

*Exchange Session and Preliminary  
Case Studies on Selected Key  
Concepts of the UNCPRD*

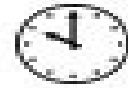
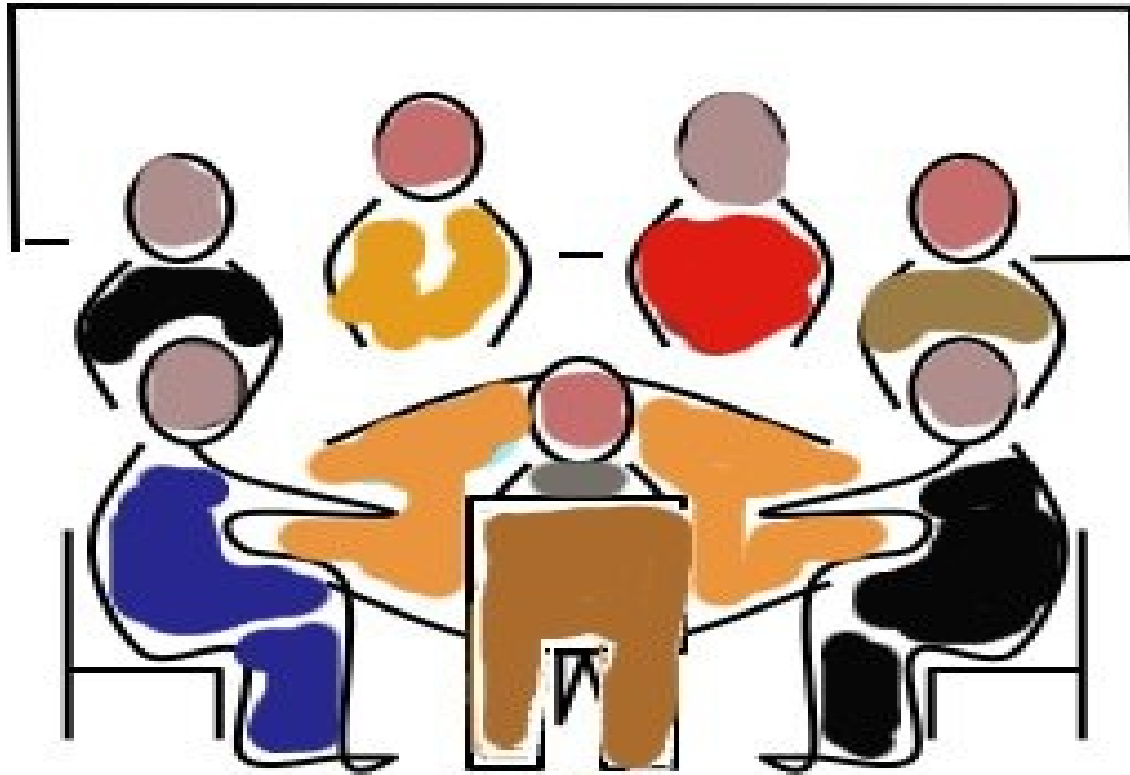
avv. Delia Ferri, Ph.D.

Seminar for Members of the Judiciary  
Krakow, 3–4 September 2013

# Methodology

- ❖ Group Discussions (11.45 – 12.30)
  - ❖ Case Study 1: 11.45 – 12
  - ❖ Case Study 2: 12 – 12.15
  - ❖ Case Study 3: 12.15 – 12.30
- ❖ Plenary Discussion (12.30 – 13)

# Working Groups



# Plenary Discussion

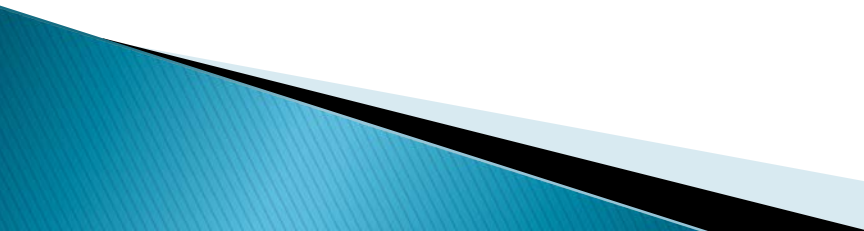


# Case Study 1

What  
UNCRPD  
rights are  
affected?



# Case Study 1

- ❖ Is Paola's mother, as guardian, entitled to advise/condition all Paola's interpersonal activities?
  - ❖ Should Paola's mother give her preliminary consent to the marriage? Should Paola's mother be allowed to oppose to the marriage? Under which circumstances, if any?
- 

# Case Study 1

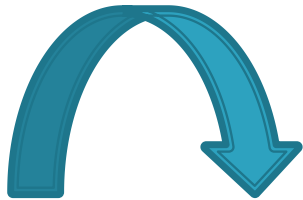
❖ Decree of  
Tribunale di  
Varese (Italy) of  
9 October 2009

❖ The Judge  
referred to:

❖ Art. 5

❖ Art. 19

❖ Art. 23



*Lashin v. Russia (ECtHR,  
22 April 2013)*

# Case Study 2

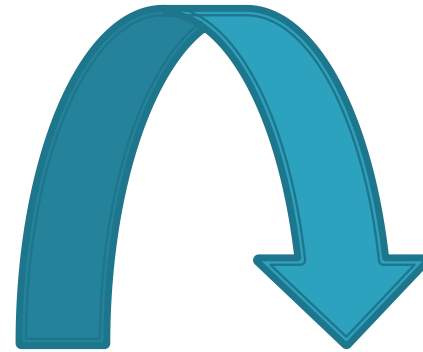
- ❖ What rights guaranteed by the UNCRPD are affected in the circumstances described above?





# Case Study 2

- ❖ Should Mrs. Rosemary be allowed to vote?
- ❖ Ought Mrs Rosemary be assessed?

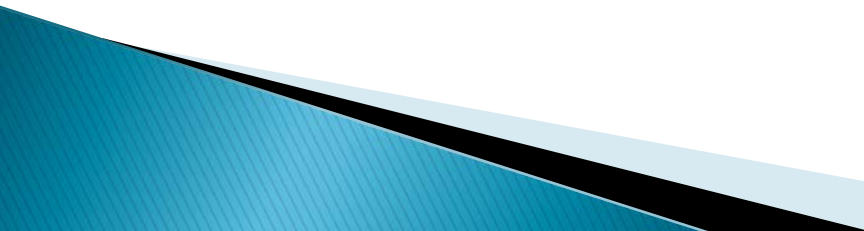


*Alajos Kiss v.  
Hungary  
(ECtHR, 20 May  
2010)*

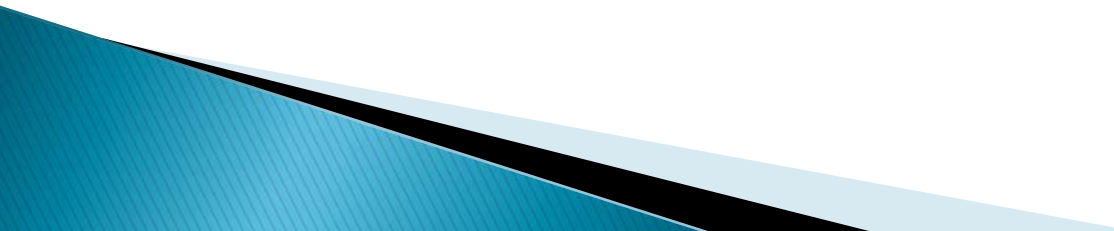
# Case Study 3



# Case Study 3

- ❖ Is Ms Rossi a person with disabilities? Was the certificate provided to the agency necessary and sufficient to state a form of disability?
  - ❖ What rights guaranteed by the UNCRPD are affected in the circumstances described above?
- 

# Case Study 3

- ❖ Ms Rossi did not expressly asked for accessible structure: is this relevant?
  - ❖ Who should be responsible for accommodating the need of Ms Rossi?
  - ❖ Is it enough that there are numerous benches within the resort? Would the help of the waiters amount to reasonable accommodation?
- 



## Case Study 3

Judgment of Tribunale di Verona  
(Italy), 2012



**THANK YOU  
FOR YOUR ATTENTION**

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