



Italian Development Cooperation

Disability Action Plan:

Guidelines for accessibility of buildings financed by the DGDC

**Document adopted by the DGDC (Directorate General for Development Cooperation)
Steering Committee on July 24, 2015**

This is a document of the Italian Ministry of Foreign Affairs and International Cooperation, Directorate General for Development Cooperation. It has been drafted by the Technical Group “Accessibility and usability of facilities, goods and services” in the framework of the Disability Action Plan activities implemented in collaboration with MAECI- RIDS (Italian Network on Disability and Development):

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Thanks to Rita Pantini (DGDC, Technical Central Unit) for revising the English version of the document.

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INTRODUCTION

The World Health Organization (WHO) estimates that persons with disabilities in the world are a little less than one billion (about 15% of the world population) and that 82% of them live in developing countries as identified by the Organisation for Economic Cooperation and Development/Development Assistance Committee (OECD-DAC).

The DGDC promotes and protects the rights of persons with disabilities in its initiatives with the aim to enable persons with disabilities, on an equal basis with others, to access information, services and facilities (art. 9 of the Convention on the rights of persons with disabilities, CRPD)¹.

The CRPD is an international human rights treaty of the United Nations with the objective to protect the rights and dignity of persons with disabilities. It was adopted by the UN General Assembly on December 13th, 2006.

Italy signed the Convention in 2007 and ratified it, together with its Optional Protocol, in 2009 (Law 18 March, 3, 2009).

In accordance to the principle of CRPD, the DGDC has worked, in close collaboration with the representatives of civil society, in the drafting of a Disability Action Plan document since 2011².

The Action Plan was adopted in June 2013 and it is founded upon five pillars. Pillar 3 is related to “Accessible and usable environments, goods and services”.

The present Guidelines have been adopted, as foreseen within the actions of pillar 3, with the aim to provide reference standards for any new construction or renovation project funded by the DGDC, in order to allow access to all people, including persons with disabilities.

The guidelines are based on both the principles of the Italian law in the field of accessibility/removal of architectural barriers (see references in the addendum) and the experience of other cooperation agencies.

BASIC PRINCIPLES FOR BUILDINGS ACCESSIBILITY

¹ <http://www.un.org/disabilities/convention/conventionfull.shtml>

² http://www.cooperazioneallosviluppo.esteri.it/pdgcs/Documentazione/NormativaItaliana/2013_30_10_PDA-ENGL-ESEC.pdf

1. **Accessibility standards to be applied:** The DGDC is committed in any of its development cooperation initiatives involving funding of constructions or renovation of any kind of structure, even when carried out by contractors, subcontractors and/or recipients, to respect or enforce the accessibility construction standards required by the legislation of the host country or regional standards, where existing. In the absence of specific local standards, the principles set out in Article. 9 of the CRPD shall be observed.
2. **Accessibility standards application in case of joint implementation with other actors:** When the DGDC implements projects funded by more than one agency or donor, the application of accessibility standards, as defined in paragraph 1, shall be required.
3. **Universal Design** – The DGDC is committed to respect, in its projects, the principle of Universal Design which means design and realization of products, buildings and services that are accessible and usable by everyone, including persons with disabilities, without the need for adaptation or specialized design. This principle is based on the fact that the construction of facilities for the exclusive use of persons with disabilities decreases the effectiveness of efforts to create solutions appropriate for all. Substantially, Universal Design provides solutions for both persons with disabilities and the entire population, with consequent fulfillment of inclusion and reduction of costs.
4. **Percentage of spaces to be made accessible:** The percentage of items or areas made accessible within complex structures (such as housing facilities), should proportionately reflect the number of persons with disabilities in the project beneficiary countries or regions. If such data are not available, 15 percent WHO estimate shall be used.
5. **Accessibility documentation in the projects funding proposal.** Supporting documentation for any cooperation initiative proposed for funding that falls within the scope of these Guidelines must contain a brief description of the applied accessibility standards and in case of exemptions (see below), a brief but detailed description of the reasons that have prevented or made inappropriate the application of the required accessibility standards must be included.

SCOPE OF THESE GUIDELINES

These guidelines apply to all activities of construction or renovation funded by the DGDC as part of its development cooperation initiatives, including buildings realized by contractors, subcontractors and/or beneficiaries.

(1) New construction - All new constructions activities realized in the framework of the projects funded by the DGDC shall respect the standards stated above.

(2) Alterations: changes to an existing structure that could affect its usability shall adhere to the standards stated above.

As a general rule, the principle "if modified, it should be accessible" shall apply.

Exceptions are routine maintenance, re-roofing, painting of interiors or changes to mechanical or electrical systems (or in general all interventions that are not alterations of the structure).

WAIVER

When it is proved that adherence to these standards is not possible, these may be waived in part or entirely.

In this case (see principle 5), the supporting documentation of the project proposal must detail the reasons justifying the non-application of the prescribed standards, and provide documentation, as well as significant information - if any - on how and where the services can be provided to (or facilities can be used by) persons with disabilities.

The reasons for the exceptions include, but are not limited to:

- a. **The lack of technical feasibility**: in cases of insurmountable physical and/or structural constraints.
- b. **The excessive burden**: if the cost resulting from the application of standards is not appropriate to the needs, or objectively unreasonable for the beneficiary or the contractor. The excessive cost must still be explained in details (including estimated costs resulting from the application of standards) in the supporting documentation provided at the time of the initiative approval. In determining whether an action would result in an undue burden, all resources available to the program or component for which the product is being developed, procured, maintained, or used, should be considered.
- c. **The limited or restricted use** of local (premises/rooms) or technical facilities which by their nature/purpose are not open to the public and to which access is limited to a small number of operators (eg. Specialized technical personnel).
- d. **Emergency constructions** when exceptional circumstances (to be described in the detailed documentation) do not allow to take account of all accessibility standards. However: a) every effort to ensure the protection and safety of persons with disabilities in situations of risk should be made (Art. 11/CRPD) also through partial and temporary accessibility solutions; and b) as soon as conditions allow, the required accessibility standards should be adopted.

ITALIAN LAW REFERENCES ON ACCESSIBILITY AND REMOVAL OF ARCHITECTURAL BARRIERS

DPR 6 GIUGNO 2001,N. 380

DECRETO DEL PRESIDENTE DELLA REPUBBLICA 6 giugno 2001, n. 380

"Testo unico delle disposizioni legislative e regolamentari in materia edilizia. (Testo A)"
pubblicato nella Gazzetta Ufficiale n. 245 del 20 ottobre 2001 - Supplemento Ordinario n.
239 (Rettifica G.U. n. 47 del 25 febbraio 2002) -
<http://www.parlamento.it/parlam/leggi/deleghe/01378dla.htm>

Capo III: Disposizioni per favorire il superamento e l'eliminazione delle barriere architettoniche negli edifici privati, pubblici e privati aperti al pubblico.

Sezione I

Eliminazione delle barriere architettoniche negli edifici privati

- Art. 77 (L) Progettazione di nuovi edifici e ristrutturazione di interi edifici (legge 9 gennaio 1989, n. 13, art. 1)
- Art. 78 (L) Deliberazioni sull'eliminazione delle barriere architettoniche (legge 9 gennaio 1989, n. 13, art. 2)
- Art. 79 (L) Opere finalizzate all'eliminazione delle barriere architettoniche realizzate in deroga ai regolamenti edilizi (legge 9 gennaio 1989, n. 13, art. 3)
- Art. 80 (L) Rispetto delle norme antisismiche, antincendio e di prevenzione degli infortuni (legge 9 gennaio 1989, n. 13, art. 6)
- Art. 81 (L) Certificazioni (legge 9 gennaio 1989, n. 13, art. 8; decreto legislativo 18 agosto 2000, n. 267, art. 107 e 109)

Sezione II

Eliminazione o superamento delle barriere architettoniche negli edifici pubblici e privati aperti al pubblico

- Art. 82 (L) Eliminazione o superamento delle barriere architettoniche negli edifici pubblici e privati aperti al pubblico (legge 5 febbraio 1992, n. 104, art. 24; decreto legislativo 31 marzo 1998, n. 112, art. 62, comma 2; decreto legislativo n. 267 del 2000, articoli 107 e 109).

Vedi anche:

DECRETO MINISTERIALE N. 236 DEL 14/06/1989 emesso dal Ministero delle infrastrutture e dei Trasporti. Pubblicato sulla G.U. n. 145 del 23/06/1989.

"Prescrizioni tecniche necessarie a garantire l'accessibilità, l'adattabilità e la visitabilità degli edifici privati e di edilizia residenziale pubblica sovvenzionata e agevolata, ai fini del superamento e dell'eliminazione delle barriere architettoniche".

<http://www.mit.gov.it/mit/site.php?p=normativa&co=vd&id=1588>

DECRETO DEL PRESIDENTE DELLA REPUBBLICA 24 LUGLIO 1996, N. 503 pubblicato in S.O. della G.U. 27 settembre 1996, n. 227.

"Regolamento recante norme per l'eliminazione delle barriere architettoniche negli edifici, spazi e servizi pubblici."

<http://www.gazzettaufficiale.it/eli/id/1996/09/27/096G0512/sg>

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

ARTICLE 9 - ACCESSIBILITY

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- b) Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.