

Transforming the Disabling/Maddening State:
Capacity and decision-making

Transforming the Disabling/
Maddening State: Capacity
and decision-making

TALI.CHERNIAWSKY

Transforming the Disabling/Maddening State: Capacity and decision-making
Copyright © by tali.cherniawsky. All Rights Reserved.

About the Project

Transforming the Disabling/Maddening State: Capacity and decision making.

The contents of this Pressbook complement a global conversation between activists, legal scholars and students from Colombia, Scotland and Canada about the 'right to decide'. It will explore questions about how to enact Article 12 of the UNCRPD through local advocacy and activism, regional legal and policy change and international information sharing to transform understandings of capacity and the social and material impact they have on disabled and mad people's lives.

How to Use This Pressbook

This Pressbook has been developed as a platform for hosting information shared during the Transforming the Disabling/Maddening State: Capacity and decision making global classroom.

There are three chapters, one for each speaker. As you make your way through the chapters, you will find additional resources and interactive activities. There are opportunities to reflect, respond and save your answers at the end of each chapter.

Accessibility Statement

General Project Statement on Accessibility

This book was designed with accessibility in mind so that it can be accessed by the widest possible audience, including those who use assistive technologies. The web version of this book has been designed to meet the Web Content Accessibility Guidelines 2.0, level AA.

While we aim to ensure that this book is as accessible as possible, we may not always get it right. There may be some supplementary third-party materials, or content not created by the authors of this book, which are not fully accessible. This may include videos that do not have closed captioning or accurate closed captioning, inaccessible PDFs, etc.

If you are having problems accessing any content within the book, please contact: eignagni@ryerson.ca. Please let us know which page you are having difficulty with and include which browser, operating system, and assistive technology you are using.

In General Terms:

Access is **collectively** and **interdependently** created as students, guests, and faculty are invited to share what they need for an accessible learning environment. As such, access is understood to be an interdependent practice that is created by all those who access a resource.

Negotiation and **flexibility** are crucial to access and accommodation, as it is understood that our bodies and minds are dynamic and that what we may need in terms of access can change over time and with circumstance and context.

Access is always **intersectional**. As part of our commitments to

honour the recommendation from the Truth and Reconciliation Commission, we work to unsettle access and the course content. In conversations about access, we consider how access often privileges the white-settler colonial practice of seeking equal access to all spaces. This unsettling is a key component of disability studies but one that requires critical reflection.

This Pressbook has made every effort to follow principles of **universal design in learning** within the contents (e.g. lecture transcripts, open-captioned videos, image descriptions). While these practices are logistical, they work symbolically for students, serving as an invitation for those who may have few opportunities to witness accessible curriculum design.

Background Information - What is Article 12?

The United Nations Convention on the Rights of Persons with Disabilities (CRPD; 2006) was a watershed moment for the rights of disabled and mad individuals globally. Its paradigm-shifting Article 12 affirms their rights to be recognized as persons before the law and to enjoy legal capacity on an equal basis with others. Legal capacity, also known as the right to decide, is the right to exercise choice and control in decision-making and to have one's will and preferences recognized in decision-making frameworks. Revoking legal capacity via guardianship appointments or the imposition of substitute decision-making deprives individuals of decision-making authority, often leading to detention, institutionalization, and/or forced treatment. In contrast to substitute decision-making, supported decision-making is a promising framework being mobilized globally to ensure the right to decide, in which individuals are supported in making decisions that are aligned with their will and preferences. However, despite its promise, implementing this framework is challenging because of inconsistent guidelines and regulations within and between nations. As research indicates, implementation of Article 12 will require strengthening local knowledges with practical tools, resources, and processes to help individuals and communities in enacting supported decision-making. The article also specifies that states are responsible for ensuring access to such support, but lacks guidance on how support measures are to be enacted and implemented in specific contexts. In the absence of guidance and evidence about what types of decision-making supports people need or 'what works', supported decision-making tools, frameworks, policies, and processes are being created and implemented in an ad hoc manner in many countries. While it is likely that these initiatives aim to be responsive

to local realities and needs, their effectiveness and potential transferability to other jurisdictions and/or different sectors (e.g., health, finance, etc.) is unclear.

To read Article 12, visit the United Nations Convention on the Rights of Persons with Disabilities website.

MAIN BODY

Chapter 1: Andrea Parra

Speaker Bio

Andrea Parra (she/her) is a Colombian feminist attorney, legal activist, experiential trainer and translator. She is an independent consultant with various human rights organizations and grassroots groups. She is the co-coordinator of the Latin American Network on Article 12, which focuses on the protection of the right to legal capacity of people with disabilities, the director of Talleristas por la Justicia, and the co-director of ALCE, a project to abolish all forms of confinement and punishment, particularly psychiatric violence. Since 2014, she has been a core trainer with Training for Change, a training and capacity building organization for activists and organizers. Until 2018, she was the Global Advocacy Director for CREA, a feminist human rights organization based in India. She has also worked at the Washington College of Law of American University as the Practitioner-in-Residence for the Immigrant Justice Clinic. Prior to that she was the director of the Action Program for Equality and Social Inclusion (PAIS), a human rights law clinic at the Universidad de los Andes in Bogotá, Colombia focusing on advocating against discrimination based on disability, gender identity and sexual orientation. She was a professor at the School of Law of the Universidad de los Andes in Bogotá for seven years and was awarded the Innovative Teaching Award in 2015.

Background

Current State of Article 12 in Colombia

Since Colombia ratified the CRPD in 2011, there have been extensive legislative changes. These changes include the passing of a

statutory framework in 2013, review before the CRPD in 2016, and the passing of law 1996 in 2019 which fully eliminated guardianship from the Colombian system and mandated the implementation of a supported decision making. The passing of law 1996 led to an enormous amount of pushback and subsequently nine constitutional challenges against the law (Parra, 2023). However, in all the decisions the Constitutional Court issued, the law was deemed as constitutional (Parra, 2023). By eliminating guardianships, persons with disabilities can now create a support agreement before any notary, judge, or mediation center without cost. To ensure a successful transition, these changes required regulation, and as such the Supreme Court of Colombia has issued over 20 decisions about the proper implementation of the law (Parra, 2023). While there has been lots of pushback from families, from civil law attorneys, from judges and from notaries there are also many people who continue to support it both in Colombia and across Latin America.

Current State of Activism in Colombia

Advocacy around article 12 continues in Colombia and within broader Latin America. Organizations such as Asdown Colombia, Nodo Comunitario de Salud Mental y Discapacidad Psicosocial, Liga Colombiana de Autismo, and University Los Andes' Action Program for Equality and Social Inclusion continue to advocate for the development of robust supports to fully implement supported decision making and the eradication of all forms of sterilization for individuals with disabilities.

Video Presentation



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=24#h5p-2>

Click here to read the Transforming the Disabling/Maddening State – Andrea Parra video transcript.

Andrea provides a link in the chat for attendees to read more about her work with A.L.C.E, an anti-punitive, queer collective. Click here for more information about A.L.C.E.

Key Points

- Implementing Article 12, which ensures equal recognition before the law for people with disabilities under the Convention on the Rights of Persons with Disabilities (CRPD), faced significant opposition in Colombia.
- Natalia Angle was instrumental in Colombia's adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD).
- The CRPD was ratified by Colombia, making it the hundredth country to do so.
- In 2019, Colombia celebrated the passing of Law 1996. This law completely eliminates guardianship from the system and mandates the implementation of supported decision-making.
- The Latin American Network on Article 12 comprises more than 150 activists, advocates, and academics.
- Colombia, a country that experienced a 60-year war, has a strong human rights activism against state terrorism, women's

rights violations, and Indigenous rights violations.

- There is a widespread effort to pressure international organizations to recommend action to the state. For instance, human rights advocates and political leaders have submitted shadow reports to the Human Rights Committee and the Committee Against Torture for 20 years.
- The disability rights movement in Colombia had never submitted anything to the UN system. Therefore, they began a process of political education and formed a coalition called the Colombian Coalition for the Implementation of the Convention on the Rights of Persons with Disabilities, which brought together around 30 organizations.

Shaking up a whole system:

- The 3-year working table gathered advocates and representatives from agencies responsible for implementing the law, including the Ombudsman's Office, the Attorney General, the Inspector General, the Ministry of Health, the Presidential Advisor on Disability, and the Protection System.
- Michael Bach played a significant role in establishing pilot projects, making him a valuable ally for 65 people with disabilities to track their locations. Some were under guardianship, lived in rural areas, were victims of armed conflict, lived in poverty, or had limited access to school. The pilot project played a pivotal role in demonstrating that a change in the law was possible.
- The Ministry of Justice trained over 2000 judges and justice operators to implement the law

despite 2 attempts in Congress and 9 constitutional challenges, with over 20 decisions from the Supreme Court.

- The assistance of experts from around the world can aid in implementing successful transformations in countries in the Global South.
- Some reforms have eliminated the need for guardianship in certain areas, such as sexual and reproductive rights and property disputes. Additionally, litigation against psychiatric hospitals has been allowed, and measures have been taken to protect the legal capacity of individuals.

Questions to Consider



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=24#h5p-3>

Additional Resources

Journal Articles

Borda, J. P., Tamayo, R., & Owen, G. (2018). Mental capacity in Colombia: a comparison with the UK. *BJPsych International*, 15(4), 85–88. <https://doi.org/10.1192/bji.2017.17>

Constantino Caycho, R. A., & Bregaglio Lazarte, R. A. (2023). A four-speed reform: A typology for legal capacity reforms in latin american countries. *Laws*, 12(3), 45. <https://doi.org/10.3390/laws12030045>

Vásquez Encalada, A., Bialik, K., & Stober, K. (2021). Supported decision making in South America: Analysis of three countries' experiences. *International Journal of Environmental Research and Public Health*, 18(10), 5204. <https://doi.org/10.3390/ijerph18105204>

Online Resources & Websites

Asdown Colombia. (n.d.). Home. <https://asdown.org/>

Correa-Montoya, L., & Castro-Martínez, M. C. (2016). *Disability and social inclusion in Colombia: Saldarriaga-Concha Foundation alternative report to the committee on the rights of persons with disabilities*. Saldarriaga-Concha Foundation Press. https://www.saldarriagaconcha.org/wpcontent/uploads/2019/01/pcd_disability_social_inclusion.pdf

Liga Colombiana de Autismo. (n.d.) Home. [https://ligautismo.org/Talleristas por la Justicia](https://ligautismo.org/Talleristas_por_la_Justicia). (n.d.) Home. <https://www.trainingforchange.org/es/programa/txj/>

Videos, Webinars, Presentations

Iniciativa ALCE. (2023, May 6). *¡Cuidado! Ahí Vienen lxs anormales! Racismo, eugenesia y colonialismo en los Sistemas de Salud* [Careful! Here come the freaks! Racism, eugenics and colonialism in health systems] [Video]. YouTube. <https://perma.cc/H3MP-224N>

Paiis Uniandes. (2022, October 21). *Ley 1996 De 2019: Un Camino Hacia La Igualdad* [Law 1996 of 2019: A Path Towards Equality] [Video]. YouTube. <https://www.youtube.com/watch?v=ucqRzKetGa4>

Chapter 2: Simon Porter & Stephen Muirhead

Speaker Bios

Stephen Muirhead (he/him) is the Chair of the Royal Edinburgh Hospital (REH) Patients Council. He is a long-term user of psychiatric services with a history of representing patient views in an in-patient setting.

Simon Porter (he/him) is a member of the REH Patients Council, project coordinator, and advocacy worker with over 20 years of experience.

The roots of the Patients Council goes back to 1989 when the old Thomas Clouston Clinic was closed and patients were moved to the REH. Patients decided they needed a stronger voice. They wanted to have their opinions heard. So they formed a Patients Council which eventually was properly constituted as the Royal Edinburgh Hospital Patients' Council in 1993. We continue to strengthen the voice of patients and former patients through independent collective advocacy. We continue to build on the foundations established by patients over twenty years ago (REH Patients Council, n.d.).

Background

Current Status of Article 12 in Scotland

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted in 2006 and ratified in Scotland and the United Kingdom (UK) in 2009. The UNCRPD mandates that

all ratifying countries must ‘take appropriate steps to provide access by persons with disabilities to the support they may require in exercising their legal capacity’ (Stavert, 2021). Yet despite the increased global interest in supported decision and significant international legal reforms, significant changes have yet to take place in Scotland (Stavert, 2021). According to Stavert (2021) Scotland currently has other laws in place, such as the Adults with Incapacity Act 2000 (AWI), which have the purpose of affirming the personal autonomy for individuals with disabilities. That said, there have in the past been concerns that the AWI does not meet the requirements of Article 12 of the UNCRPD because it states that incapacity must be by reason of ‘mental disorder’ (mental illness, personality disorder or learning disability) or ‘an inability to communicate because of a physical disability’ (Equality and Human Rights Commission, 2018, p. 4). Most recently, in June 2023, the Scottish Government released a response to the independent review of mental health, capacity, and adult support and protection legislation which was conducted by Lord John Scott KC. This response states that changes are underway to reflect the requirements of the UNCRPD such as AWI reforms, changes to the process of guardianship, and working with partners to support the development and roll-out of effective supported decision-making approaches (Scottish Government, 2023).

Current Status of Activism in Scotland

Advocacy around Article 12 and supported decision making continues in Scotland and the UK. Organizations such as CAPS Independent Advocacy, AdvoCard Community Collective Advocacy, and the Scottish Independence Advocacy Alliance continue to advocate for the development of robust supports to fully implement supported decision making and non-coercive mental health interventions. Recently, in 2021, a team of four educators and an organizer with lived experience of mental health services began

the Mind Our Rights Education Programme which develops and facilitates human rights workshops and presentations within Mental Health Service Provision in Edinburgh (Mind our Rights Education Programme, n.d.).

Video Presentation



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=30#h5p-4>

Click here to read the Transforming the Disabling/Maddening State – Stephen Muirhead and Simon Porter video transcript.

Key Points

- Over 30 years ago, patients of Royal Edinburgh Hospital formed a Patients Council.
- The Patients Council has different interpretations of human rights.
- Although Article 12 has been implemented to some extent, much work must be done to realize its goals fully. Injustices persist, and the REH Patient Council will continue to strive toward a more equitable future.
- Social structures are beginning to recognize how humans can disable one another in terms of societal barriers to rehabilitation and other factors.
- As used by Anne O'Donnell, Auto-ethnography provides a unique perspective on human rights stories by allowing

individuals to tell their own stories in their own way.

**Transforming the Disabling/Maddening State:
Capacity and Decision-Making**

In the Chat:

Anne O'Donnell

“I’m Anne, Mad Studies lecturer at Queen Margaret University. I’m at home in Leith in Edinburgh this afternoon. I am here to listen and learn, in particular, to find out how these things play out in Canada and Columbia”.

- Human Rights implementation spectrum: Abolitionists > Reformers > Status Quo Maintainers
- Some patients feel that they are not prepared for the radical change demanded by the UNCRPD for the full realization of Article 12.
- The Mad Community opposes internalized stigma and discrimination against those with mental illness.
- Article 12’s primary debate relates to diverse and sometimes contesting perspectives regarding compromising others’ safety.
- True liberation entails allowing individuals to make decisions and take responsibility, including implementing strategies to prevent patient restraints.

Questions to Consider



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=30#h5p-10>

Additional Resources

Books and Book Chapters

Brown, L., & Neumeier, S. (2021). In the pursuit of justice: Advocacy by and for hyper-marginalized people with psychosocial disabilities through the law and beyond. In M. Stein, F. Mahomed, V. Patel, & C. Sunkel (Eds.), *Mental Health, Legal Capacity, and Human Rights* (pp. 332-348). Cambridge: Cambridge University Press. <https://doi.org/10.1017/9781108979016.025>

Bruce, L.M.J. (2021). *How to go mad without losing your mind: Madness and black radical creativity*. Duke University Press.

Journal Articles

Sapouna, L., & O'Donnell, A. (2017). 'Madness' and activism in Ireland and Scotland, a dialogue. *Community Development Journal*, 52(3), 524-534. <https://doi.org/10.1093/cdj/bsx031>

Online Resources & Websites

Council of Europe Commissioner for Human Rights. (2012, April). *Who gets to decide? Right to legal capacity for persons with intellectual and psychosocial disabilities*. Council of Europe. <https://rm.coe.int/who-gets-to-decide-right-to-legal-capacity-for-persons-with-intellectu/16807bb0f9>

Equality and Human Rights Commission. (2018, April 30). *Equality and Human Rights Commission Response Adults with Incapacity Act (Scotland) 2000 Proposals for Reform*. https://www.equalityhumanrights.com/sites/default/files/reform_of_awi_-_final_30_april_2018.pdf

Mind our Rights Education Programme. (n.d.). Home. <https://morep.rehpatientscouncil.org.uk/>

O'Hara, M. (2016, January 27). 'My biggest act of rebellion as a disabled person is living as I wish'. *The Guardian*. <https://www.theguardian.com/society/2016/jan/27/biggest-act-rebellion-disabled-person-being-here>

REH Patients Council. (n.d.). About us. <https://rehpatientscouncil.org.uk/about-us/>

RightToLifeUK. (2023, April 11). *Disability rights activists raise concerns about commons assisted suicide committee*. <https://righttolife.org.uk/news/disability-rights-activists-raise-concerns-about-commons-assisted-suicide-committee>

Scottish Government. (2023, June 28). *Scottish mental health law review: Our response*. <https://www.gov.scot/publications/scottish-mental-health-law-review-response/pages/11/>

Stavert, J. (2021). *Supported decision making: Good practice guide*. Mental Health Commission of Scotland. <https://www.mwscot.org.uk/sites/default/files/2021-02/Supported%20Decision%20Making%202021.pdf>

Videos, Webinars, Presentations

Mental Health Europe. (2016, June 20). *UNCRPD: What is article 12 and legal capacity?* [Video]. YouTube. <https://www.youtube.com/watch?v=J3PVqTYI05s>

Chapter 4: Michael Bach

Speaker Bio

For over 25 years, Michael Bach (he/him) has undertaken research and development in Canada and internationally on ways to advance the full inclusion and human rights of persons with disabilities. His research and publications cover disability theory, policy and practice in a range of areas including education, employment, and funding and delivery of community-based services. Michael's particular area of expertise is in legal capacity of people with intellectual disabilities.

Michael holds a Ph. D. in Sociology and Equity Studies from the University of Toronto's Ontario Institute for Studies in Education, where his dissertation focused on developing a more inclusive theory of personhood on which to challenge the usual equation between intellectual disability and legal incapacity. Michael is currently an Open Society Foundations Fellow, continuing his international comparative research on the right to legal capacity for people with significant intellectual and cognitive disabilities.

Background

Current state of Article 12 in Canada

Canada ratified the UNCRPD in 2010 and was one of the leaders in advancing the inclusion of Article 12. Despite this initial progress in the early stages, full implementation of article 12 has mostly come to a standstill in Canada. Canada's ratification of the CRPD included an interpretive declaration and conditional reservation which allows for substitute decision making to be considered appropriate under certain circumstances (Inclusion Canada, 2022). Importantly, civil

rights, and therefore the right to legal capacity, is largely regulated under provincial/territorial jurisdiction in Canada (Inclusion Canada, 2022). As a result, some provinces and territories have not put in place the needed support systems to effectively implement supported decision making which means that tens of thousands of Canadians with disabilities continue to live under guardianship. In Ontario alone, there are approximately 17,000 people in guardianship arrangements (The Coalition on Alternatives to Guardianship, 2017). Thus, despite the thirteen years that have elapsed since Canada ratified the CRPD, guardianship continues to be, in many provinces, the standard rather than the exception.

Current State of Activism in Canada

Advocacy around the issue of supported decision making and the implementation of article 12 is ongoing in Ontario and other Canadian provinces. Many organizations such as Inclusion Canada, IRIS, and Community Living Ontario amongst others continue to push the issue forward through legal challenges and research initiatives. One example is the Right to Decide project which was launched in 2019 by Community Living Ontario. In collaboration with the IRIS institute and Pooran Law, the multi-year project established six sites around Ontario to examine the practice and implications of Supported Decision Making at the community level (Planning Network, n.d.)

Video Presentation



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=32#h5p-5>

Click here to read the Transforming the Disabling/Maddening State – Michael Bach video transcript.

Key Points

- Disability rights advocates work on three levels: advocating for legal reform, changing community practices, and creating tools to empower individuals to advocate for their own rights in any situation.
- Unlike in Colombia, relational autonomy and interdependence are not commonly recognized in law.
- The legislation in New Brunswick is similar to the legislation in Colombia, which recognizes the need for decision-making support for individuals with significant intellectual and cognitive disabilities. This support involves a person who can interpret their will and preferences and translate them, with special support arrangements as a starting point; our ultimate goal is to achieve this through law reform.

“We understand that even if someone labels a psychotic state, it may be an expression of something important to them. However, situations where there is a threat of violence

must be addressed". Michael Bach

- Community agencies, consisting of social workers and psychologists, positively impact people's lives by creating support systems to ensure individuals have the right to make their own choices.
- The goal is to establish a new culture of discussing how to support individuals and documenting those conversations. This will help shift public perception of support possibilities and encourage legal progress.
- Health professionals found it difficult to accept that the individuals they were serving were no longer just clients but individuals with the right to make decisions and lead their own lives.
- The tension between the right to decide and the right to life has emerged in the context of Medical Assistance in Dying (MAiD). Provision for assistance in dying has expanded globally, including in Canada.
- This tension arises from the fact that the right to make decisions on an equal basis cannot be isolated from a broader set of rights.

Questions to Consider



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=32#h5p-6>

Additional Resources

Journal Articles

- Browning, M., Bigby, C., & Douglas, J. (2021). A process of decision-making support: Exploring supported decision-making practice in Canada. *Journal of Intellectual & Developmental Disability*, 46(2), 138–149. <https://doi.org/10.3109/13668250.2020.1789269>
- Craigie, J., Bach, M., Gurbai, S., Kanter, A., Kim, S. Y. H., Lewis, O., & Morgan, G. (2019). Legal capacity, mental capacity and supported decision-making: Report from a panel event. *International Journal of Law and Psychiatry*, 62, 160–168. <https://doi.org/10.1016/j.ijlp.2018.09.006>
- Hoffman, S. J., Sritharan, L., & Tejpar, A. (2016). Is the UN convention on the rights of persons with disabilities impacting mental health laws and policies in high-income countries? A case study of implementation in Canada. *BMC International Health and Human Rights*, 16(1), 28–28. <https://doi.org/10.1186/s12914-016-0103-1>

Online Resources & Websites

- CBC/Radio Canada. (2021, February 25). *How Justin Clark's fight for independence transformed disability rights in Canada*. CBC News. <https://www.cbc.ca/radio/sunday/november-25-2018-the-sunday-edition-with-michael-enright-1.4911588/how-justin-clark-s-fight-for-independence-transformed-disability-rights-in-canada-1.4911590#:~:text=Following%20the%20ruling%2C%20guardianship%20laws,make%20them%20on%20their%20behalf>

- Inclusion Canada. (2022). *Inclusion Canada's revised legal capacity position statement*. <https://inclusioncanada.ca/wp-content/uploads/2022/08/Jul22-Position-Legal-Capacity-2.pdf>
- IRIS. (2021). *Community-led initiatives for supporting the right to decide: A framework for design and implementation*. <https://irisinstitute.ca/resource/community-led-initiatives-supporting-the-right-to-decide-a-framework-for-design-and-implementation/>
- Planning Network. (n.d.). *Understanding legal capacity and decision making*. <https://www.planningnetwork.ca/resources/action-guide-to-understanding-legal-capacity-and-supported-decision-making>
- Raycraft, R. (2022, January 2). *Years after medical assistance in dying became legal, the debate rages on*. CBC News. <https://www.cbc.ca/news/politics/maid-access-debate-contentious-1.6300345#:~:text=Politics-,Years%20after%20medical%20assistance%20in%20dying%20became%20legal%2C%20the%20debate,harmful%20to%20Canadians%20with%20disabilities>
- The Canadian Bar Association. (2022, August 24). *Nothing about us without us*. <https://www.cba.org/Sections/Health-Law/Resources/Resources/2022/HealthEssayWinner2022>
- The Coalition on Alternatives to Guardianship. (2017). *Issues related to meeting Canada's obligations to recognize the right to legal capacity without discrimination and enable access to supports*. <https://inclusioncanada.ca/wp-content/uploads/2018/02/CRPD-A12-Shadow-Report-Legal-Capacity.pdf>

Videos, Webinars, Presentations

- Rights-Based Social Policy. (2015, November 17). *The UNCRPD and Article 12 - Michael Bach PhD [Video]*. YouTube. <https://youtu.be/Onhus72eUH8>

Final Questions to Consider and Group Reflections

After watching the videos, reading the transcripts, and reflecting on your own experiences surrounding Article 12 and decision-making, spend some time considering these final questions posed during the global classroom.



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=159#h5p-8>

Here are some responses from the groups present at the conference.



An interactive H5P element has been excluded from this version of the text. You can view it online here:

<https://pressbooks.library.torontomu.ca/capacitydecisionmaking/?p=159#h5p-9>

Acknowledgements

We wish to acknowledge funding from a Global Learning Innovation Grant from Toronto Metropolitan University Global Learning that supported a global classroom and the materials found in this Pressbook.

We also wish to acknowledge our partner on this project, the Masters of Science in Mad Studies program at Queen Margaret University in Edinburgh, Scotland.

Global Classroom Organizers

Dr. Elaine Ballantyne, Senior Lecturer, Queen Margaret University, Occupational Therapy and Arts Therapies Division, School of Health Sciences, Edinburgh, Scotland.

Esther Ignagni, PhD, Director and Associate Professor, School of Disability Studies, Faculty of Community Services, Toronto Metropolitan University, Toronto, ON, Canada

Tali Cherniawsky, MSc, Lab Coordinator, Disability Publics Lab, Toronto Metropolitan University, Toronto, ON, Canada

Global Classroom Speakers

Andrea Parra, Co-coordinator of the Latin American Network on Article 12, Director of Talleristas por la Justicia, Co-director of ALCE, Bogotá, Capital District, Colombia

Simon Porter, Member of the Royal Edinburgh Hospital Patients Council, Edinburgh, Scotland

Stephen Muirhead, Chair of the Royal Edinburgh Hospital Patients Council, Edinburgh, Scotland

Michael Bach, Managing Director of Institute for Research and Development on Inclusion and Society, Toronto, ON, Canada

Other Acknowledgements

DST and QMU students who participated in the Live Global Classroom

Live Captioning by Angie Nehring

ASL Interpretation through AI Media

Technical support by Luke Nater at TMU Media Services

Authorship

Project Lead

Esther Ignagni, PhD, Director and Associate Professor, School of Disability Studies, Faculty of Community Services, Toronto Metropolitan University, Toronto, ON, Canada

Project Coordination

Tali Cherniawsky, MSc, Lab Coordinator, Disability Publics Lab, Toronto Metropolitan University, Toronto, ON, Canada

Pressbook Authors

Denise Campbell
Erica Friesen
Jeanette Korosi