

The Authority's response to the Public Appeal, where the issues raised remain unresolved

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The National Authority for the Rights of Persons with Disabilities has responded to the Public Appeal promoted by Coordinamento PERSONE, Associazione Diritti alla Follia and Centro Informare un'h. The signatories requested an examination over concerns regarding the composition and functioning of the National Observatory on the Situation of Persons with Disabilities, and the safeguards for transparency, pluralism and independence in decision-making. We thank the Authority for its response and publish it in full, together with a commentary jointly prepared by the signatories to the Appeal.

On 8th October 2026, we addressed a **Public Appeal** to the Boards of the [National Authority for the Rights of Persons with Disabilities](#) and the [National Guarantor for the Rights of Persons Deprived of their Liberty](#), asking each body to examine, within its respective remit, certain concerns relating to the [National Observatory on the Situation of Persons with Disabilities](#) and national disability policies. The full text of the Appeal is available at [this link](#).

In the Appeal, we raised issues concerning the Observatory's composition and functioning, potential conflicts of interest, transparency and independence in decision-making, and the effective participation of persons with disabilities and their representative organisations. We also requested an examination of significant issues relating to independent living, inclusion in the community, deinstitutionalisation and the compatibility of specific legislative provisions included in the [United Nations Convention on the Rights of Persons with Disabilities](#).

On 16th October 2026, we received the **response from the National Authority for the Rights of Persons with Disabilities**. Below we publish the response in full and the **signatories' commentary**, so that readers may consult the documents directly and assess which issues have been addressed and which remain unresolved.

Response of the National Authority for the Rights of Persons with Disabilities to the Public Appeal

Subject: Public Appeal of 8th October 2026, concerning the composition and functioning of the National Observatory on the Situation of Persons with Disabilities. RESPONSE.

The National Authority for the Rights of Persons with Disabilities has examined the Public Appeal referred above, promoted by PERSONE – National Coordination Against Discrimination against Persons with Disabilities, Associazione Diritti alla Follia and Centro Informare un'h. The Appeal brings to the Authority's attention issues concerning the composition and functioning of the National Observatory on the Situation of Persons with Disabilities, together with further matters relating to independent living, inclusion in the community, deinstitutionalisation, the participation of persons with disabilities in decision-making and the implementation of the United Nations Convention on the Rights of Persons with Disabilities.

This response, consistent with the decisions adopted by the Board, **does not seek to express any judgment on the merits** of the assessments and positions advanced by the signatories to the Appeal. Rather, it seeks to **clarify the scope of the powers**

conferred on the Authority by the legislation in force and, at the same time, to explain the functions it performs in relation to the substantive matters falling within its institutional mandate.

Legislative Decree No. 20 of 5 February 2024, as amended and supplemented by Legislative Decree n. 123 of 18 June 2026, entrusts the Authority with protecting and promoting the rights of persons with disabilities, monitoring compliance with the UN Convention and its national legislation, combatting discrimination, obtaining information, examining reports, issuing recommendations and opinions, and exercising further statutory powers. Article 1(2) of Legislative Decree n. 20/2024 itself stipulates that the Authority **shall work in cooperation with the National Observatory on the Situation of Persons with Disabilities**.

The composition, organisation and functioning of the Observatory are specifically governed by Law n. 18 dated 3 March 2009 and Decree of the President of the Council of Ministers n. 115 dated 20 July 2023. The legal relationship between the two bodies is therefore one of cooperation within their respective remits, rather than hierarchy, supervision or control. Accordingly, **the Authority's powers do not include** a general power to oversee the Observatory's composition, organisation or functioning, the procedures for appointing its members, the criteria for representation or the associated governance rules, including the general rules governing potential conflicts of interest within the body.

This clarification does not however place the substantive issues raised in the Appeal outside the Authority's remit. **The Authority's powers remain fully applicable** to monitoring the implementation of the UN Convention, examining specific, concrete situations that may affect the effective enjoyment of the rights of persons with disabilities, and taking the measures provided for by law where the relevant conditions are met.

With specific regard to independent living, inclusion in the community and deinstitutionalisation, the Authority refers to **Article 19 of the UN Convention** on the Rights of Persons with Disabilities. This recognises the right of persons with disabilities to live in the community, with choices equal to others, and to receive the support needed to prevent isolation or segregation. Also relevant are the observations of the UN Committee on the Rights of Persons with Disabilities in its concluding observations on the initial report of Italy (**CRPD/C/ITA/CO/1, 2016**), paragraphs 47 and 48. The Committee expressed deep concern about the trend towards re-institutionalisation and the failure to redirect resources from institutions towards promoting independent living. It recommended, *inter alia*, upholding the right to autonomous and independent living in all regions and redirecting resources towards community-based services, strengthening the support necessary for independent living.

Within this framework, Article 1(2) of Legislative Decree n. 20/2024, currently in force, defines the Authority as a component of the national system for promoting and protecting the rights of persons with disabilities and **monitoring implementation of the Convention**, pursuant to Article 33(2) thereof, and for **monitoring facilities and programmes designed to serve persons with disabilities**, pursuant to Article 16(3) of the Convention.

Consistent with this role, **Article 4(1)(n)** of the same Legislative Decree empowers the Authority to carry out **visits, with unrestricted access to premises**, to the facilities covered by that provision. During such visits, private interviews, without witnesses, may also be conducted with persons with disabilities and anyone else able to provide information relevant to the Authority's functions. In exercising these powers, the Authority has already initiated inspections of facilities and services for persons with disabilities, to ascertain in practice

respect for the rights, dignity, self-determination, autonomy and quality of life of the persons residing there, as well as matters relating to their effective inclusion in the community. To this end, by **Resolution n. 36 of 6 October 2026**, the Authority adopted the '**Operational guidelines for defining national standards for visits to residential, semi-residential and community facilities for persons with disabilities and older persons requiring assistance with daily living**', as a framework for conducting this work consistently and systematically.

In the individual situations examined, this monitoring and inspection work may identify matters directly linked to **independent living, inclusion in the community and deinstitutionalisation**. The formulation of national strategies and general planning decisions in these areas is a separate matter, falling to the bodies and administrations entrusted by law with the relevant policy-making and regulatory functions.

The Authority will therefore continue to exercise its institutional functions fully independent, examining, on its own initiative or on the basis of reports received, specific, concrete situations involving possible infringements of the rights of persons with disabilities, and taking the measures provided for by law where the relevant conditions are met.

Finally, the Authority **considers** dialogue with persons with disabilities and their representative organisations essential. Within its remit, it **will continue** to listen and give due consideration to concerns raised by civil society, in strict compliance with the powers conferred on it by law.

Yours faithfully,

Maurizio Borgo

Commentary on the Authority's response to the Public Appeal

When it comes to the rights of persons with disabilities, defining the limits of one's powers is not enough: how those powers will be exercised must also be clarified.

We acknowledge the response and the limits of competence it sets out. Nevertheless, we believe it leaves an important question unresolved: having clarified what the Authority cannot do directly in relation to the Observatory, **what concrete action does it consider possible on matters affecting the protection of the rights of persons with disabilities which it itself recognises as falling within its institutional mandate?**

1. The limits of competence do not settle the matter

In its response, the Authority clarifies that its relationship with the National Observatory on the Situation of Persons with Disabilities is one of cooperation, rather than subordination, supervision or control.

According to the Authority, this means that it has no general power to oversee the Observatory's composition, organisation and functioning, its appointment procedures, the criteria for representation or the associated governance rules, including the general rules governing potential conflicts of interest within it.

We acknowledge this clarification.

The fact that the Authority has no general power of oversight over the Observatory **does not, in itself, render the issues raised irrelevant: questions about the transparency, pluralism and independence** of decisions affecting disability policies; examination of **potential overlaps between interests**

linked to the management of residential services and participation in decision-making on deinstitutionalisation; and the introduction of **effective safeguards** for the participation of persons with disabilities and the prevention and management of potential conflicts of interest.

Indeed, the response expressly refers to the Authority's powers to promote and protect rights, monitor implementation of the UN Convention, obtain information, examine reports and issue recommendations and opinions. It also states that the Authority may examine, on its own initiative or, on the basis of reports received, specific situations that may affect the **effective enjoyment of the rights of persons with disabilities**.

We take this clarification seriously and ask the Authority to explain how it intends to exercise the functions conferred to it, within the limits established by law.

2. Our Appeal contained specific requests which still require examination

In addition to raising concerns about the Observatory's composition, our document contained distinct requests:

- a request to **examine the compatibility** of Article 20 of [Legislative Decree n. 62/2024](#) with the principles and guiding criteria of [Enabling Law n. 227/2021](#) and Article 19 of the UN Convention. We also called for a **national deinstitutionalisation strategy** with measurable objectives, implementation (feasible time frame), responsibilities, resources and public monitoring mechanisms;
- a request for **safeguards to prevent and manage potential conflicts of interest, public criteria** for selecting representatives, **consultations open** to independent associations, and **regular public reporting**.

The response does not expressly examine each of these requests.

Instead, the Authority refers to Article 19 of the UN Convention, the recommendations addressed to Italy by the [UN Committee](#) on the Rights of Persons with Disabilities in 2016¹ and its own inspections of facilities and services for persons with disabilities. It also reports that, by Resolution n. 36 dated 6 October 2026, it adopted operational guidelines for visits to residential, semi-residential and community facilities for persons with disabilities and older persons requiring assistance with daily living².

We recognise the importance of this work. Verifying respect for the dignity, self-determination, autonomy and quality of life of persons accommodated in facilities is essential to protecting their rights.

However, we consider it **equally important** to examine the availability of community support, the allocation of resources and the safeguards needed to ensure that people can effectively exercise their freedom to choose where and with whom to live. These conditions are shaped by national strategies and general planning decisions, which fall to the competent bodies and administrations. Monitoring living conditions in facilities and formulating national strategies are undoubtedly distinct levels of action, but we believe they are closely connected. Institutional strategies shape the present and future context in which rights are respected.

¹ UN Committee on the Rights of Persons with Disabilities, [Concluding observations on the initial report of Italy](#), 31 August 2016

² The OPERATIONAL GUIDELINES for defining national standards for visits to residential, semi-residential and community facilities for persons with disabilities and older persons requiring assistance with daily living are available at the [following link](#).

In light of these concerns, we ask the Authority to clarify whether, and through which statutory instruments, it considers it possible to examine the issues raised and bring them to the attention of the competent institutions.

3. Effective participation and independent representation

In the concluding part of its response, the Authority states that it considers dialogue with persons with disabilities and their representative organisations essential, and that it will continue to listen and give due consideration to concerns raised by the civil society.

We fully endorse this principle.

However, the issue raised by our Appeal also concerns the **practical conditions for participation**: who participates in decision-making, with what responsibilities, under which selection criteria, and with what safeguards for pluralism and independence.

Article 4(3) of the UN Convention requires that, in developing and implementing legislation and policies relating to persons with disabilities, persons with disabilities **must be** closely consulted and actively involved through their representative organisations.

The UN Committee further clarified, in paragraph 34 of its [Guidelines on deinstitutionalization, including in emergencies](#), adopted in 2022, that persons with disabilities and their representative organisations must be closely involved at all stages of deinstitutionalisation. The same paragraph stresses the need to prevent **service providers and parties with financial or other interests in keeping institutions open** from influencing decision-making on deinstitutionalisation.

These guidelines make the request for effective safeguards against potential conflicts of interest particularly relevant, and **raises questions about the criteria applied and the safeguards** ensuring the effective participation of persons with disabilities, including in coordination and leadership roles. This is especially pertinent given that the institutional documentation published in December 2023³ lists five coordinators, all of them men.

This raises a **question of gender representation**. Moreover, the criteria for identifying representatives, the **safeguards for pluralism** and independence, and the concrete opportunities for participation available to independent associations, **including those outside the main national federations**, do not appear to have been made public.

We asked the Authority to clarify whether the issues raised could be examined within its remit from the perspective of protecting rights and fulfilling obligations under the UN Convention.

On this point too, the response provides no specific answer. Nor does it expressly address the extension of the Observatory's term.

The [Decree of the President of the Council of Ministers of 7 August 2026](#) **extended the term of the National Observatory** on the Situation of Persons with Disabilities, in its current composition, for three years from 1 September 2026.

We acknowledge the provisions of the Decree. The extension does not, in itself, establish that the Observatory's arrangements are unlawful, nor does it allow definitive conclusions on the validity of measures previously adopted. The issues raised concerning the body's previous expiry date

³ See the notice *Minister Locatelli appoints the five coordinators of the National Disability Observatory*, undated, published on the National Observatory on the Rights of Persons with Disabilities website at the [following link](#). See also *Composition. Members of the Observatory pursuant to Article 2(1) of Decree of the President of the Council of Ministers No. 115 of 20 July 2023*, undated, published on the same website at [this link](#).

and any measures adopted during the disputed period remain separate and must be assessed on the basis of the relevant legislation and documentation.

However, a **question of transparency and institutional accountability** remains.

We believe that the criteria for representation, safeguards for independence, and arrangements for preventing and managing potential conflicts of interest must be clarified.

Administrative continuity is one issue; pluralism, independence and the quality of participation is another. These two requirements are not necessarily incompatible, but their relationship deserves clarification.

4. Article 20 of Legislative Decree n. 62/2024: a matter requiring further examination

Our Appeal requested an **examination of the compatibility** of Article 20 of Legislative Decree No. 62/2024, concerning freedom to choose one's place of residence and continuity of support, with the principles and guiding criteria of Enabling Law n. 227/2021 and Article 19 of the UN Convention.

The provision recognises the freedom of persons with disabilities to choose where and with whom to live, and provides for the identification of suitable housing arrangements and adequate support. However, it includes **an exception** where the appropriate intensity of interventions or the required specialist quality cannot be ensured.

The existence of this clause is a legislative fact. Its **possible incompatibility** with higher-ranking provisions or Italy's international obligations is, however, a legal question requiring specific examination; it cannot be regarded as already established.

The problem we wish to bring to the institutions' attention is concrete: **what conditions must be met for the exception to apply?** How is the inability to provide the necessary support established? **What safeguards prevent gaps or inadequacies in service provision from effectively restricting the person's freedom of choice?**

Enabling Law n. 227/2021 sets out provisions on preventing institutionalisation, promoting deinstitutionalisation and redirecting resources towards services supporting living at home and independent living. It is therefore reasonable to request an examination of the relationship between these objectives and the provision in the Legislative Decree.

We believe this issue warrants examination, including in light of the UN Committee's recommendations to Italy and the right to live in the community enshrined in Article 19 of the Convention.

The Authority's response refers precisely to this right and to international recommendations on independent living, but **does not expressly state its position** on the request concerning Article 20.

We therefore ask the Authority to clarify whether it considers it possible to examine the matter within its remit and, if it considers that other bodies should address it, to indicate what exchanges or initiatives within its own competence might be considered.

Comparison with the interventions on the School Decree and the CUDE (European Parking Card for persons with disabilities)

To assess the Authority's response to our Appeal, it may be useful to consider some recent interventions in which it addressed concrete issues concerning the rights of persons with disabilities.

On 14 October 2026, the Authority appeared before the Senate's 7th Committee during its examination of Bill S. 2053, concerning the conversion into law of [Decree-Law n. 170/2026](#), known as the **School Decree**⁴.

As the hearing's documentation and the written submission to the Committee show, the Authority **expressly assessed the potential effects of certain provisions on the rights of pupils with disabilities**. It highlighted the risk that organisational requirements and available resources might constrain educational planning and support, stressed the importance of family participation, and asked Parliament to amend the text during the conversion process.

Although this situation is legally different from that addressed in our Appeal, the comparison raises a legitimate question.

In the case of the **School Decree**, the Authority identified significant concerns, **assessing potential effects on rights and addressed a specific request to Parliament**. In its response to our Appeal, by contrast, it clarified the limits of its oversight powers over the Observatory and described its monitoring work, without specifying what action it considers potentially available on the issues raised concerning participation, independent decision-making and **deinstitutionalisation**.

We therefore ask whether, and to what extent, the significant concerns in our Appeal may also be addressed through the functions of **promoting rights, monitoring the UN Convention and issuing recommendations** to which the Authority itself refers in its response.

Another intervention, concerning the **CUDE**, likewise highlights the importance of the practical consequences of procedures.

On 21st October 2026, in an intervention concerning the European disability parking permit, the Authority **called for action on practical difficulties** affecting the freedom of movement of persons with disabilities⁵.

Specifically, it called for the simultaneous recognition of two vehicle registration numbers associated with the permit for access to restricted traffic zones, and for the permit to remain valid when the holder moves to another municipality, without requiring further medical assessments where unnecessary.

Again, this issue differs from that raised in our Appeal. The intervention concerns administrative procedures and mobility arrangements, whereas our document focuses chiefly on institutional participation, safeguards for independence and **deinstitutionalisation** policies.

Nevertheless, we believe this case shows that **the Authority can identify administrative barriers affecting the exercise of rights and submit proposals for action to the competent institutions**.

The same attention to the practical effects of public decisions is also important when what is at stake is **freedom to choose where and with whom to live**, the availability of community support and the conditions that may facilitate or hinder **deinstitutionalisation**.

Our question remains the same: what action within the Authority's remit can be considered when the concerns raised relate not only to individual situations, but also to the **institutional conditions** in which policies for persons with disabilities are formulated?

Our requests to the Authority

We are not asking the Authority to do what it cannot do. We are asking it to clarify what it can do.

⁴ [School Decree, the Authority: 'Organisational requirements must not restrict the rights of pupils with disabilities'](#), 14 October 2026.

⁵ [Restricted traffic zones and parking, the Authority: 'For persons with disabilities, two registration numbers active at once and no new application when moving to another municipality'](#), 21 October 2026.

The response we received recalls fundamental principles of the UN Convention, clarifies the relationship between the Authority and the Observatory, and describes inspections that may contribute to the effective protection of rights.

Nevertheless, we consider it incomplete in relation to the issues brought to its attention. The Authority does not clarify which concerns raised in the Appeal it has assessed within its remit, what action it considers potentially available, or which matters must necessarily be addressed by other bodies.

We therefore ask the Authority to clarify:

- whether it considers it possible, within its remit, to **examine the implications of the concerns raised** for implementation of Articles 4(3) and 19 of the UN Convention;
- whether it considers it possible to **issue recommendations or opinions, or engage with the competent bodies**, on the conditions needed to ensure the effective participation of persons with disabilities and independent decision-making;
- what **monitoring and further examination** might be considered in relation to independent living and deinstitutionalisation, beyond inspections of individual facilities and services;
- whether it considers it possible to **examine, within its remit, the issue concerning Article 20 of Legislative Decree No. 62/2024**, particularly freedom to choose one's place of residence and continuity of support;
- what instruments may be used to **bring the concerns raised to the attention of the competent institutions** and encourage further examination of issues affecting the effective enjoyment of the rights enshrined in the UN Convention.

We will continue to call for transparency, participation and accountability

Our initiative stems from the conviction that full implementation of the UN Convention cannot rest solely on statements of principle.

It requires verifiable decisions, identifiable responsibilities, coherent policies and decision-making processes in which persons with disabilities play a genuinely active role.

We will continue to seek clarification of the Observatory's composition and functioning through the available mechanisms and from the competent bodies.

We will continue to call for a national deinstitutionalisation strategy and remind institutions of their obligations under the UN Convention.

Whenever the freedom to choose where and with whom to live lacks concrete alternatives, whenever participation is reduced to a formal hearing, and whenever adequate safeguards for transparency and accountability are absent, rights risk losing their value in people's everyday lives.

Rights are not lost only when they are openly denied. They are also weakened when the conditions necessary to exercise them are not put in place.

We will therefore **continue to monitor, document concerns, ask questions and demand answers**. We will do so with determination and respect for institutions, while retaining our freedom to criticise their decisions and hold them accountable.

We invite persons with disabilities, families, associations, independent organisations and all those who share these principles to follow our work, stay informed, share our contributions and participate in public debate. We seek attention, awareness and participation, rather than merely symbolic endorsements.

Rights do not defend themselves. Let us continue to defend them together.

See also:

[PERSONE](#) – National Coordination Against Discrimination against Persons with Disabilities

Associazione [Diritti alla Follia](#)

[Informare un'h](#) – Centro Gabriele e Lorenzo Giuntinelli

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