The National Guarantor for the Rights of Persons Deprived of Personal Liberty also responds to the Public Appeal

*Prepared by **PERSONE** – National Coordination against Discrimination against Persons with Disabilities, **Associazione Diritti alla Follia** and Centro **Informare un'h***

*Following the response from the National Authority for the Rights of Persons with Disabilities, the Public Appeal promoted by the PERSONE Coordination, Associazione Diritti alla Follia and Centro Informare un'h has now received a reply from the **National Guarantor for the Rights of Persons Deprived of Personal Liberty**. The issues raised in the Appeal concerned a request for further examination of certain critical matters relating to the composition and functioning of the National Observatory on the Status of Persons with Disabilities, as well as safeguards for transparency, pluralism and independence in decision-making processes. We are also publishing this second response, accompanied by a note of comment prepared by the promoters of the Appeal.*

The Public Appeal, sent on 8th October 2026, was addressed to the **Boards of the National Authority for the Rights of Persons with Disabilities (GNPD)** and the **National Guarantor for the Rights of Persons Deprived of Personal Liberty (GLP)**. Each Authority was asked to examine, within the scope of its respective remit, certain critical matters concerning the National Observatory on the Status of Persons with Disabilities and national policies in this area. The full text of the Appeal is available at this **link.**

On 16th October 2026, we received an **initial response from the GNPD**. We published the response of the National Authority, together with the related note of comment by the promoters of the Appeal – PERSONE (National Coordination against Discrimination against Persons with Disabilities), Associazione Diritti alla Follia and Centro Informare un'h – at the following **link.**

On 10th November 2026, the **GLP's response** also arrived. As with the first response, we are publishing the text received together with a note of comment by the promoters of the Appeal. The note requests clarification regarding the GLP's remit in relation to **situations in which persons with disabilities residing in residential facilities are deprived, including de facto, of their personal liberty.**

GLP's response to the Public Appeal

Subject: Request for an examination of the composition and functioning of the National Observatory on the Status of Persons with Disabilities and for the introduction of safeguards to ensure transparency and independence in decision-making processes

With reference to the communication of 8th October 2026, containing the Public Appeal drawn up by the Associations to which this letter is addressed, we hereby inform you that the matters set out therein do not fall within the institutional remit of this Guarantor.

It should be noted that, with regard to matters connected with the activities of the National Authority for the Rights of Persons with Disabilities and concerning issues of common interest, institutional consultations have been initiated.

We take this opportunity to extend our kind regards.

Riccardo Turrini Vita

Note of comment on the GLP's response to the Public Appeal

We acknowledge receipt of the response sent in relation to our Public Appeal of 8th October 2026 and the clarification that the matters set out therein would not fall within the institutional remit of the **GLP**.

It is essential that, in addition to the definition of the institutional framework, the manner in which these powers are actually exercised to ensure the effective protection of rights should also be clear.

Our Appeal did not ask the National Guarantor to exercise oversight powers over the composition or functioning of the National Observatory on the Status of Persons with Disabilities, nor to intervene in the procedures for appointing its members.
The reference to the GLP was motivated by a different and specific concern: the need to draw attention to the **conditions of persons with disabilities and older persons residing in residential and semi-residential facilities,** where **situations involving deprivation, including de facto deprivation, of personal liberty may occur, as well as incidents of abuse, violence and ill-treatment.**
This is an issue which, in our view, deserves particular attention precisely in light of the functions assigned to the **GLP** as the **National Preventive Mechanism (NPM).**
The deprivation of personal liberty, in fact, is not necessarily limited to situations formally ordered by a judicial or administrative authority. Concrete circumstances may also be relevant where a person is not actually free to leave the place in which they are staying, irrespective of the administrative or care-related classification of the facility in which they reside.
We do not intend to argue that every stay in a residential facility automatically constitutes a deprivation of personal liberty or necessarily falls within the scope of the GLP's intervention.
We do, however, consider that the **actual conditions** in which persons accommodated in such facilities live must also be capable of assessment from this perspective, within the limits of the powers provided for by law.

We consider that institutional cooperation must translate into concrete and measurable outcomes, particularly in situations involving possible deprivation of liberty and protection against abuse.

The link between the respective remits of the two Guarantors
In this regard, we draw attention to the provisions of Article 1(2) of Legislative Decree No. 20 of 5 February 2024, as currently in force.decreto legislativo 5 febbraio 2024, n. 20
That provision establishes that the **National Authority for the Rights of Persons with Disabilities (GNPD)**, with regard to persons with disabilities deprived of their personal liberty, shall identify forms of cooperation with **the National Guarantor for the Rights of Persons Deprived of Personal Liberty (GLP)**, without prejudice to their respective remits.
Also relevant is Article 1(2-bis) of the same Legislative Decree, introduced by Legislative Decree No. 123 of 18 June 2026, which provides that the **GNPD** shall exercise its functions in healthcare, social-healthcare and care facilities in order to protect the rights of persons with disabilities, without prejudice to the provisions of Article 7 of Decree-Law No. 146 of 23 December 2013.decreto legislativo 18 giugno 2026, n. 123decreto-legge 23 dicembre 2013, n. 146
These provisions confirm the existence of an **area of institutional cooperation specifically identified by the legislator** and make the role of both Authorities particularly significant in protecting persons with disabilities who are deprived of their liberty.

Institutional consultations referred to in the response
We have taken note of the statement in the concluding part of the communication received, which indicates **that institutional consultations have been initiated** with the National Authority for the Rights of Persons with Disabilities on **issues of common interest**.
We welcome this initiative; however, we consider that specific clarification is needed as to the **subject matter and objectives of these consultations**.
In particular, we would like to know whether these discussions have included:

- the assessment of situations involving possible deprivation, including de facto deprivation, of the personal liberty of persons with disabilities residing in residential and social-healthcare facilities;
- the strategies and procedures adopted to prevent and identify inhuman or degrading treatment, abuse and ill-treatment;
- the effective coordination of monitoring activities and visits to facilities, in compliance with the specific powers assigned to each Authority;
- the development and implementation of joint initiatives aimed at protecting the self-determination and liberty of persons with disabilities living in institutional settings.
We are not requesting disclosure of any confidential information, but wish to understand whether these consultations are aimed at defining concrete and operational initiatives for the protection of personal liberty and its prevention from being infringed.

Request for clarification
In light of the foregoing, we ask the GLP to clarify:
- whether it **considers that situations involving possible deprivation, including de facto deprivation, of the personal liberty** of persons with disabilities residing in residential facilities may fall within the scope of its prevention and monitoring activities, within the limits established by the legislation in force;
- whether any **in-depth assessments and visits** have been carried out, or are planned, at facilities and in settings where persons with disabilities are present in circumstances falling within the GLP's remit, with particular regard to situations in which forms of restriction of personal liberty may arise;
- whether **the institutional consultations** with the GNPD have already resulted, or may lead, **to coordinated initiatives** on these matters;
- whether the GLP considers it possible, within the scope of its powers, **to examine further the relationship between institutionalisation, deprivation of personal liberty and the prevention of inhuman or degrading treatment.**

We are not asking the GLP to intervene in general policy-planning choices concerning disability policies, nor to exercise powers assigned to other bodies. We do, however, ask that the delimitation of institutional **remits should not result in situations in which the personal liberty of persons with disabilities may be effectively compromised being left without adequate attention.**
The prevention of arbitrary deprivation of liberty, abuse and degrading treatment cannot depend exclusively on the formal classification of the places in which people live; it requires **attention to the actual conditions** in which their lives unfold.
Deinstitutionalisation and the protection of personal liberty are closely interconnected issues: attention must be paid to the actual conditions of persons living in facilities, as must the need to prevent situations in which residence in such settings results in a substantial restriction of liberty.
We therefore trust that the GLP will provide more specific clarification on the matters raised and on any initiatives that may be undertaken within the scope of its remit.

Documentation
The text of the Public Appeal referred to in this article is available in Italian at the following link and in English at this other link (while the explanatory text introducing the Appeal is published at this additional link).seguente linkquest'altro linkulteriore link
PERSONE Coordination, Associazione Diritti alla Follia and Centro Informare un'h, "The National Guarantor responds to the Public Appeal, but the issues raised remain unresolved", «Informare un'h», 29 October 2026.*L'Autorità Garante risponde all'Appello pubblico, ma le questioni sollevate restano aperte*
PERSONE Coordination, "Conflict of interest and deinstitutionalisation: the National Observatory on Disability should take a position", «Informare un'h», 5 May 2026.*Conflitto di interessi e deistituzionalizzazione, l'Osservatorio Nazionale sulla Disabilità prenda posizione*
PERSONE Coordination, "Institutionalisation and conflict of interest: PERSONE Coordination writes an open letter to the Minister for Disability", «Informare un'h», 4 March

2026.*Istituzionalizzazione e conflitto di interessi: il Coordinamento PERSONE scrive una lettera aperta alla Ministra per le Disabilità*

Last updated: 14 November 2026