



## PRESS RELEASE

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### **When can people with disabilities make their own decisions? European legal specialists debate the issue of legal capacity**

The European Disability Forum (EDF) and the European Consortium of Foundations on Human Rights and Disability jointly organised a symposium on the legal capacity of persons with disabilities in light of the UN Convention on the Rights of Persons with Disabilities (CRPD). The symposium, held at the European Economic and Social Committee (EESC) in Brussels on 4 June 2009, was attended by more than 100 specialists, including for the first time legal experts (from the Council of the Notariats of the European Union), representatives from the EU institutions (Commission, Council and Parliament), as well as from non-governmental organisations (NGOs) working to defend the human rights of persons with disabilities.

Under Article 12 of the UN Convention on the Right of Persons with Disabilities (CRPD), the signatory parties are obliged to ensure equal recognition before the law of persons with disabilities. This article marks a positive shift towards the full participation and equality of persons with disabilities, as governments will be obliged to create favourable legal frameworks and enabling supportive policies to guarantee equal recognition before the law.

*“For too long, people with disabilities have been deprived of their basic human rights”* recalled **Yannis Vardakastanis**, President of EDF, as he was opening the symposium. *“They still cannot make choices that other people take for granted: „where to live, who to live with, what to eat, what to wear. They cannot vote. They cannot buy and sell property, they cannot make a will, they are branded „insane“ in criminal proceedings, they are forced to undergo medical procedures that amount to cruel and degrading treatment.”* He underlined that the Convention gives all persons with disabilities the right to participate in the making of all decisions that affect their lives. He emphasised the EDF motto: *“Nothing about us without us”* - which has never been more relevant than it is today.

The symposium brought together for the first time a wide range of relevant actors including: European legal experts such as **Federico Cabello de Alba Jurado** from the Council of the Notariats of the European Union; **Miguel Angel Cabra de Luna** - co-chair of the European Consortium of Foundations on Human Rights and Disability; **Staffan Nilsson** - President of the European Economic and Social Committee’s Group III; and **Johan Ten Geuzendam** - Head of Unit for the Integration of People with Disabilities in the European Commission’s Directorate General for Employment, Social Affairs and Equal Opportunities.

**Professor Gerard Quinn**, Director of the Centre for Disability Law and Policy at the National University of Ireland, explained his approach to the issue of legal capacity: *“This isn’t just about making one’s own choices about how to live. It’s also about resisting the choices others seek to make for used positively to expand our zone of freedom. It can also be used as a shield to fend off others who purport to know better.”*

Renowned experts in the fields of human rights legislation, legal experts and policy-making succeeded in identifying potential obstacles to the implementation of Article 12 at both the European

and national levels. Together they promoted a sharing of best practices among participants and panellists on how to overcome these challenges. After keynote speeches providing a general overview of the current situation, a series of case studies of best practices and legal obstacles in implementing Article 12 were presented – with examples from Germany, Spain, Sweden and Latvia. The panel discussion was followed by a roundtable on how to overcome the legal obstacles identified and to sketch solutions and future perspectives for a fully inclusive legal capacity.

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The **European Consortium of Foundations on Human Rights and Disability** has been created with the aim of bringing together funders and other stakeholders interested in the implementation of the UN Convention on the Rights of Persons with Disabilities (UNCRPD). The Consortium is led by the European Foundation Centre (EFC) and Fundacion ONCE (Spain), with the participation of Fondazione Banca del Monte di Lucca (Italy), Fondation de France, Fondation Calouste Gulbenkian (Portugal), Sabanci Foundation (Turkey), and The Atlantic Philanthropies (Ireland/USA).

The **European Disability Forum (EDF)** is the European umbrella organisation representing the interests of 65 million disabled citizens in Europe. EDF membership includes national umbrella organisations of disabled people from all EU/EEA countries, as well as European NGOs representing the different types of disabilities, organisations and individuals committed to disability issues. The mission of the European Disability Forum is to ensure disabled people full access to fundamental and human rights through their active involvement in policy development and implementation in Europe.

For more information about the EFC and its members please see: [www.efc.be](http://www.efc.be)

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