CHAPTER FOUR

IMPLEMENTATION OF ARTICLE 33 CRPD IN ITALY: ‘MAGNA PARS EST PROFECTUS VELLE PROFICERE’*

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INTRODUCTION

Almost five years ago, on 30 March 2007 Italy signed the CRPD, then ratified it by Law 18/2009.¹

By signing up to the CRPD, Italy has committed itself not only to higher standards of non-discrimination with respect to persons with disabilities, to improve accessibility and social inclusion, but also to reform the structure of its own policymaking process. As explained in the theoretical part of the book, in addition to the international monitoring system and the international quasi-judicial mechanism set forth respectively in Article 34 and in the Optional Protocol, Article 33 CRPD requires Parties to create or designate specific national bodies which will have responsibility for implementation and a framework which will be in charge of ‘monitoring.’²

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² See supra the theoretical part of this book. See also L. Manca, ‘Articolo 33’, in S. Marchisio, R. Cera, V. Della Fina, La Convenzione delle Nazioni Unite sui diritti delle persone con disabilità. Commentario (Roma: Aracne, 2010) 455; F. Seatzu, ‘La Convenzione delle Nazioni Unite sui diritti delle persone disabili: diritti garantiti, cooperazione,
In line with the firm call from the Office of the High Commissioner of Human Rights (OHCHR) to consider Article 33 CRPD a priority, Italy started the implementation process of this provision: the focal point and the coordination mechanism were designated and a monitoring body, the National Observatory on the Situation of Persons with Disabilities (‘Osservatorio Nazionale sulla condizione delle persone con disabilità’—National Observatory), was set up through the ratification instrument. Additionally, Italy is slowly commencing a reform of the legislation in force, with the view of realising the objectives of the Convention.

Thus far, national NGO’s representing people with disabilities have warmly welcomed the structural innovations introduced and the independent mechanism created. Trade unions have also looked favourably upon them, without questioning the compliance of these structures with the Convention. Only some sporadic voices openly criticised the implementation of Article 33 in Italy.

As we will discuss further in this chapter, there is still a considerable gap between Article 33 CRPD, its aspiration and Italy’s achievements: looking

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