed into thematic Objective 8 (p. 239), to avoid stigmatization (*ibidem*).

In particular, PON Inclusion 2014-2020 co-finances:

- 21 Operative regional programs (Programmi operativi regionali; POR), one for every Region and Autonomous Province;
- 8 Operative national programs (Programmi operativi nazionali; PON). Three PON (PON Iniziativa Occupazione Giovani; PON Sistema di politiche attive dell'occupazione; PON Inclusion) are managed by the Ministero del Lavoro e delle Politiche Sociali.

As already highlighted,<sup>38</sup> it is not easy to identify and assess the utilization of structural funds at the national level and at the regional level.

The PON Iniziativa Occupazione Giovani is the act through which the Youth Guarantee initiative is implemented in Italy. At date, the documentation section of the dedicated website<sup>39</sup> does not seem to be available.

The PON Sistema di politiche attive dell'occupazione does not make reference to persons with disabilities.<sup>40</sup> The PON Inclusion is broken down in 4 areas of intervention (fight to poverty; immigration; social interventions and anti-discrimination; strengthening institutional capacity).

With regard to education (subject to a detailed analysis in this report) the 'Programma Operativo Nazionale Ricerca e Innovazione 2014-2020' provides a line of action relating to fighting against discrimination, even with respect to persons with disabilities. The 'PON Ricerca e Innovazione 2014-2020'<sup>41</sup> is linked to 'Strategia nazionale di specializzazione intelligente',<sup>42</sup> to operative programs and regional strategies of smart specialization. The 'Strategia nazionale di specializzazione intelligente' contains an area of intervention titled 'Tecnologie per gli Ambienti di Vita', referring to the development of technologically advanced solutions for the creation of products and services which, according to a scheme of 'Home & Building Automation', 'Ambient Assisted Living' and 'Ambient Intelligence', [in order to] make it possible to redesign

<sup>37</sup> [https://opencoesione.gov.it/it/adp\\_2014\\_2020/](https://opencoesione.gov.it/it/adp_2014_2020/).

<sup>38</sup> See ANED report 2018.

<sup>39</sup> <http://www.garanziaiovani.gov.it/Documentazione/Pagine/default.aspx>.

<sup>40</sup> <https://www.lavoro.gov.it/temi-e-priorita/europa-e-fondi-europei/focus-on/Pon-Sistemi-politiche-attive-occupazione/Documents/Pon-Servizi-politiche-attive-occupazione-testo.pdf>.

<sup>41</sup> <http://www.ponricerca.gov.it/pon-ricerca/programma/>.

<sup>42</sup> [https://www.agenziacoesione.gov.it/wp-content/uploads/2019/06/Strategia\\_Nazionale\\_di\\_Specializzazione\\_Intelligente\\_Italia.pdf](https://www.agenziacoesione.gov.it/wp-content/uploads/2019/06/Strategia_Nazionale_di_Specializzazione_Intelligente_Italia.pdf).

living environments in order to guarantee inclusion, safety, assistance, health, eco-sustainability.

It has to be pointed out that in the next months, Italy will have access to the European Recovery Fund, of EUR 209 billion. Disability mainstreaming should become a crucial point during the projecting stage, the end of which is planned for January 2021.

## **6.2 Priorities for future investment (after 2020)**

The Annex D of the Country Report '2020 European Semester: Assessment of progress on structural reforms, prevention and correction of macroeconomic imbalances, and results of in-depth reviews under Regulation (EU) No. 1176/201' identifies 7 key actions of the Just Transition Fund. The first two ('investment in the deployment of technology and infrastructures for affordable clean energy, energy efficiency and renewable energy, including in industrial sites that emit high GHG with the aim to reduce emissions'; 'investment in regeneration and decontamination of sites, land restoration and repurposing projects') seems to be less directly relevant for persons with disabilities. The remaining key actions ('investment in the creation of new firms, including through business incubators and consulting services, considering Smart Specialisation Strategies; productive investments in SMEs; upskilling and reskilling of workers; job-search assistance to jobseekers; active inclusions of jobseekers') are more relevant. In particular, as above mentioned, technological progress is reshaping our societies and the Covid-19 pandemic transformed smart working from an opportunity into a necessity. In Italy, since February 2020, the number of smart workers has doubled, but the country is still facing an evident digital divide, as underlined above. This process needs conspicuous investments to enact skills functional to Smart Specialisation Strategies. Education will require resources to create and improve skills and digital skills, accordingly with the point 1 of the European Pillar of Social Rights ('Everyone has the right to quality and inclusive education, training and life-long learning to maintain and acquire skills that enable them to participate fully in society and manage successfully transitions in the labour market.'). This is the first step to empower persons with disabilities fighting social exclusion and to create a more dynamic economic system. Moreover, investments in digital inclusion seem to be essential to achieve complete social inclusion, providing a guarantee for political and cultural participation. In Italy, the *Piano Triennale per l'Informatica nella Pubblica Amministrazione 2019 - 2021*<sup>43</sup> affirms that 'public administrations must plan digital public services that are by definition inclusive and that meet the needs of different needs of people, for example, the elderly and persons with disabilities'. The economic resources required for the full accessibility of digital public services and to overcome the digital divide have to be available. A more digitalized public service is also essential to support SMEs.

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<sup>43</sup> [https://www.agid.gov.it/sites/default/files/repository\\_files/Piano-Triennale-ICT-2019-2021.pdf](https://www.agid.gov.it/sites/default/files/repository_files/Piano-Triennale-ICT-2019-2021.pdf).

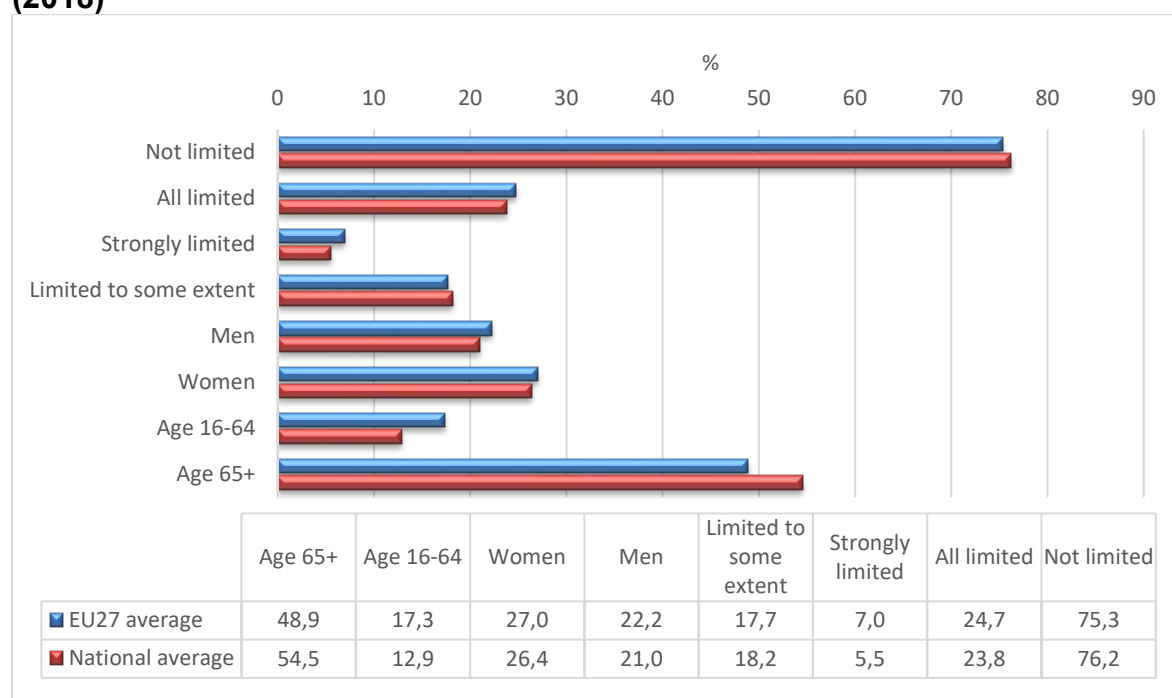
## 7 Annex: disability data relevant to the Semester

See also disability data published in the Eurostat database<sup>44</sup> and statistical reports.<sup>45</sup>

Unless specified, the summary statistics are drawn from the most recent EU-SILC data available to researchers from Eurostat. The EU-SILC sample includes people living in private households and does not include people living in institutions (congregative households). The sampling methods vary somewhat in each country.

The proxy used to identify people with disabilities (impairments) is whether ‘for at least the past 6 months’ the respondent reports that they have been ‘limited because of a health problem in activities people usually do’.<sup>46</sup>

**Table 1: Self-reported ‘activity limitations’ as a proxy for impairment/disability (2018)**



Source: EU-SILC 2018 Release 2020 version 1

In subsequent tables, these data are used to indicate ‘disability’ equality gaps and trends relevant to the analytical chapters – for the labour market, social policies and healthcare, and education – by comparing outcomes for persons who report and do

<sup>44</sup> Eurostat health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

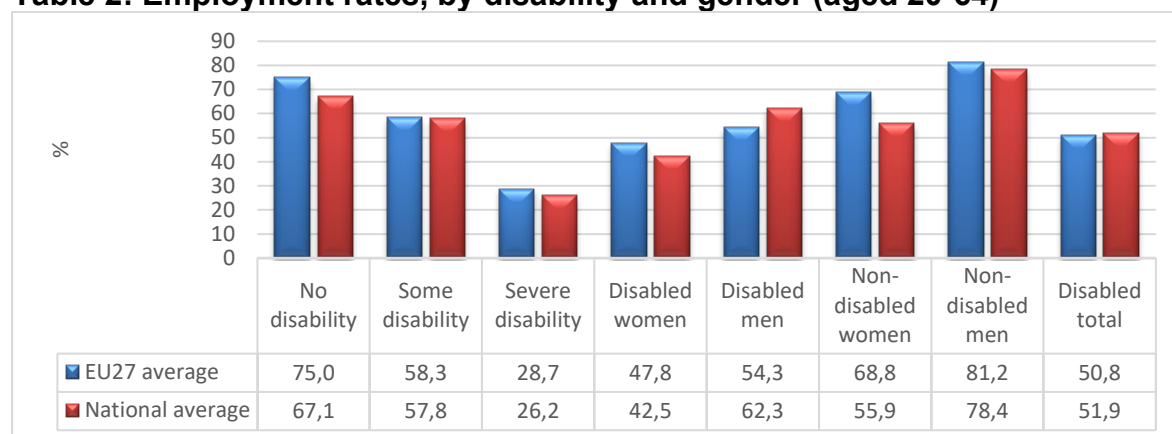
<sup>45</sup> Eurostat (2019) *Disability Statistics* [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Disability_statistics).

<sup>46</sup> The SILC survey questions are contained in the Minimum European Health Module (MEHM) [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum\\_European\\_Health\\_Module\\_\(MEHM\)](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Special:WhatLinksHere/Glossary:Minimum_European_Health_Module_(MEHM)).

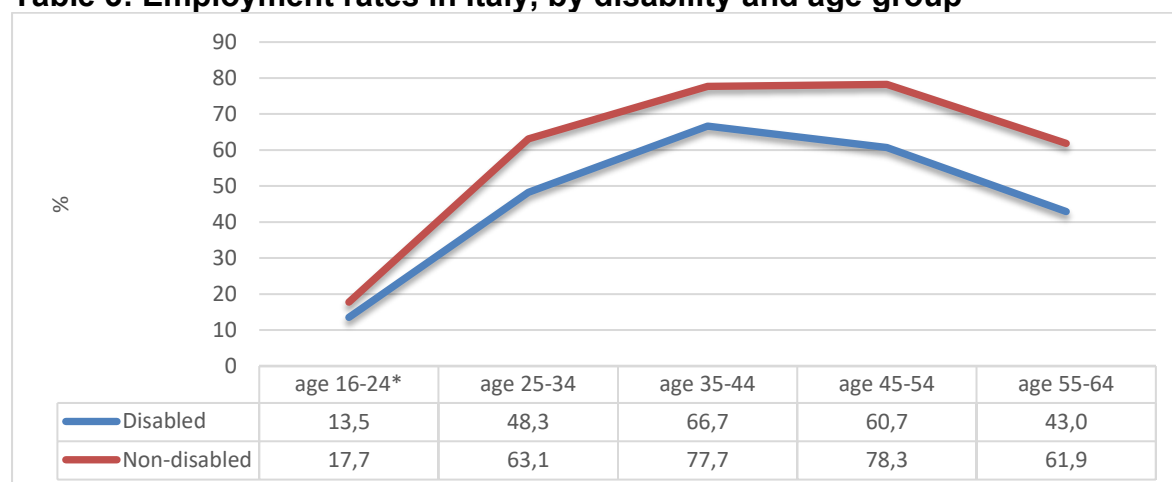
not report 'activity limitations'.<sup>47</sup> National estimates for Italy are compared with EU27 mean averages for the most recent year.<sup>48</sup>

## 7.1 EU data relevant to disability and the labour market (2018)

**Table 2: Employment rates, by disability and gender (aged 20-64)**

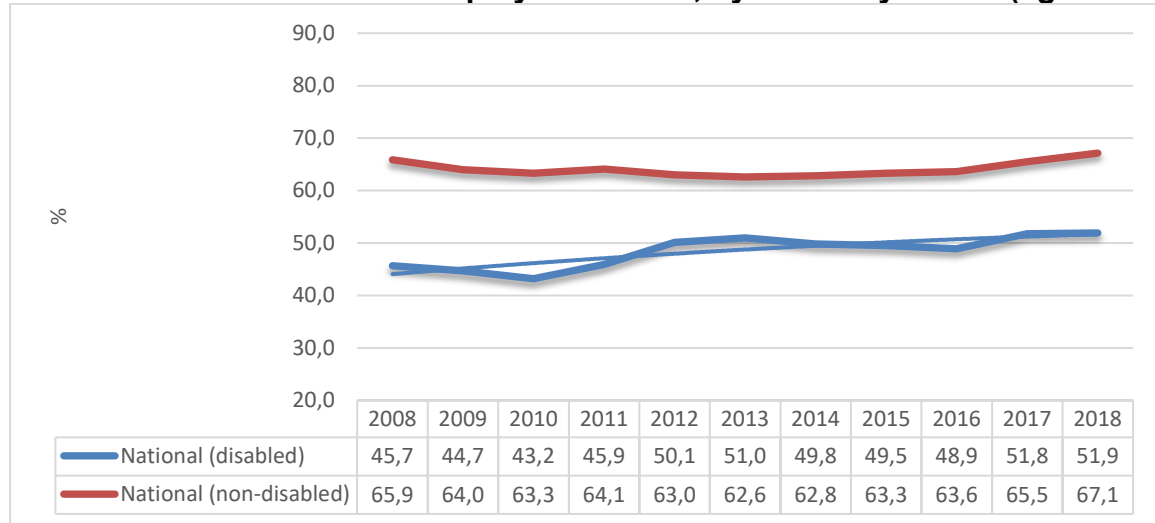


**Table 3: Employment rates in Italy, by disability and age group**



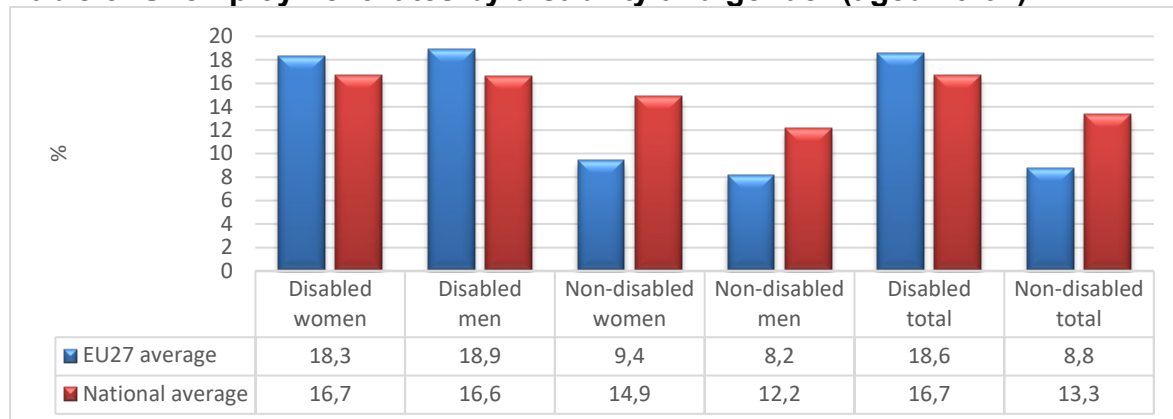
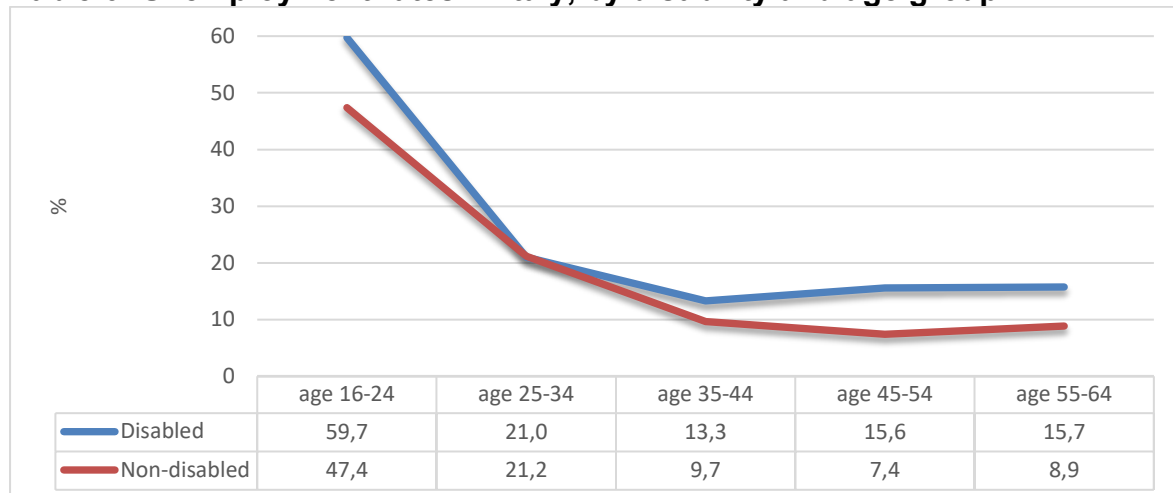
<sup>47</sup> This methodology was developed in the annual statistical reports of ANED, available at <http://www.disability-europe.net/theme/statistical-indicators>.

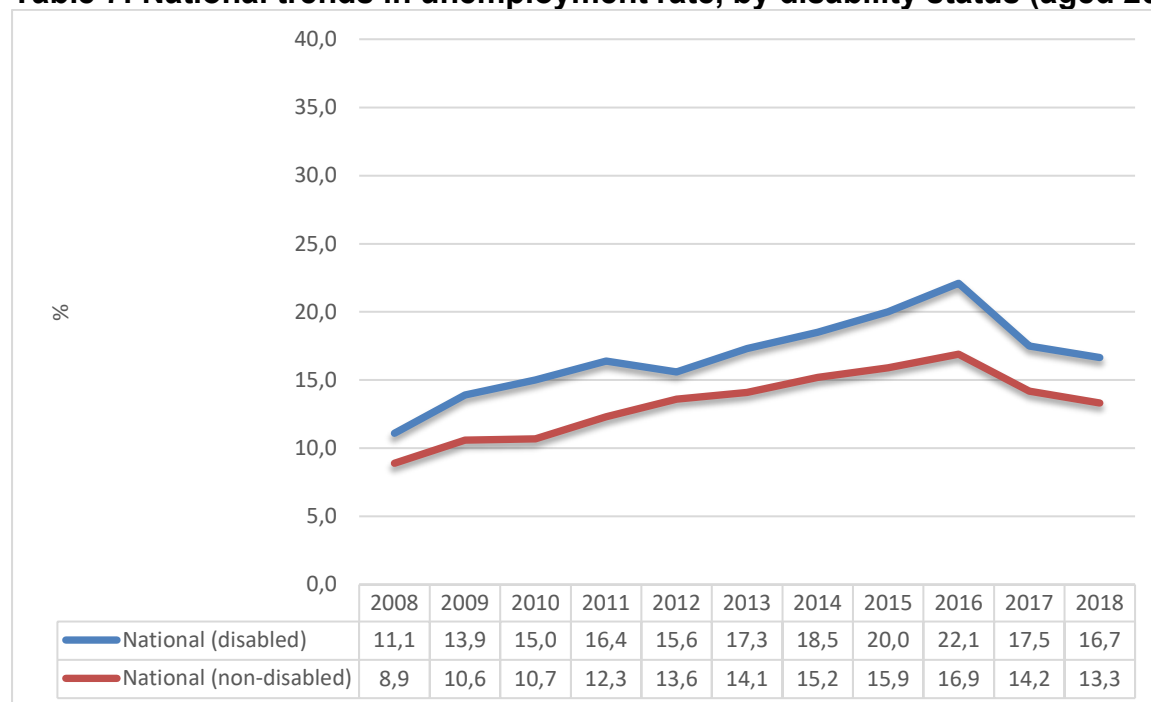
<sup>48</sup> The exit of the United Kingdom from the EU changes the EU average. Averages were also affected in 2015 by a discontinuity in the German disability data due to a definitional change.

**Table 4: National trends in employment rates, by disability status (aged 20-64)**

Source: EU-SILC 2018 Release 2020 version 1 (and preceding UDBs)

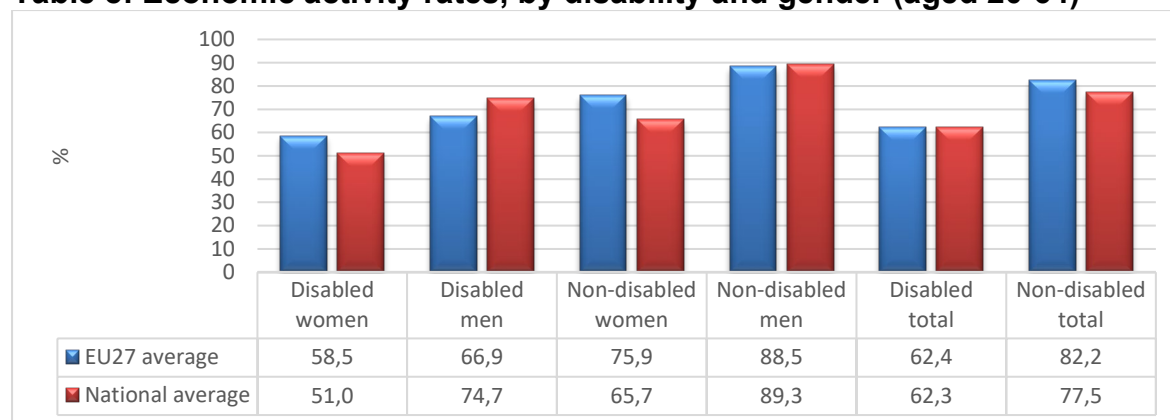
### 7.1.1 Unemployment

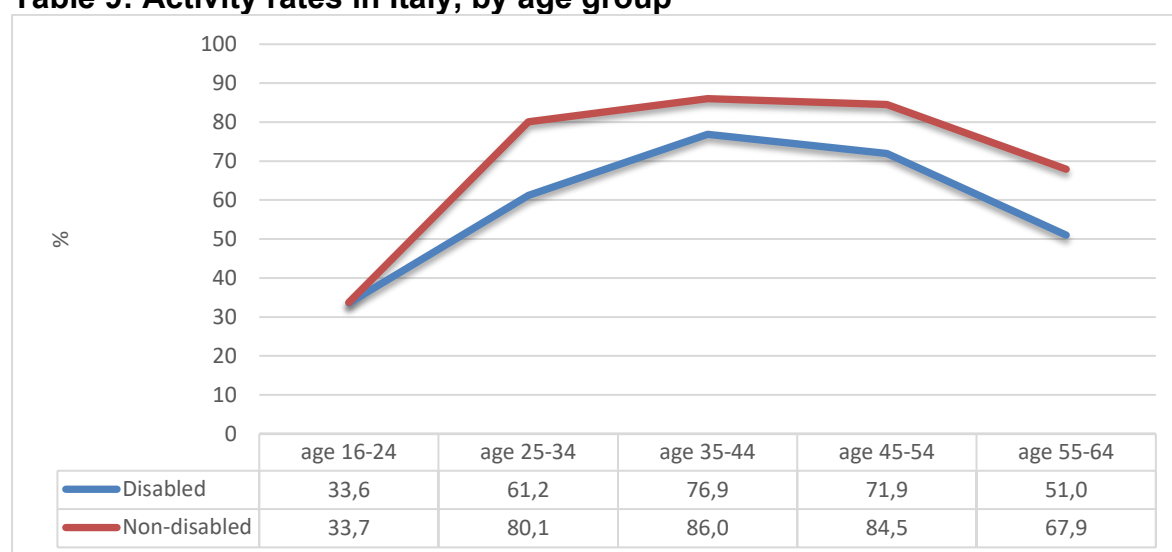
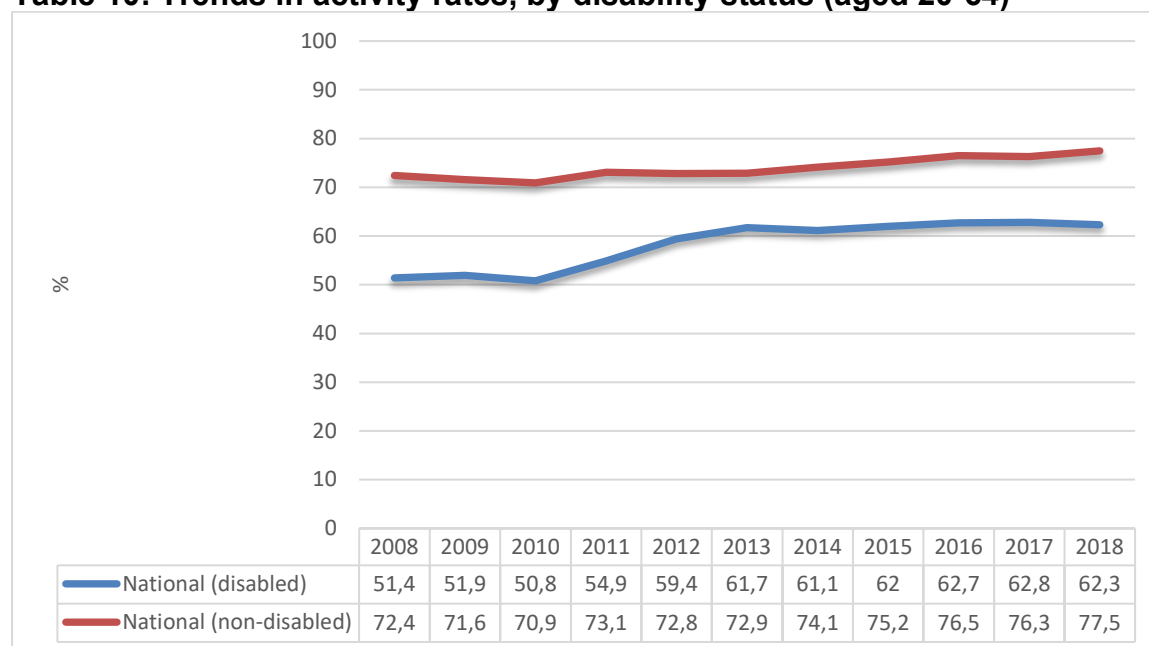
**Table 5: Unemployment rates by disability and gender (aged 20-64)****Table 6: Unemployment rates in Italy, by disability and age group**

**Table 7: National trends in unemployment rate, by disability status (aged 20-64)**

Source: EU-SILC 2018 Release 2020 version 1 (and preceding UDBs)

## 7.1.2 Economic activity

**Table 8: Economic activity rates, by disability and gender (aged 20-64)**

**Table 9: Activity rates in Italy, by age group****Table 10: Trends in activity rates, by disability status (aged 20-64)**

Source: EU-SILC 2018 Release 2020 version 1 (and preceding UDBs)

### 7.1.3 Alternative sources of labour market data in Italy

Disability data is not included in the core European Labour Force Survey but labour market indicators for Italy were disaggregated from ad modules conducted in 2001 and 2011. These can be found in the Eurostat disability database.<sup>49</sup>

The system for collecting data on disability and labour market in Italy presents some flaws. Law No. 68/1999 (Article 21) provides that every two years the Government submits, a report to the Parliament about the effectiveness of the targeted placement mechanism. In so doing, the Government relies on data and information collected by the Regions. As a matter of principle, the presentation of such reports by the *Ministero*

<sup>49</sup> Eurostat Health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

*del lavoro e delle politiche sociali* is crucial for the Parliament to fulfil its critical role; moreover, it demonstrates the accountability of the executive branch to the Parliament and, through it, to the people. Moreover, documents presented to the *Camera dei deputati and Senato della Repubblica* are important primary sources of information. However, the presentation of the report regarding the Law No. 68/1999 (*VIII Relazione al Parlamento sullo stato di attuazione della legge 12 marzo 1999, n. 68 'norme per il diritto al lavoro dei disabili'*)<sup>50</sup> has steadily been postponed and delayed. The last report was presented by then Minister Giuliano Poletti in March 2018 and it considered the years 2014-2015.

There are two specific types of research conducted on employment and persons with disabilities. First, the research elaborated by the Ministry of Labour that collects administrative data on employment of persons with disabilities. Every two years this Ministry elaborates a Report on the implementation of Act 68 of 1999 for the Parliament. This research is often incomplete because the regions do not send data from all the provinces. The last report concerns the years 2014-2015. The second research is managed by the ISTAT and is provided occasionally, with the last research conducted in 2011.<sup>51</sup>

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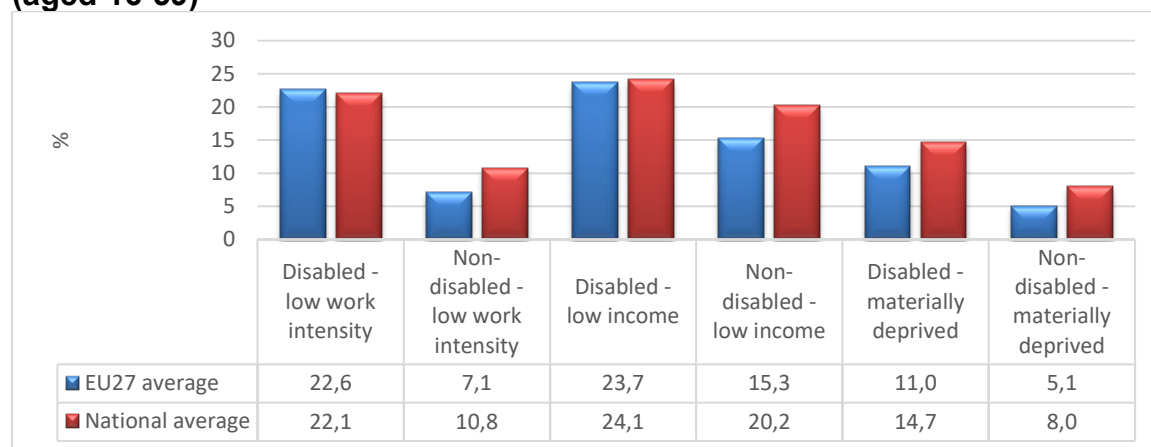
<sup>50</sup> <https://www.lavoro.gov.it/temi-e-priorita/disabilita-e-non-autosufficienza/focus-on/norme-sul-collocamento-al-lavoro-delle-persone-disabili/Documents/VIII-Relazione-Parlamento-anni-2014-2015-legge-68-99.pdf>.

<sup>51</sup> Eight Report on Parliament on state of implementation of the Law 68 of 1992  
<https://www.lavoro.gov.it/temi-e-priorita/disabilita-e-non-autosufficienza/focus-on/norme-sul-collocamento-al-lavoro-delle-persone-disabili/Documents/VIII-Relazione-Parlamento-anni-2014-2015-legge-68-99.pdf>.

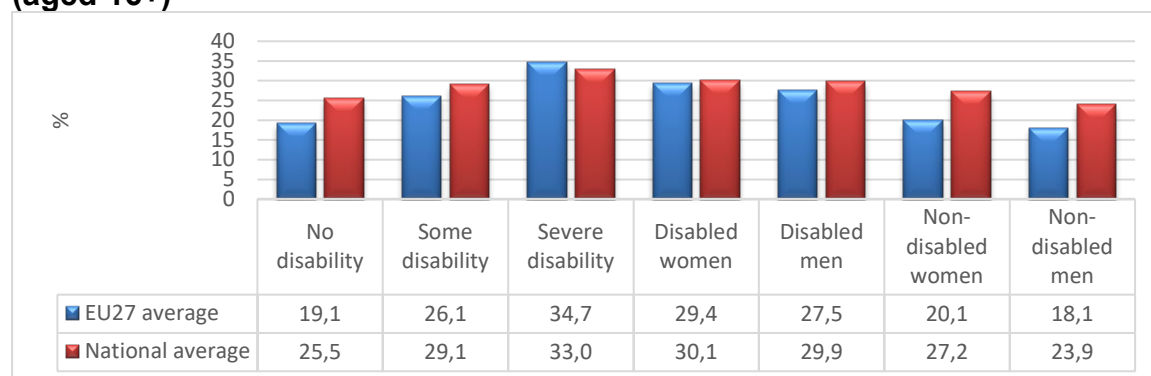


## 7.2 EU data relevant to disability, social policies and healthcare (2018)

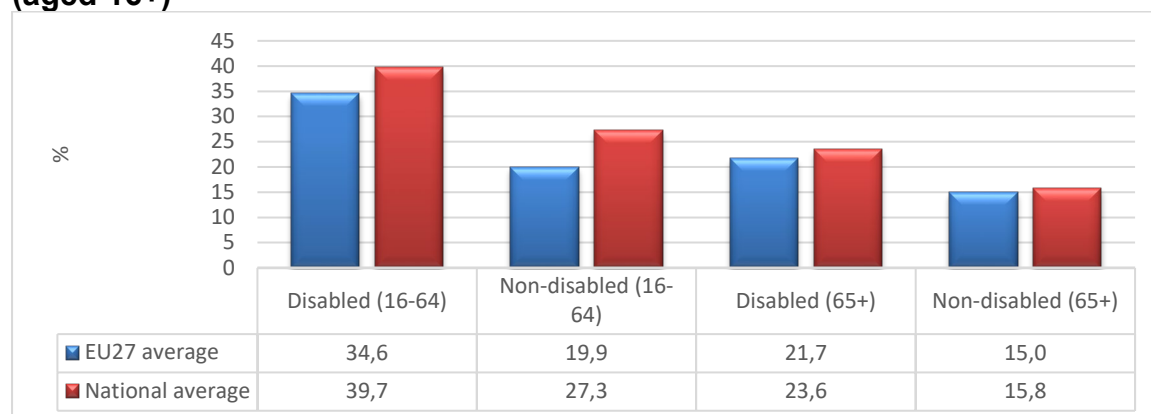
**Table 11: People at risk of poverty or social exclusion, by disability and risk (aged 16-59)**



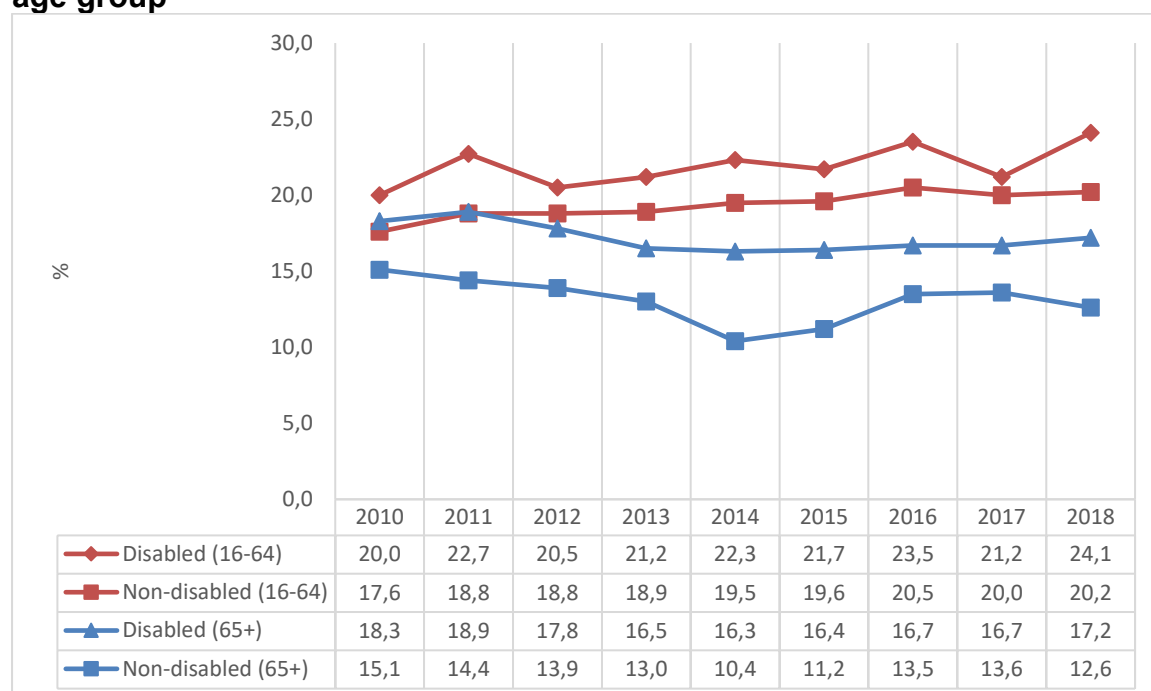
**Table 12: People at risk of poverty or social exclusion, by disability and gender (aged 16+)**



**Table 13: Overall risk of household poverty or exclusion by disability and age (aged 16+)**

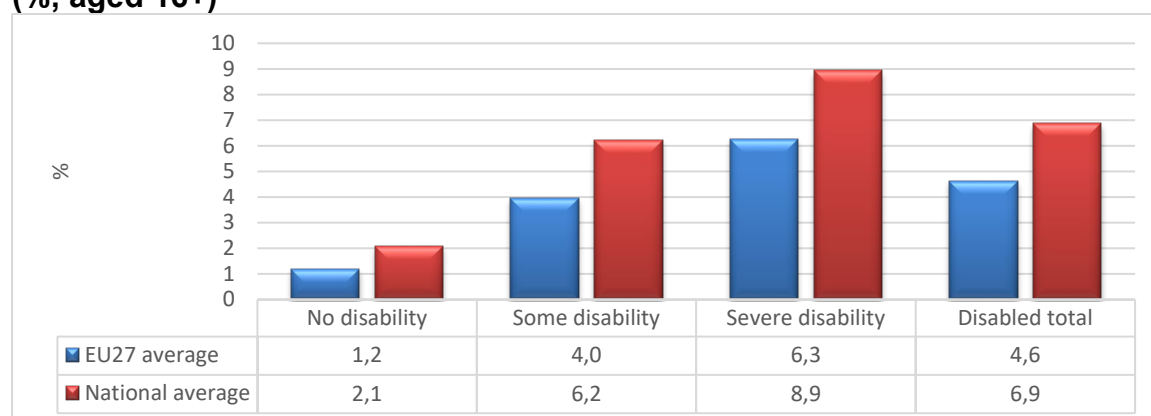


Source: EU-SILC 2018 Release 2020 version 1 (and previous UDB)

**Table 14: Trends in the risk of poverty after social transfers, by disability and age group**

Source: Eurostat Health Database [[hlth\\_dpe020](#)] - People at risk of poverty

Note: this table shows national trends in financial poverty risk, rather than the general AROPE indicator (which is not as comparable between age groups due to the effect of paid employment); the survey does not distinguish 'activity limitation' for children under 16.

**Table 15: Self-reported unmet needs for medical examination, 3-year average (% , aged 16+)**

Source: Eurostat Health Database [[hlth\\_dh030](#)] – 'Too expensive or too far to travel or waiting list'

Note: due to large variations an average of three years is indicated. EU mean averages are also skewed by high values in a minority of countries within disability groups but median averages for the total disability and no disability groups in 2018 are consistent with the 3-year mean values.

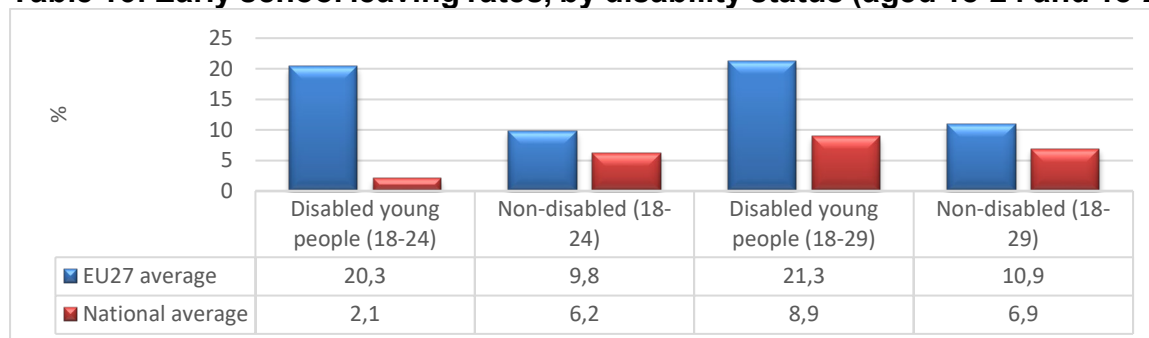
### 7.2.1 Alternative sources of poverty or health care data in Italy

The EU-SILC data provides a comprehensive and reliable source concerning poverty or social exclusion rates. In addition to the summary tables presented so far, the Eurostat disability database also contains breakdowns concerning disability and poverty before and after social transfers, as well as in-work-poverty.<sup>52</sup>

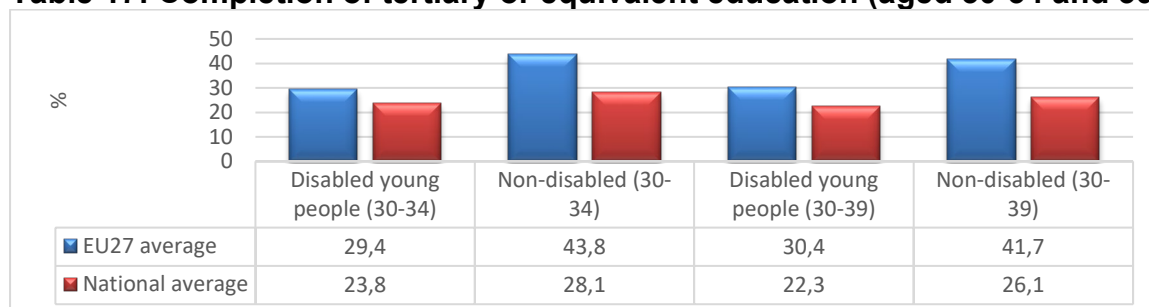
National surveys or studies may offer additional information.

### 7.3 EU data relevant to disability and education

**Table 16: Early school leaving rates, by disability status (aged 18-24 and 18-29)<sup>53</sup>**



**Table 17: Completion of tertiary or equivalent education (aged 30-34 and 30-39)**



Source: EU-SILC 2018 Release 2020 version 1 (and preceding UDBs)

Note: Confidence intervals for the disability group are large and reliability low (due to the small sample size in the target age group). An average of several years may be needed to establish trends or to compare breakdowns by gender.

### 7.3.1 Alternative sources of education data in Italy

Disability data is not included in the core European Labour Force Survey but education and training indicators were disaggregated from ad hoc modules conducted in 2001 and 2011. These can be found in the Eurostat disability database.<sup>54</sup> Similar caution is needed with this data.

<sup>52</sup> Eurostat Health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

<sup>53</sup> There was a change from ISCED 1997 to ISCED 2011 qualification definitions in 2014 although some Member States continued to use the older definition after this time.

<sup>54</sup> Eurostat Health Database, <https://ec.europa.eu/eurostat/web/health/data/database>.

Some administrative data is also provided in the European Agency's Statistics on Inclusive Education (EASIE), concerning the population of enrolled students identified with special educational needs in Italy.<sup>55</sup>

At the national level, there is no structured survey system capable of photographing the situation of students with disabilities and SLD at the university level. Many regions, such as Tuscany, periodically draw up reports, from which it is possible to extrapolate the development trend of the last few years, also concerning individual faculties or types of disability, but certainly, the picture is not complete.

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<sup>55</sup> European Agency for Special Needs and Inclusive Education, *Statistics on Inclusive Education*, <https://www.european-agency.org/data/data-tables-background-information>.

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