

La vaccinazione dei maggiorenni incapaci contro il Covid-19: spunti di riflessione per la tutela giuridica dei soggetti adulti vulnerabili nella relazione di cura

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The Vaccination of Incapacitated Adults Against Covid-19: Reflections on Legal Safeguards for Vulnerable Individuals in the Caregiving Relationship

Abstract: The approval by the Italian legislature of a specific framework to allow incapacitated adults, especially those residing in institutions, to consent to vaccination against the SARS-CoV-2 virus prompts several considerations regarding the protection of vulnerable persons. This paper first reviews the regulations for the vaccination of adults with legal or natural incapacity with Covid-19. It then outlines the standard mechanisms that are applicable in the care relationship involving incapacitated adults from the point of view of the protection of the rights to health and autonomy. Finally, it provides a comparative analysis of the two frameworks: the specific one for coronavirus vaccination and the general one, aiming to highlight points of divergence and offer potential insights for protecting the most vulnerable in the doctor-patient relationship.

Keywords: Constitutional rights, Vulnerable persons, Guardianship, Physician-patient relationships, Incapacitated individuals.

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