

Bibliography and references on Legal Capacity

Amicus Brief in the European Court of Human Rights, in the case of D.D. v. Lithuania, Application No 13469/06, by the European Group of National Human Rights Institutions, April 2008.

Bach, Michael, *The Right to Legal Capacity under the UN Convention on the Rights of Persons with Disabilities, Key Concepts and Directions for Law Reform*, prepared for Inclusion International as submission to the CRPD Day of General Discussion on Article 12 of the CRPD, September 2009.

Council of Europe, Disability Action Plan Rec (2006)5 available at http://www.coe.int/t/dg3/disability/ActionPlan_en.asp in different languages

Council of Europe, recommendation CM/Rec (2011)14 on the participation of persons with disabilities in political and public life available at: <https://wcd.coe.int/ViewDoc.jsp?id=1871285&Site=CM>

Council of Europe, Commissioner for Human Rights, *WHO GETS TO DECIDE?, Right to legal capacity for persons with intellectual and psychosocial disabilities*, CommDH/IssuePaper(2012)2

Council of Europe, Committee of Ministers, Recommendation R(99)04 on the principles concerning the legal protection of incapable adults, available at [http://www.coe.int/t/dg3/healthbioethic/texts_and_documents/Rec\(99\)4E.pdf](http://www.coe.int/t/dg3/healthbioethic/texts_and_documents/Rec(99)4E.pdf)

European Parliament *The right to political participation of persons with mental health problems and persons with intellectual disabilities* Committee on Legal Affairs, *Comparative study on the legal systems of the protection of adults lacking legal capacity National rules of private law, of private international law and a possible legislative initiative of the European Union - United Kingdom, France, Germany, Sweden, Czech republic, Romania*, study done by the Swiss Institute of Comparative Law, November 2008, Brussels, 349 p.

European Union Agency for Fundamental Rights, , October 2010.

Inclusion Europe, *Key elements for a system of decision-making*, Brussels 2008, available at: <http://inclusion-europe.org/images/stories/documents/PositionPapers/PositionPaperSupportedDecisionMakingEN.pdf>

Inclusion Europe, *'The Specific Risks of Discrimination Against Persons in Situation of Major Dependence or with Complex Needs, Report of a European Study'*, available at: <http://www.inclusion-europe.org/main.php?lang=EN&level=1&s=83&mode=nav2&n1=159&n2=781>

Inclusion International, Submission to the

Keys, Mary, 'Legal capacity reform in Europe: An urgent challenge' in G. Quinn and L. Waddington (eds), *European Yearbook of Disability Law*, volume 1. Leiden: Martinus Nijhoff, 2009.

Mental Disability Advocacy Centre (MDAC), Reports on guardianship in Bulgaria, Croatia, Czech Republic, Georgia, Hungary, Russia and Serbia. Available at: <http://mdac.info/reports>

Office of the United Nations High Commissioner for Human Rights, Legal Capacity: Background conference document prepared by the Office of the United Nations High Commissioner for Human Rights, Geneva, 2005.

Quinn, Gerard, ' Personhood & Legal Capacity Perspectives on the Paradigm Shift of Article 12 CRPD', HPOD Conference, Harvard Law School, 20 February, 2010, available at: http://www.nuigalway.ie/cdlp/staff/gerard_quinn.html

Canada:

Representation Agreement Act British Columbia, Canada, available at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96405_01

Nidus, Personal Planning Resource Centre and Registry www.nidus.ca

Office of the Public Guardian and Trustee from British Columbia www.trustee.bc.ca

Planned Lifetime Advocacy network <http://www.plan.ca>

Ireland:

Documents related to the reform of Capacity Law:

- http://www.nuigalway.ie/cdlp/documents/principles_web.pdf
- http://www.nuigalway.ie/cdlp/events/amnesty_april_3rd.html
- <http://www.amnesty.ie/news/new-capacity-law-must-make-supported-decision-making-reality-0>

Germany:

Prof. Dr. Volker Lipp, Betreuung Rechtsfürsorge in Socialstaat... aus betreuungsrechtlicher Perspektive, *BtPrax* 1/2005, pages 6 to 10.

Betreuungsgesetz (law on curatorship) of 1992 <http://www.gesetze-im-internet.de/bgb/BJNR001950896.html#BJNR001950896BJNG017103377>

English version: http://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html#BGBengl_000G180 (The provisions about Betreuung are set up in §§ 1896 – 1908 I Civil Code)

Statistics available at:

http://www.bundesjustizamt.de/cln_349/nn_2103244/DE/Themen/Buergerdienste/Justizstatistik/Betreuung/Betreuung_node.html?_nn=true

UK:

Paradigm, Supported Decision Making A guide for supporter, 2008. Free version available from www.paradigm-uk.org.

Italy:

LEGGE 9 gennaio 2004 sull'amministratore di sostegno, available at <http://www.camera.it/parlam/leggi/04006l.htm>

Other resources:

Supporting and background material prepared for the Committee on the Rights of Persons with Disabilities Day of General Discussion on "Article 12 of the CRPD – The right to equal recognition before the law", which took place on 21 October 2009

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/DayGeneralDiscussion21102009.aspx>