

Enabling persons with chronic functional limitations

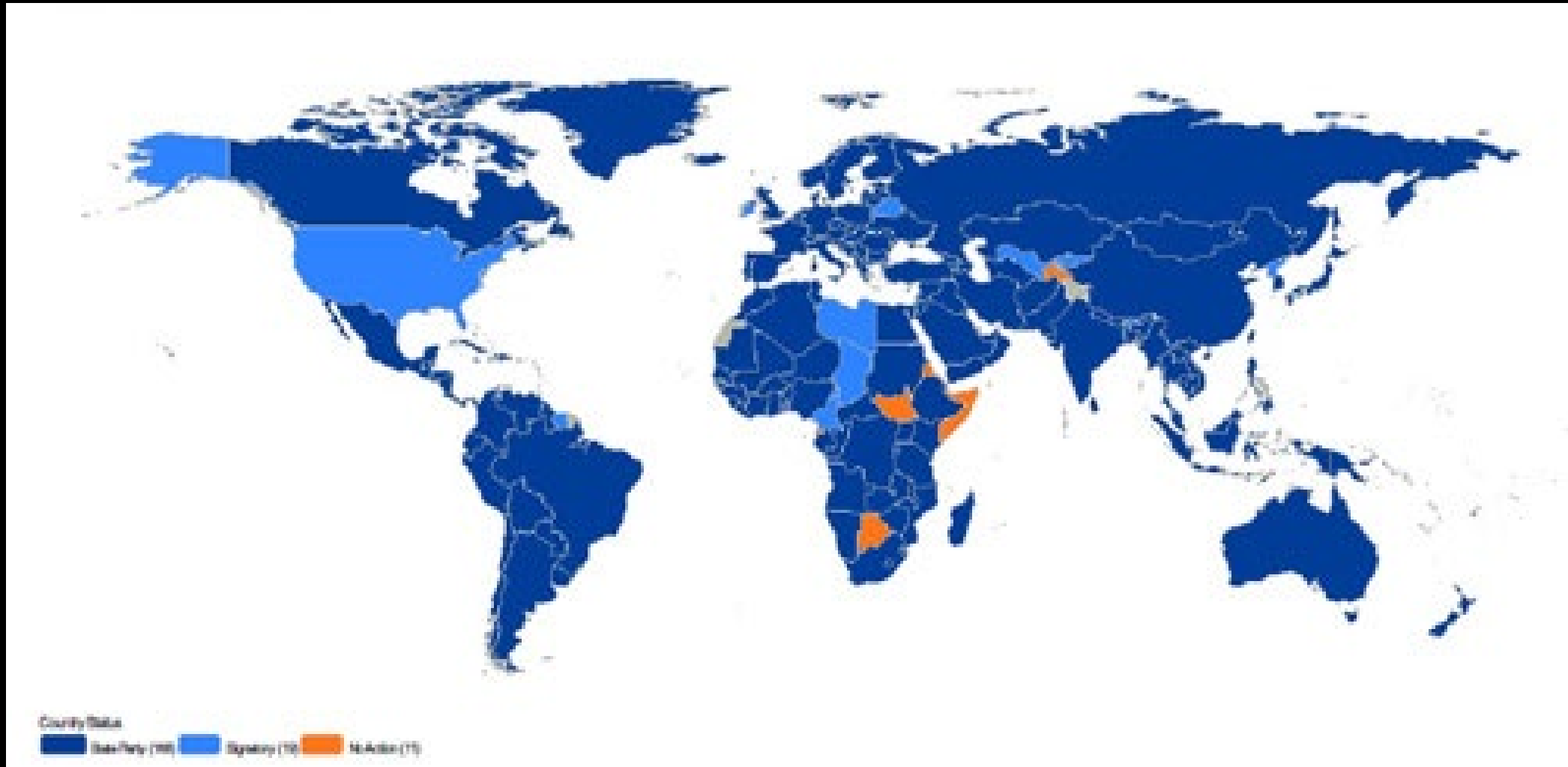
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Board member of European Disability Forum

New York UN 13.12.2006
GA approve Convention on the right of PwD
EU and all 27 country members ratified CRPD



186 States has ratified the Convention (96,6%)
99 States has ratified the Optional Protocol (51,2%)



Higher recognition of the rights of pwd

CRPD is an international standard both for persons with disabilities programs and policies and for general development

From the recognition of the needs

To recognition of the rights

I need to use of a public transportation



I have the right to use a public transportation



Disability is not only a competence field for professionals, but **mainly a political and cultural problem**

Convention on the rights of PwD

Article 1 - Purpose

- The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.



Convention on the rights of PwD

Article 5 – Equality and non discrimination

- 1. States Parties recognize that **all persons are equal before and under the law** and are entitled **without any discrimination** to the equal protection and equal benefit of the law.
- 2. States Parties **shall prohibit all discrimination on the basis of disability** and guarantee to persons with disabilities **equal and effective legal protection against discrimination on all grounds**.
- 3. In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that **reasonable accommodation** is provided.
- 4. Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of the present Convention.

Paradigma's Change

**From
Medical/individual
Model of Disability →**

**To Social Model of Disability based
on Human rights respect**

The Condition of PwD

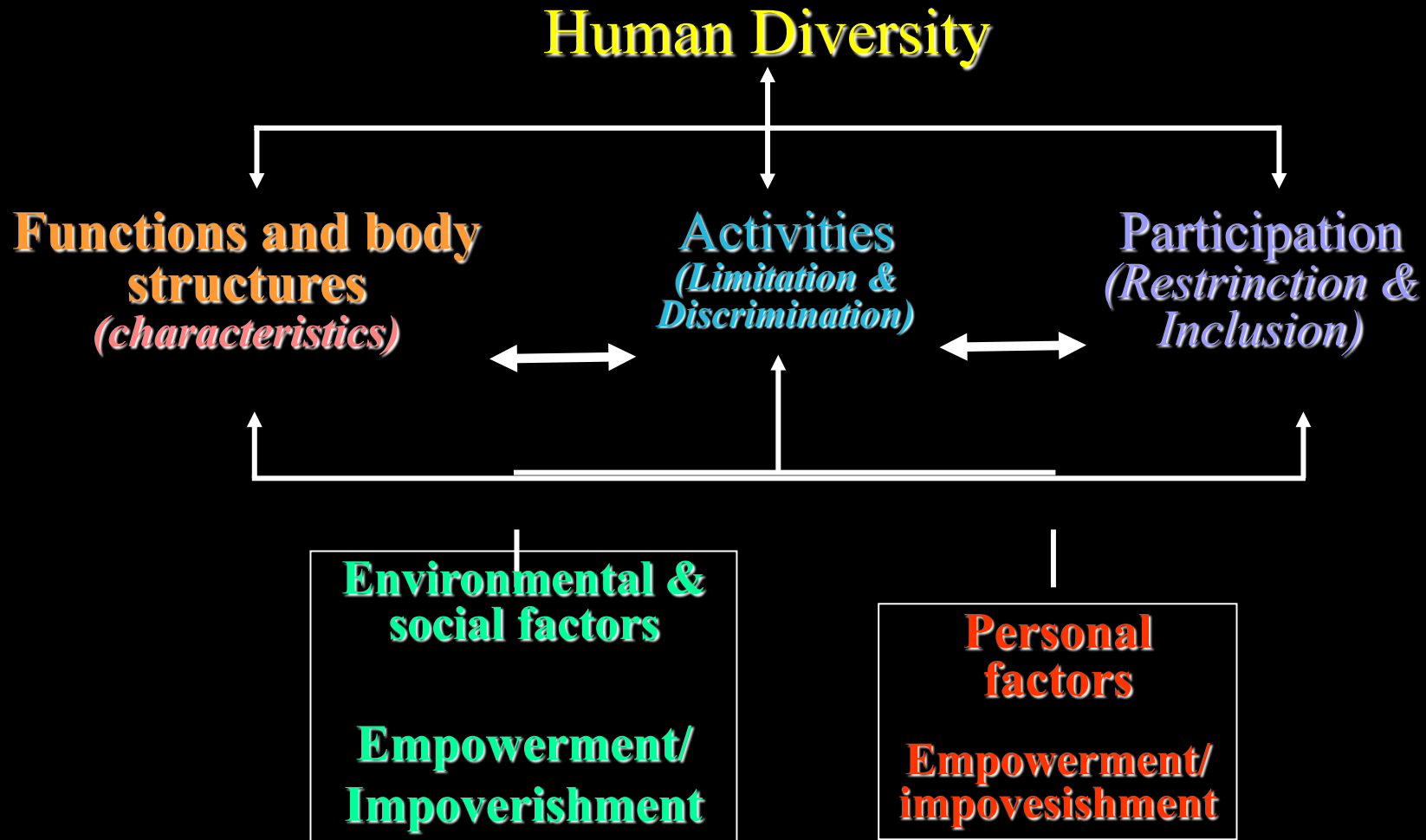
The negative vision that society transfers to PwDs produces a strong social stigma that has consequences in all life fields: economic, cultural, political and social



Definition of disability into UN Convention

- “disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others” (preamble e)

Convention on the rights of persons with Disabilities UN 2006



**EACH PERSON HAVE A OWN MODE
OF FUNCTIONING**

An unic human being with all own
characteristics

Stephen Hawkins



Convention on the rights of persons with Disabilities

The condition of persons with specific characteristics depend from **dynamic** social and individual factors

Disability isn't an health condition

Prevent disability in medical and social policies and stress the responsibility of States and societies

Disability is an ordinary condition of all human being and removing condition of disability is a convenience for society

The **functional diversity** combines with **persons's ability to adapt** and **resilience**, factors that can be **learned and motivated**

The Condition of PwD

The disability condition is both cause and effect of poverty



Poverty and PwD

Poverty for economic and social condition:
lack of economic resources , degraded
conditions (health, food, igienic, social,
etc.)

POVERTY OF RESOURCES

Poverty and PwD

Poverty for social impoverishment:
obstacles and barriers for access to rights, unequal and discriminated treatment, more cost to enjoy goods and services, etc.

POVERTY OF RIGHTS

Research of Leonard Cheshire in United Kingdom

A family in which live a
person with disabilities have
the double probability to
become poor

Poverty and PwD

Economic poverty and social condition +

Poverty for social impoverishment =

POVERTY OF SOCIAL RECOGNITION

Social Exclusion

Poverty and PwD

Poverty of knowledge in the society on the persons with disabilities condition
Lack of capacity to guarantee respect of Human rights for PwD in all area of society

- **POVERTY OF COMPETENCES**
- **POVERTY OF SOLUTIONS**

Empowerment

Empowerment

- Enforce the capacity and skills
- Give power in society
- Support the participation of PwD into society and their communities, create DPOs and support involvement of DPOs in the process of ratification, implementation and monitoring of CRPD
- Training Pwd and families on Human Rights and participation

«The empowerment it is not an immutable personality trait but a dynamic and evolutionary construction guided by the context: it takes different forms in different contexts for different people”

Mark A. Zimmerman

European Disability Forum (EDF) and European Union of Medical Specialists (UEMS) has approved an European statement on the issue of habilitation

European Union of Medical Specialists (UEMS)

- The medical specialists on rehabilitation have understood that the better rehabilitation the effectiveness of each of their rehabilitation actions can be commensurate only with the achievement of the best level of overall habilitation of the person, related with the conditions of life that the person can achieve in his free choice.
- The conception of the Rehabilitation Project that always places the Person as active and central actor of every rehabilitation intervention, with the appropriate professional support (in health, education, employment, social services).

European Disability Forum

- Include the issue of habilitation in the EDF programme of transversal activities related with health, education, employment and social services
- Will discuss with European Commission the issue of habilitation in the activities related with the European strategy on the right of PwDs (**4 Decent quality of life and living independently, empowerment related with independent living and inclusion in the community, European quality framework for excellent social services for persons with disabilities, best practices of de-institutionalisation, etc.**)

CRPD separate art. 25 on health to
art. 26 on Habilitation and
rehabilitation

It is a cultural and technical revolution: a)
rehabilitation and qualification are not exhausted in
the health sector, b) disability is a social
relationship

Convention on the rights of PwD

Article 26 – Habilitation and rehabilitation

- 1. States Parties shall take effective and appropriate measures, including through peer support, to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life. To that end, States Parties shall organize, strengthen and extend **COMPREHENSIVE HABILITATION AND REHABILITATION SERVICES AND PROGRAMMES, PARTICULARLY IN THE AREAS OF HEALTH, EMPLOYMENT, EDUCATION AND SOCIAL SERVICES**, in such a way that these services and programmes:
 - (a) Begin at the earliest possible stage, and are based on the multidisciplinary assessment of individual needs and strengths;
 - (b) Support participation and inclusion in the community and all aspects of society, are voluntary, and are available to persons with disabilities as close as possible to their own communities, including in rural areas.
- 2. States Parties shall promote the development of initial and continuing training for professionals and staff

Re-habilitate

Habilitate

Rather than rebuilding a condition of presumed normality, the enjoyment of fundamental rights and freedoms must be guaranteed to people: rehabilitating if a lost functionality of the body is recovered, enabling when new skills are developed starting from the elements that allow person to function in a certain way and upon whom appropriate skills and supports can be developed

Read with closed eyes

Move without walking

**Communicate without
speaking**

Living with open heart

**Re-habilitate
society**

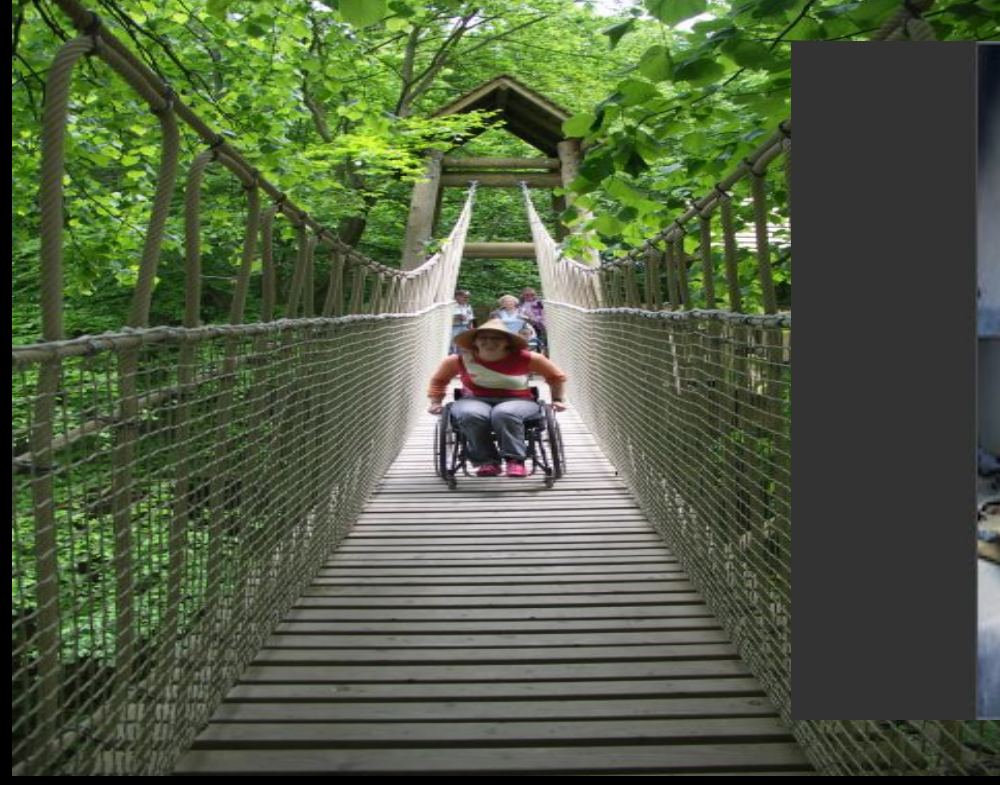
***Habilitate all
professionals &
politicians***

Persons with chronic condition of functional limitation needs habilitation

- Blind persons need to habilitate to living in autonomy
- Persons with high level of dependency should be supported by assistive devices to living at home and prevent institutionalisation
- Persons with intellectual and cognitive disability can benefit of appropriate support to enjoys independent living projects
- ...



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fóto: Shin Shikuma





Convention on the rights of PwD

Article 19 – Living independently and being included in the community

- States Parties to this Convention recognize **the equal right of all persons with disabilities to live in the community, with choices equal to others**, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their **full inclusion and participation** in the community, including by ensuring that:
 - (a) Persons with disabilities **have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;**
 - (b) Persons with disabilities **have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;**
 - (c) **Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.**

Convention on the rights of PwD

Article 20 – Personal mobility

- States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities, including by:
 - (a) Facilitating the personal mobility of persons with disabilities in the manner and at the time of their choice, and at affordable cost;
 - (b) Facilitating access by persons with disabilities to quality mobility aids, devices, assistive technologies and forms of live assistance and intermediaries, including by making them available at affordable cost;
 - (c) Providing training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities;
 - (d) Encouraging entities that produce mobility aids, devices and assistive technologies to take into account all aspects of mobility for persons with disabilities.

Autonomy

Self-determination

Independency

Interindependency

Empowerment

Rephrase the meaning of your condition

Strengthen the motivations to participate in decisions about one's life and in society

Develop individual and social skills and roles

■ Habilitation

Capability

Strengthen people's capabilities in society

Develop skills and social roles according to one's lifestyle

Develop ways of acquiring and developing skills and abilities

The pandemic SAR-COV-2 and PwDs

Discriminatory triage

Lack of attention of emergency services

High level of deaths in long term care

Lock down of devoted services without flexible alternative

Impoverishment of educational system

High burden of problems downloaded on the families and pwds

PERSONS WITH DISABILITIES AREN'T
VULNERABLE PERSONS

BUT PERSONS WHOM
BECAME VULNERATED

The actual welfare system born in 3 crisis periods

◆ Ist world war

◆ Systems of assessment %

◆ Economic benefits

◆ Crisis of 1929 & new deal

◆ Support to the income

◆ IInd world war

◆ Beveridge Document

◆ Protection of vulnerable population

The welfare of protection not has protected the persons with disabilities,

but has produced the invisibility of persons with disabilities in emergency and other general policies

The issues that will be modified by the Italian law 227/21 on the basis of CRPD

- The definition of PwD
- The assessment system (profile of functioning)
- The customised projects and self-determination
- The project budget
- The policies against the segregation
- National ombudsman of pwDs
- The collection of data and statistics
- The disability mainstreaming

Customised and participated project based on empowerment, on participation to the community life, on rehabilitation and habilitation, toward the goal of independent living, and living in own community with appropriate support through direct participation of person with disabilities in the life choices



SUSTAINABLE DEVELOPMENT GOALS

1 NO POVERTY 	2 ZERO HUNGER 	3 GOOD HEALTH AND WELL-BEING 	4 QUALITY EDUCATION 	5 GENDER EQUALITY 	6 CLEAN WATER AND SANITATION
7 AFFORDABLE AND CLEAN ENERGY 	8 DECENT WORK AND ECONOMIC GROWTH 	9 INDUSTRY, INNOVATION AND INFRASTRUCTURE 	10 REDUCED INEQUALITIES 	11 SUSTAINABLE CITIES AND COMMUNITIES 	12 RESPONSIBLE CONSUMPTION AND PRODUCTION
13 CLIMATE ACTION 	14 LIFE BELOW WATER 	15 LIFE ON LAND 	16 PEACE, JUSTICE AND STRONG INSTITUTIONS 	17 PARTNERSHIPS FOR THE GOALS 	 SUSTAINABLE DEVELOPMENT GOALS

NO ONE LEFT BEHIND

SDGs & persons with disabilities

- Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all
- Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all
- Goal 10. Reduce inequality within and among countries
- Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable
- **17.8 ... to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability...**
- geographic location and other characteristics relevant in national contexts

**From the welfare based on
social protection**

**to a welfare based
on social inclusion**

Social Inclusion

Inclusion is a right based on full participation of PwD in all fields of life on equal base by the others, without discriminations, respecting dignity and put in value human diversity, through appropriate interventions, removing barriers and prejudices and support based on mainstreaming to live in local communities



Inclusion is effective only
with direct participation of
excluded and discriminated Persons

Convention on the rights of PwD

Article 4, par. 3 – General obligations

3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.





Put in Value
human diversity

Old Greece

- Kalòs = man health and beautiful
- Kai = is also
- Agathòs = good and appropriate



Marc Quinn





The participative and inclusive societies

- Right to be different
- Difference to be right

The persons with disabilities
aren't object of intervention
decided by others

BUT ARE SUBJECT OF CHANGE

DPOs are the real sustainability of the CRPD application

Competent Participation of persons
with disabilities in the decisions related
with their rights

produce innovation

Nothing about us without us

We are really
experts
on our own life

Hamburg declaration
“enable people and
communities to
take control of their
destiny and
society”

