

## **I decide, therefore I am - the new human rights paradigm for persons with disabilities**

### **CRPD Article 12 implementation - realizing the right to legal capacity of persons with disabilities**

#### Summary:

Since the CRPD adoption in 2006 some countries that have ratified this groundbreaking human rights treaty have been making efforts to ensure the right of persons with disabilities to full legal capacity in their national legislation. In 2014 the CRPD Committee issued General Comment 1 on legal capacity providing general guidelines and interpretation on the different components of this fundamental right. However, despite the strong provisions of the CRPD persons with disabilities have been denied the right to legal capacity for a very long time. Substitute decision-making models such as guardianship and conservatorship have been prevalent in all legal systems even though according to Article 12 of the CRPD they are not compatible with a human rights based model on disability and should be abolished.

Legal capacity is instrumental for the enjoyment of other rights, including civil, political, economic, social and cultural rights. Denial of legal capacity deprives persons with disabilities from the enjoyment of other basic rights such as, inter alia, the right to vote, the right to have a family, the right to health and medical treatment, consent to intimate relationships.

Until now, different countries have initiated legal reforms for the implementation of CRPD Article 12 but there are still not many commonly recognized legislative models of supported decision making worldwide. A number of pilot projects have been launched to explore supported decision making in practice; there is also a growing body of research, policy analysis and evaluation of pilot initiatives. There is a need for further exchange of ideas, models and solutions to shape the legal reforms and practices. In particular, there is a need to further develop a systematic knowledge data base on CRPD Article 12 and how its standards can be met through legislative reform and government policies and programmes, as well as the everyday social practices of individuals, their supporters and communities.

#### Event objectives:

Highlighting Article 12 as the core of the UNCRPD and a tool for achieving the paradigm shift in reality: legal capacity is crucial for the enjoyment of all other human rights; therefore, recognizing the autonomy and legal capacity of persons with disabilities will ensure equal access to services and the enjoyment of all human rights on an equal basis with others.

Changing attitudes and raising public awareness by presenting the evidence based results of pilot projects: supported decision making as an alternative to guardianship.

#### Agenda:

Country representatives and disability rights experts will present their views on questions put by the moderator on the way different legislative proposals have tackled CRPD Article 12

implementation requirements, including, inter alia, forms of support, appointment of legal supporters, ways of determining interpretation of will and preferences, etc.

Rapporteurs:

Asya Tsvetanova, PhD, First Secretary, Permanent Mission of Bulgaria to the UN;

Carlos Ríos-Espinosa, Human Rights Watch, Senior Researcher and Advocate on Disability Rights

Venue: Conference Room 4, UNHQs (capacity: 200 – 300 people),

Additional information:

- International sign language interpreters will be present and will require a raised platform in order to be easily seen by the panelists and audience
- A screen and projector, as well as access to wifi will be required for CART services

Panelists/organizers: Permanent Mission of Bulgaria to the UN; Permanent Mission of Australia to the UN; Permanent Mission of India to the UN; Permanent Mission of Colombia to the UN; Human Rights Watch; OHCHR; CRPD Committee; Bulgarian Center for Not-for-Profit Law; International Disability Alliance

Moderator: Facundo Chavez-Penillas, OHCHR

Ms. Theresia Degener, Chair of the UN CRPD Committee

Ms. Catalina Devandas Aguilar, Special Rapporteur on the Rights of Persons with Disabilities

Mr. Alastair McEwin, Disability Discrimination Commissioner, Australian Human Rights Commission

Mr. Navreet Singh Kang, Secretary, Department of Empowerment of Persons with Disabilities, Ministry of Social Justice and Empowerment of India

Ms. Marieta Dimitrova, Lawyer, Legal Consultant, Bulgarian Center for Not-for-Profit Law

Mr. Juan Pablo Salazar, Director, Plan Presidencial de Inclusión de Personas con Discapacidad, Colombia

Mr. Carlos Ríos-Espinosa, Senior Researcher and Advocate, Human Rights Watch

Mr. Vladimir Cuk, Executive Director, International Disability Alliance