

Conclusions

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The protection of the rights of people with autism in the fields of education and employment is far from being uniform within the European Union. Among countries substantial differences exist with regard to the legal regimes in favour of persons with ASD and, currently, only few European countries have developed specific legislation or national plans and strategies on autism.

As flexible instruments addressing the needs of people with ASD, national autism plans and strategies set out adapted, life-long support and services to enable them to enjoy full inclusion and participation in relevant social fields. The national autism plans and strategies developed in the United Kingdom are good practices as they take into account the needs of people with autism from childhood to adulthood and are more respondent to the principles and rights enshrined in the CRPD. In particular, the Northern Ireland Autism Strategy (2013–2020) and its Action Plan (2013–2016) are modeled on the CRPD which is expressly recalled as a legal source to which their strategic priorities are conformed in order to reinforce the human rights of persons with autism in the domestic legal order.

While specific legislation in favour of people with ASD are generally lacking, some legislative measures in the fields of education, vocational training and life-long learning, and employment apply to people with autism.

In the field of education, the current tendency in EU Member States is to develop a policy towards inclusion of pupils with special educational needs. There are still countries with a selective rather than an inclusive education system, but some advancements have been put in place. On the contrary, some EU Member States, such as Italy or UK, have long been leaders in protecting the right to education of children with disabilities and their legislations have much to offer as implementing practice of Article 24 of the CRPD. However, many challenges remain reflecting

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gaps in applying laws. While it is considered perhaps the most inclusive education system in the world, Italy serves as an important reminder about the many challenges of translating the language and values of law into practice.

Article 24 of the CRPD calls for an inclusive education system which should be flexible to meet the special needs of people with disabilities. Adjustments are especially needed to address ASD pupils' needs, for whom education cannot rely on centrally-determined curricula and teaching methodologies. Qualified by the OHCHR has a good example of support measures consistent with Article 24 (2) (d) of the CRPD, the IEPs should be intended, in order to meet the needs of pupils with ASD, as a global plan including didactic, rehabilitative, social and welfare aspects. Good examples in this regard are the PEI in Italy and the EHC plan in England.

Similarly, the sensitivity of the institutions and the public towards people with autism has increased over time in the field of vocational training and lifelong learning. However, it seems necessary to continue encouraging the promotion and development of vocational training initiatives aimed at teenagers and adults. A project of development training of persons with ASD should include the provision of effective support to their families, as well as opportunities for social development, through organized services, and the design of routes towards work orientation, stimulating at the same time ways to manage leisure and recreational time.

The implementation of Article 27 of the CRPD in the EU Member States shows that the level of protection of the right to work and employment of persons with ASD in each country depends by several factors including social, cultural and economic circumstances. From this perspective, there is no a one size-fit-for-all approach in the implementation of employment rights of people with autism at domestic level, but different regimes may be enforced, on a case by case basis, with the aim to achieve the objectives of Article 27. However, disability-related legislations to be adopted at national level in this field have to rely on two 'normative principles': in the first place, the adoption of a normative definition of disability sufficiently wide to encompass ASD and, in the second place, the avoidance of national legislations ambiguous about whether failure to provide reasonable accommodation is to be treated as a form of unlawful discrimination. These two principles have to be regarded as benchmarks to be applied by national implementing legislations.

In conclusion, the promotion of equal rights for people with autism, in the key areas of education and employment, should be high on the agenda of EU Member States in consideration of their commitments deriving from the CRPD. Being the overall aims of the Convention the inclusion and full participation of persons with disabilities in all aspects of life, the achievement of such goals for persons with ASD can be realized especially through education and employment, as highlighted by the UNGA Resolution 67/82 of 19 March 2013 and by the message of the UN Secretary General on the 2014 World Autism Awareness Day.

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