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International Disability Rights Paper

The countries I chose to talk about in this paper are Italy and Germany. Both countries are in Europe. Italy is a country that is on the border of the Mediterranean sea, shaped kind of like an old fashioned cowboy boot. Germany on the other hand is located on the edge of the sea of Gibraltar. Both of these countries have different ways in which disability rights were treated, each with a different history, a different present, and hopefully a brighter future for people with disabilities in these two countries.

In Italy, the history of associations involved with disability began towards the end of the First World War. In March 1917, the creation of Opera Nazionale per l'Assistenza e la Protezione degli Invalidi di Guerra, (which means the National Work for the Assistance and Protection of War Validates), led to the social question of disability to begin to gain visibility among Italians. This program supported invalid or disabled War Veterans who fought bravely or gave their lives in the World War. This was followed by the first few legislation to be passed. In August of 1921, the legislation requiring public and private firms to hire people with disabilities was passed, then in 1923, the Education Act that promised education to the blind and deaf was passed. Because of the new insight, many more associations connected to disability emerged in Italy. In January 1917 before the creation of the National Work for the Assistance and Protection of War Validates(NWAPWV), a man named Aurelio Nicolodi, who had become blind during the war created the Associazione Nazionale per i Ciechi di Guerra (National Association for the Blind of

War). Not long after the creation of the NWAPWV was created. That same year the creation of the Proletarian League Mutilated Invalids Veterans Orphans and War Widows would become one of the largest scaled attempts to organize the disabled, developing campuses all over northern Italy. According to the article the association of people with disabilities in Italy: A short history, “In 1922, following the first Convegno dei Sordomuti Italiani (Italian Conference of Deaf-Mutes), held in Genoa in 1920, the Federazione Italiana delle Associazioni fra i Sordomuti (Italian Federation of Associations among the Deaf and Dumb) (FIAS) was founded on the initiative of Giuseppe Enrico Prestini and in 1924 the Unione Italiana Sordomuti (Italian Union of the Deaf and Dumb) was created” (Matteo Schianchi). Sadly in 1925, Prestini was murdered by three fascist assassins. This was called the “Matteotti affair” of disability because from that moment on the associations of disabled people could only survive by becoming fascistized. Other associations specific to certain disabilities were created not long after this; For example, in 1932, Ente Unico in Rappresentanza dei Sordi Italiani (Single Body Representing the Deaf Italians), was founded and requested official government recognition. In 1933, the Associazione Nazionale fra lavoratori Mutilati e Invalidi del Lavoro (ANMIL) (National Association of Mutilated and Disabled workers) was founded in Milan, although short-lived. Most of its responsibilities were given over to the Istituto Nazionale per l'Assicurazione Degli Infortuni sul Lavoro (INAIL, National Institute for Insurance against Accidents at Work), which was also formed in 1933.

In Germany, advocating for disability rights was a much harder and more dangerous road for people with disabilities. During World War Two, people with disabilities were captured and killed. If a person had a disability the Nazi’s used them as scapegoats claiming that the reason the

country of Germany was in a poor season was because of these people. Along with Jews and homosexuals, people with disabilities were sought after, tortured, and killed by the Nazis. Hospitals had to report the birth of any child with a disability so that they could be immediately sent to what is termed as "Killing wards" where children were murdered by an overdose of lethal medication. If it was an adult they were taken on a gray bus to their deaths. Their bodies would then be sent in urns to the family members and told they died of "natural causes". According to the article *Gray Bus* by Dagmar Herzog; "More than 5,000 disabled children and eventually more than 210,000 disabled and mentally ill individuals in total would be killed -- 70,000 of these choking on carbon monoxide gas dispensed through shower heads at the six main killing facilities in 1940-41. An additional 80,000 patients of psychiatric facilities would be murdered in occupied parts of Poland, France, and the Soviet Union" (Herzog, 303). After the War, in the 1950s and 1960s, disability rights organizations were generally like those of Italy, advocating for soldiers injured during the war. It wouldn't be until the late 60s early 70s that groups of disabled youth would appear, insisting on social integration and the removal of physical barriers. In the mid 70s, early 80s activism movements that modeled the civil rights movements would emerge in Germany. In the article *Gray Bus* it tells of the first major public protest that took place in Frankfurt in 1974; "... Disabled people of all kinds (including in wheelchairs) blocking streetcar traffic during rush hour to protest the barriers to disabled people's access to public transportation and the ways those barriers forced them into dependence and isolation" (Herzog, 305). Even though this brought around advancement in the disability rights movement, it wouldn't be until after the unification of West and East Germany in the 1990's that disabled people would see legal changes begin made. In 1992, the *Entmündigungsgesetz* (Disenfranchisement law) was abolished and replaced by the *Betreuungsrecht* (The right to

receive care). This law meant for the first time, disabled people in Germany would have a right to privacy and confidentiality in health care. In 1994, Germany's Basic Law would be amended to include a nondiscrimination clause which stated that nobody could be discriminated against on the grounds of his disability. In 2001 the goal of rehabilitation was legally redefined, and in 2002 the Behindertengleichstellungsgesetz (Equality Law for the Disabled) was passed. This Law gave a right to disabled to freedom from barriers or all aspects of life.

Although these movements were fundamental to the rights of disability to be recognized, they would not be anything without the influential leaders that showed people disabilities in a new light. In Germany Hannes Schmid, the glamour photographer led a massive nationwide campaign of photos showing disabled people taking pride in their disability. This campaign was called "We will not let ourselves be disabled." Hannes Schmid is a swiss born photographer, born in 1946. He is sought after because of his desire for his photos to tell not just a story, but a beautiful truth. "It wasn't enough for me to just experience a story I had to live it." Hannes Schmid said. "My goal was to stage reality." With his photos, he challenged every stigma and prejudice placed upon the disabled people, showing them in a different light then what society has seen and challenging the status quo for perfection. Gusti Steiner was also one of the first-hour activists to really fight against the segregation of society. Gusti, himself was disabled. He was a wheelchair user because of a disease of muscle wasting. He was the founder of the Federal German emancipatory movement for the disabled. Steiner would attend regular schools in his young years because during his time there were no special services. According to the article *Gusti Stiener: German social worker* "In 1973, together with the publicist Ernst Klee, he started a community college course in Frankfurt am Main, in which people with disabilities were to learn to improve their own situation." He became an inspiration for American Civil right movement

and due to him there was a great shift in disability policy. Steiner explained his reasoning simply when he stated; “I was denied access to buildings by steps and staircases which had been planned and built by others who were in power. I and other disabled people were denied access to public transport by the way in which busses and trains were planned, built and used. And this had consequences for our self-confidence! We had to go to the places where these conflicts were evident. There we had to use our creative energy to self-confidently draw attention to the problems and change the disabling situation” (Steiner, 2003). Of course Steiner was never alone in his work. He had the help of two good people, Theresia Degener and Franz Christoph.

According to the article Theresia Degner: German Professor; “Degener was born on April 10, 1961, in Altenberge, Germany. She is a lawyer, and Professor of Law and Administration at the Protestant University of Applied Sciences Rheinland-Westfalen- Lippe in Bochum. She is one of the victims of the Thalidomide scandal - the scandal in which consumption of the drug Thalidomide led to children being born without limbs. She is armless since birth. Degener is an activist in the German disability movement and has contributed substantially to the cause.” As for Franz Cristoph, He and Horst Frehe founded “Cripples group” in 1978. Also, according to the article *Towards Self-Determination and Equalization:*

A Short History of the German Disability Rights Movement; “In 1977 the two of them had developed the "cripples' position" on disability. It comprised a perception of disability as the societal suppression of disabled people and the forced conformity to the values, ideals and aesthetics of non-disabled people as a form of cultural enslavement” (Swantje Köbsell).

In Italy, Maria Luisa Ubershag Menegotto formed the Associazione Nazionale Famiglie di Fanciulli Minorati Psicici (ANFFAS, National Association of the Families of Children with

Intellectual Disabilities) in Rome. But it wouldn't be until 1964 that it would be recognized as an institution. She worked together with many parents to have their children with disabilities be treated with equality and equity. This organization still contributes to many changes to this day. Sadly there is not much we know about Maria, except that she was a parent of a disabled child. In 1976, Rosanna Benzi began to edit a magazine called the *Gli Altri* which means "The Others". According to the article *associations of people with disabilities in Italy: A short history*; "Benzi's magazine launched a series of campaigns to raise awareness of issues related to disability and social marginalisation, including a campaign against barriers in the built environment and others regarding sexuality, tax relief and orthopaedic devices" (Schianchi, 127). When Rosanna was Thirteen years old, she was struck with polio in one of the most serious forms. According to the article *Rosanna Benzi*, "The disease caused her quadriplegia and severe respiratory failure and forced her to spend the rest of her life in a steel lung at the San Martino Hospital in Genoa... In adulthood Benzi would become one of the most authoritative voices heard in campaigns to support the rights of the disabled." Her work in the disability rights movement can be further read in her two books *Il vizio di vivere* (The Habit of Living, 1984) and *Girotondo in una stanza* (Round Dance in a Room, 1987). In 1976, the *Fronte Radicale Invalidi* which would later be called the *Lega Arcobaleno* or Rainbow League would be founded by Bruno Tescari. This league would argue for the rights to services, access to work, and overcoming architectural barriers. Bruno Tescari was born in Rome, Italy in 1934. He became a professor of business technique at the Technical Institutes of Accounting in Rome. According to the article *Who is Bruno Tescari* he was involved in many things during his life span. Two of his biggest achievements in my opinion were When he directed the IRF (Invalid Radical Front) "From 1976 to 1983 he directed the FRI (Invalid Radical Front), which he founded. In those years he was

committed to the issue and implementation of Presidential Decree 384 / '78 relating to the removal of architectural barriers in buildings open to the public, for the issue of the "badge" for the free circulation of motor vehicles for non-ambulatory people , for the accessibility to means of public transport also by people who "walk" with wheelchairs, for the placement of people with disabilities” (Luca Coscioni Association for the freedom of scientific research). Then also when he became the Secretary of the Association against extermination by hunger. “From 1981 to 1985 he was Secretary of the ‘Association against extermination by hunger’, which he founded. He has thus succeeded - after having collected the signature of 13 Nobel Peace Laureates at the bottom of a Manifesto he had drawn up - to agree on a truce between the Government of Sudan and the guerrillas so that the parties would agree to circulate food throughout the territory and medicines for the population affected by the internal war: this has been publicly acknowledged by the International Red Cross” (Luca Coscioni Association for the freedom of scientific research).

Because of the works of these movements and these influential people in the fight for the rights of the disabled, Laws and policies began to change regarding the disabled. We talked briefly about some of this change earlier while discussing the history of disability rights movements. According to the article *Associations of people with disabilities in Italy: A Short History*; “In 1980 a large number of associations, led by the Lega Nazionale per il Diritto al Lavoro degli Handicappati, drafted a people's bill (proposta di legge di iniziativa popolare) aimed at reforming the law on compulsory work placement for people with disabilities. The bill got 120,000 signatories and in April 1980 it was presented to Parliament and to the President of the Republic, Sandro Pertini” (Schianchi, 128). After this, associations advocating for policies

and laws to be made continued to grow in Italy. In the 1980's many associations began to unite in their efforts to get policies passed by parliament. An example would be when Federhand united the disability associations in Campania known as the Coordinamento Sanita ed Assistenza or the Coordination of Health and Assistance, with those in Piedmont known as the Comitato Unitario Invalidi or the Committee Invalid Unit as well as Tuscany and Sicily. "The drawing together of these associations responded to a need for direct and active involvement by people with disabilities and their families in framing policies and interventions regarding them, as had already happened in a number of cities - Genoa, Milan, Bologna, Rome, Naples - where associations had managed to get consultative bodies set up at local level and as would happen later in a number of regions after their powers were increased" (Schianchi, 128). Schianchi says that the turning point in the history Italian disability association was when the preparations for the Legge quadro (Framework law, Law 104) of 1992 began. According to Wikipedia this law states; "The framework law for the protection of disabled people is the Law of 5 February 1992 n. 104 (*" Framework law for assistance, social integration and the rights of people with disabilities "*). The main objectives are the removal of disabling causes and the promotion of autonomy and socialization. The aims are: to guarantee respect for human dignity and the rights of freedom and autonomy; guarantee full family, school, work and social integration; ensure services and benefits for prevention, treatment and rehabilitation and legal and economic protection."

In Germany, there was a much harder time getting policies and laws passed. In 1983, the Green Party was elected into the parliament for the first time. They offered to be the mouthpiece for social minorities in Germany, Disability rights activists quickly took up the offer. The most

successful of their endeavours was a bill of legislation on the funding of care and assistance.

According to the article *Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement* ; “This bill aimed to abolish all institutions by 1995, at which time a nationwide net of in-house help agencies should have been established.

Unfortunately, this legal initiative was not crowned with success” (Köbsell). Although there were many movements and protests, it would take many more years before the disabled people of Germany would have any success in legislation. It wouldn’t be until 1994 that Germany would amend their constitution to include anti discrimination against those who were disabled.

Unfortunately this change had no noticeable effect for disabled people. In effort to get this constitutional change to have effect, the biggest Germany charity Campaign Human Being created a media campaign. “This campaign, together with the additional publicity created by the disability organizations, developed so much pressure that the 1998 newly elected government had to include the aim of a federal law for the equalization of disabled people into their coalition agreement”(Köbsell). Yet, even with this, there was still no change. Efforts continued with the forum of disabled lawyers giving the government a bill for an equalization law. Eventually with much support from the Federal Commissioner for Persons with Disabilities, Two lawyers would write the Federal Act of Equalization of Disabled Persons (Behindertengleichstellungsgesetz) which would be in force in May of 2002. “this Act regulates the competences of the federal state in terms of accessibility of federal buildings and communication with federal authorities. It also acknowledges German Sign Language, thus giving deaf people the right to an interpreter when dealing with federal authorities”(Köbsell). With the help of these changes and laws, the disability rights movement had made huge progress, although they were still far from complete success

and it would take many years for disabled people in Germany to be seen as humans in the eyes of german society.

The conditions today are poor for advocacy due to Covid-19 restrictions upon places of business and schools. It will be harder to get full inclusion and full support for people with disabilities, with everyone struggling financially. For Italy, advocacy for disabilities is already going on strong. The future of disability advocacy in Italy lies in the hands of the Italian Development Cooperation Disability Action Plan. (Resource available in works cited). Also with Italy trying to follow the CPRD, they made a document for future use known as Initial National Report to the Committee on the Rights of Persons with Disability. (Resource available in works cited). As for Germany, the rights of disabled people are just starting to be accepted by not just court, but by society. The only place disability advocacy can go from here is up. Germany will work harder to get closer to rehabilitation. This is in the report; Rehabilitation 2030: A Call for Action. (Available in works cited). Also questions are answered in the report *Questions by the Special Rapporteur*. (Available in works cited). These are the future plans for these two countries regarding disability policy and rights.

In conclusion, Italy was more advanced in acceptance and advocacy for disability than Germany. Even with Germany's horrifying history regarding disabilities, they have moved on towards more humane acceptance of disabilities. It might be taking longer than usual, but Germany is making progress and people with disabilities can now feel comfortable visiting Germany without experiencing many obstacles. Italy has been successfully advocating for

disabled people for many years now and can now be seen as accepting and abiding to their disabled citizens. If I were to visit one place where I wanted to be heard, I would choose Italy.

APA Bibliography

Schianchi, M. (2013). Associations of people with disabilities in Italy: A short history.

Modern Italy, 19. Doi:10.1080

Herzog, D. (2011). Gray Bus. *WSQ: Women's Studies Quarterly*, 39(1-2), 300-314.

doi:10.1353/wsq.2011.0015

Peoplepill.com, P. (2012). Gusti Steiner: German social worker (1938 - 2004): Biography,

Facts, Career, Wiki, Life. Retrieved December 10, 2020, from

<https://peoplepill.com/people/gusti-steiner/>

Köbsell, S. (2006). Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement. *Disability Studies Quarterly*, 26(2).

Peoplepill.com, P. (2012). Theresia Degener: German professor (1961-): Biography, Facts,

Career, Wiki, Life. Retrieved December 10, 2020, from

<https://peoplepill.com/people/theresia-degener/>

Find a grave, F. (2020). Rosanna Benzi (1948-1991) - Find A Grave Memorial. Retrieved

December 10, 2020, from

<https://www.findagrave.com/memorial/193243193/rosanna-benzi>

For the freedom of scientific research, L. (2020, December 04). Chi è Bruno Tescari.

Retrieved December 10, 2020, from

<https://www.associazionelucacoscioni.it/chi-bruno-tescari>

Pedia, W. (2020, November 30). Legge quadro. Retrieved December 10, 2020, from

https://it.wikipedia.org/wiki/Legge_quadro

Cantini, G. (2013, July). *Italian Development Cooperation Disability Action Plan* [PDF].

Italy: Italian Ministry of Foreign Affairs, Directorate-General for Development
Cooperation (MFA-DGCS).

https://www.esteri.it/mae/resource/doc/2016/07/b_01_piano_azione_eng.pdf

Document For Italy CPRD;

<https://www2.ohchr.org/SPdocs/CRPD/futuresession/CRPD.C.ITA.1-ENG.doc>

WHO Headquarters, E. (2017, February 6-7). *Rehabilitation 2030: A Call for Action*
[PDF]. Germany: WHO Headquarters.

https://www.who.int/disabilities/care/Rehab2030MeetingReport_plain_text_version.pdf

Document for Germany Report questions;

[https://www.ohchr.org/Documents/Issues/Disability/DisabilityInclusivePolicies/States/PM%20G
ermany_ENG.docx](https://www.ohchr.org/Documents/Issues/Disability/DisabilityInclusivePolicies/States/PM%20Germany_ENG.docx)

