

**Question for written answer E-003420/2023/rev.1
to the Commission**
Rule 138
Angelo Ciocca (ID)

Subject: Review of the legislation on limited guardians

The death of Professor Gilardi, whose case had reached the European Court of Human Rights after he was forced to enter a care home in order to protect him from those who were supposed to assist and care for him, has again raised the issue in Italy of limited guardianship – an arrangement introduced under Italian Law No 6/2004, which it has now become clear needs to be swiftly updated.

Of particular concern is the power accorded to limited guardians to take decisions and make choices in the name and on behalf of persons living with disabilities, covering not only their financial interests but also the choice of who should care for them, and where.

This is a clause and a procedure which not only contravene the provisions of the United Nations Convention on the Rights of Persons with Disabilities, according to which no person with a disability may be forced to live where they do not want to, but also Article 26 of the Charter of Fundamental Rights of the European Union, according to which ‘the Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence’.

Given the urgency of the matter and the ever-increasing number of reports of mismanagement on the part of limited guardians, can the Commission say what it could do to bring Italy to account, for example whether it can ask the Italian government to revise the applicable legislation and tighten up the training qualifications needed to work as a limited guardian?

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