



Inclusive Justice- Leaving No One Behind:

**Legal Capacity Laws, Policies and Practices, and
Women with Intellectual and Psychosocial Disabilities**

Date: Tuesday, 14 February 2023

Time: 3.30pm – 5.00pm (Bangkok time)

Modality: Online (Zoom)

Transforming Communities for Inclusion, UN Women Regional Office Asia and the Pacific in partnership with International Disability Alliance, Office of the United Nations High Commissioner for Human Rights and International Commission of Jurists invite you to a discussion on legal capacity, particularly of women with intellectual and psychosocial disabilities, and its centrality to access to justice.

More than fifteen years on from the adoption of the Convention on the Rights of Persons with Disabilities (CRPD), women with intellectual and psychosocial disabilities are still denied legal capacity through laws, regulations, policies and practices. Their gender and their disability put them at greater risk of having their legal capacity denied, effectively becoming a non-person in the eyes of the law.

When incapacity provisions applied in law get entrenched into the daily lives of women with disabilities, there is a cascading and compounding loss of rights and entitlements, such as: vote and participate in public life; access to justice and seek legal remedy; own and manage property or a bank account; have a family and custody over children; exercise contractual capacity; and, allowing proxy consent, guardianship, and institutionalization.

The denial of rights is often referred to as ‘civil death’ by organizations of persons with disabilities: their personhood is not recognized nor validated.

Most countries in Asia and the Pacific have outdated legal capacity systems where guardianship and legal incapacity laws remain in place. Many are colonial remnants, which typically involved the transfer of laws and legal institutions from one society to another. In the few instances where legal reform has taken place, it fails to meet the paradigm shift envisaged by Article 12 the CRPD on equal recognition before the law. Some legislation initially gives full legal capacity, only to then provide ways to deny it for those who fail mental

capacity assessments. There are very few good models of formal supported decision making in the region. Notable good practices are mostly found to occur informally at the community and family level.

Mappings of challenges and solutions by legal scholars have focused largely on the global north. Asia Pacific is a vast geographic and legally diverse region, requiring dedicated attention. The purpose of the discussion is to begin a conversation on the approach to legal capacity in the Asia Pacific region, and what is needed to shift the approach, to be in line with CRPD and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Presenters will speak about the implications of denial of legal capacity, legal reform experiences from Europe, the International Principles and Guidelines on Access to Justice for Persons with Disabilities, a study on legal incapacity from Nepal and a self-advocate's experience of legal capacity and access to justice in Indonesia.

We encourage you to engage in conversation with our presenters and others attending the roundtable, to share your own experience, views, and ideas.

Please contact Richa Sharma (rsharma@tci-global.org) with any accessibility requirements you may have.

International sign interpretation, closed captioning will be provided along with live Spanish, Mandarin and Japanese translations.

Please register using the link:

https://us06web.zoom.us/webinar/register/WN_WYvz2xIVSymeZj3Lq4bXYA