

**Question for oral answer O-00011/2018  
to the Commission**

Rule 128

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Subject: Guardianship for people with intellectual disabilities

There are approximately 80 million people with disabilities living in the EU. Many of these people, particularly those with intellectual or psychosocial disabilities, are partially or entirely deprived of their legal capacity and as a result are denied their right to live independently and make decisions about their lives. European citizens in this situation cannot choose where and with whom they wish to live, cannot vote or stand for election (including in European elections), cannot get married, and cannot sign employment contracts. The UN Convention on the Rights of Persons with Disabilities (CRPD), which has been ratified by the EU and almost all its Member States, promotes a human-rights based approach and recognises that all persons with disabilities are right holders and should enjoy their legal capacity on an equal basis with others. This approach to disability has profound implications for legislation on legal capacity and has required a shift from legally empowering other people to make decisions for people with disabilities (known as substitute decision-making) to supporting people to make their own decisions (known as supported decision-making). Despite almost all EU countries having ratified the CRPD, legislation in every Member State still legitimises the denial of legal capacity on the basis of disability, which is discriminatory. Nonetheless, effective supported decision-making models do exist and should be further developed to provide adequate support that empowers all people to make choices and enjoy their rights as fully as any other European citizen. The EU's efforts in this field were reviewed by the UN Committee on the Rights of Persons with Disabilities in 2015. According to the Commission's Progress Report on the European Disability Strategy, however, very little advancement on issues surrounding legal capacity and EU rights has been achieved.

How can the role of the EU institutions be improved, within the limits of their competencies in this area, in order to more actively encourage the Member States to change their legislation on legal capacity? What steps can be taken by the EU to ensure that people deprived of their legal capacity can exercise their rights under European law to the greatest extent possible, including the right to vote in the upcoming European Parliament elections?

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