The United Nations Convention on the Rights of Persons with Disabilities - focus on Article 12: A legal turning point in care and support relationships?
THURSDAY, OCTOBER 29, 2015 – 2:00 PM

A1 Supported decision-making: a new profession?

- Edeline Delanaud, Education and Counseling Specialist:
  Education and Counseling relationships – challenges in stating the obvious

- Pierre Bouttier, Chair of ANDP and François Henry (ANDP):
  Professionalization of supported-decision making: the example of court-appointed trustees and guardians for the protection of adults

- Sylvie Daniel, Socio-Educational Executive, CHRS (Centre d'Hébergement et de Réinsertion Sociale), Francis Feydel (Association LE MAS – Lyon) and Nacerdine Bezghiche, Mental Health Service User - Student in humanities research:
  Time for an Alliance

- Sonia Zouag, Professor and Doctor in Law (University of Lyon 3):
  Support offered via legal systems to adults under protection: a work in progress

- Agathe Camus, Doctoral student in philosophy (SPHERE, University of Paris VII – Diderot):
  Caring for Alzheimer’s patients in general hospital wards - medical decisions and conditions

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9:00 AM

A3 Legal Capacity and Participation

- Review of the epistemological challenges in assessing capacities in situ
- Enforcement of fundamental rights: the role of the judge, activists and the State (simultaneous translation provided)

11:00 AM

B1 The use of compulsion, intervening in other people’s lives and the risk of abuse (simultaneous translation provided)

- Making or breaking capacities: “experiential” versus “expert” knowledge
- Accessing rights and regulating complaints
FORCED DECISIONS, SHARED DECISIONS
IN THE PSYCHIATRIC AND GERIATRIC FIELDS:
COMPARATIVE APPROACHES

Céline Racin, Clinical psychologist, Doctoral student in clinical psychology (University of Paris-Descartes, PCPP Laboratory):
Consent - when you hold us in your grip!

Delphine Moreau, Doctoral student in sociology (Collectif Contrast):
The role of assessment of the capacity to consent for persons hospitalized involuntarily

Katia Luca-Dublanche, University Lecturer in public law (University of Perpignan):
How to elicit the capacity to act within the walls of persons hospitalized involuntarily by the authorities

Florence Thomas-Julienne, Coordinator of Medical-social assessment teams in Seine-Saint-Denis County (County Council):
The experience of a medical-social evaluator faced with an elderly person who is vulnerable and who objects to care solutions - walking on a tightrope

Audrey LINDER, Researcher in sociology (Consultation-liaison psychiatry service, University Hospital of Lausanne) and Régis Marion-Veyron, Psychiatrist (Consultation-liaison psychiatry service at the University Polymedical Clinic, University Hospital of Vaudois):
The issue of shared decision making, The autonomy - compulsion dichotomy.

LEGAL REFORMS IMPACTING CAPACITY
AND INCAPACITY: NATIONAL AND INTERNATIONAL PROSPECTS
(SIMULTANEOUS TRANSLATION PROVIDED)

Volker Lipp, Professor of Civil Law (University of Göttingen):
Establishing legal counseling and advisory services (“Rechtliche Betreuung”)

Gilles Raoul-Cormeil, University Lecturer in law (University of Caen Basse-Normandie):
Representation, assistance and monitoring of the French Law dated March 5, 2007 on the legal protection of adults

Eilíonóir Flynn, University Lecturer in Law (Centre for Disability Law and Policy, University of Galway):
The example of Ireland and Spain

Wayne Martin, Professor of Philosophy (University of Essex):
Towards Compliance with the CRPD in UK Capacity Legislation

Alexandra Tasiaux, Professor of Law (University of Namur):
Capacity and disability under Belgian law
Thursday, October 29, 2015 - 4:00 PM

**A2**

**INNOVATIVE SUPPORT PRACTICES**

*(SIMULTANEOUS TRANSLATION PROVIDED)*

Marie Gautier (FEGAPEI-Ajupid):  
Encouraging practices

- Maths Jesperson, Founder and Board member  
  (PO-Skåne):  
  Sharing experience as a Personal Ombudsman

- Thierry Najman, Psychiatrist  
  (Psychiatric Hospital of Moisselles):  
  A place of asylum. Manifesto for a different type of psychiatric care

- Cédric Mametz, Chair (“Nous aussi”, UNAPEI):  
  Don’t decide for us!

- Sylvie Moisdon-Chataigner, University Lecturer in Law (IODE Laboratory, University of Rennes I):  
  Maintaining legal capacity faced with an impairment of mental faculties

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**THURSDAY, OCTOBER 29, 2015 - 4:00 PM**

**B2**

**PERSONAL DECISIONS OR INSTITUTIONAL REQUIREMENTS: EXAMPLES OF CHOICES OF WHERE TO LIVE**

Ana Marques (EPS Ville-Evrard, Collectif Contrast):  

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Mouna Romdhani, Geriatrician (APHP):  
Are persons with dementia capable of deciding to return home?

- Aude Beliard, University Lecturer in Sociology  
  (University of Paris-Descartes, CERMES3):  
  Patient project - family project in acute geriatric wards

- Eymeric Guillermou,  
  Attorney (Chair of the French National Union of Families of persons with brain injuries):  
  Fighting for the implementation of Article 12 in legal disputes related to the choice of where to live

- Charlotte Chicco,  
  Intern in psychiatry and Raphael Bouloudnine,  
  Psychiatrist (“Housing First” Program, Marseille):  
  The concept of recovery or how to foster the self-determination of mental health service users?  
  Examples of support within the framework of the “Housing First” program

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**THURSDAY, OCTOBER 29, 2015 - 4:00 PM**

**C2**

**“HISTOIRES DE DROITS” - LET’S TALK ABOUT YOUR RIGHTS**

- Aude Caria, Director (Psycom, Paris):  
  Presentation of educational tool kit “Histoires de droits”: design, objectives and use

- Isabelle Genot-Pok, Legal specialist and trainer  
  (CNEH JuriSanté Center, Paris):  
  Difficulties of persons living with mental health problems to access their rights

During this workshop, participants will be invited to take part in a live group demonstration of the tool kit.
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A3

LEGAL CAPACITY AND PARTICIPATION

Céline Letailleur, Mental Health Service User, Chair of Frontières invisibles French non-profit organization:

When I decide to decide – Empowerment, support and a reality check…

Iris Loffeier, Sociologist, Scientific Advisor (University of Luxembourg, IPSE, Institute of History):

The capacity to act of the residents living in a retirement home – is it possible to change a virtual reality?

Karine Lefevre, Professor of Law (IODE Laboratory, EHESP):

Shifting from the participation of “persons under protection” to the participation of “users with full citizenship under protection”: the challenges of democracy in health care

Nicolas Marquis, Doctor in sociology (University of Paris-Descartes, CERMES3 and University Saint-Louis – Brussels, CASPER):

Disability as a reflection indicative of tension in terms of autonomy – light shed on the issue based on the “Inclusion Decree” in Brussels

Pauline Blum and Samuel Neuberg, Doctoral students in sociology (University Chair in psychosocial disabilities and substitute decision-making CNSA-ENS-EHESP):

“What is the priority?” Passing judgment on personal capacity and designing care strategies.

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B3

REVIEW OF THE EPISTEMOLOGICAL CHALLENGES IN ASSESSING CAPACITIES IN SITU

Mathilde Apelle, Doctoral student in sociology (CRESPPA-GTM, University of Paris VIII – EHESP):

Law and the transformation of psychiatric thought: the example of Justus Henning Boehmer

Catherine Le Gales, Director of Research in health economics (CERMES 3, INSERM):

Moving from capacities to capabilities: theoretical challenges of using classification systems for assessment purposes

Anne Saris, Professor of Law (UQAM):

Assessment of capacities in Canada, a contextualized and context-related analysis

François-Joseph Warlet, Justice of the Peace, Belgium:

International classification of functionings: a valid tool to assess legal capacity? Comments from a judge’s standpoint

Nicolas Belorgey, Researcher in sociology (SAGE, CNRS):

The contribution of the Aggir rating scale to assess capacities
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ENFORCEMENT OF FUNDAMENTAL RIGHTS: THE ROLE OF THE Judge, ACTIVISTS AND THE STATE (SIMULTANEOUS TRANSLATION PROVIDED)

Olivier Renaudie, Professor of Public Law (University of Lorraine, IRENNE): Can Article 12 of the UN Convention on the Rights of Persons with Disabilities be invoked as grounds in French courts?

Gilles Devers, Attorney registered with the Lyon Bar: Petitioning for enforcement of the UN Convention on the Rights of Persons with Disabilities before French and European courts

Emmanuelle Fillion, University Lecturer in sociology (MSSH–EHESP) and Jean-François Ravaud, Director of Research in socio-epidemiology (CERMES 3, INSERM): Mobilizing activists for the rights of persons in vulnerable situations: where do we stand with disability studies and user/survivor researchers?

Ailbhe Finn, Human Rights Officer (Mental Health Europe), Psychosocial disabilities, legal capacity and supported decision-making in the EU: A mental health NGO perspective

Antoine Bosquet, Hospital Practitioner (AP–HP, Hôpital Louis Mourier) Assessing voting capacity and respecting the right to vote of persons with disability

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THE USE OF COMPULSION, INTERVENING IN OTHER PEOPLE’S LIVES AND THE RISK OF ABUSE (SIMULTANEOUS TRANSLATION PROVIDED)

Baptiste Brossard, Professor, Doctor in sociology (University of Montreal – University Chair in psychosocial disabilities and substitute decision-making CNSA-ENS–EHESP): The work of professionals with patients suffering from advanced-stage dementia

Lucie Lechevalier-Hurard, Doctoral student in sociology (CNRS/Max Weber Center – Collectif Contrast): How persons construe their own judgement of their capacity: the case of a patient in a psychiatric ward for the elderly

Alice Casagrande, Director of Training (FEHAP) and Claude Ethuin, User-Expert (Advocacy-France): Comparative views of abuse and mistreatment

Cyril Hazif-Thomas, Psychiatrist specialized in geriatrics and Chair of the Ethics Committee of the Regional University Hospital of Brest: Psychiatric care without consent and mis(treatment)

Peter Bartlett, Professor of law, Nottingham University: The links between article 12 and article 14 of the UN CRPD
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B4
MAKING OR BREAKING CAPACITIES:
“EXPERIENTIAL” VERSUS “EXPERT” KNOWLEDGE

- Richard Gaillard, University Lecturer in sociology (ESO Laboratory, University of Angers):
  Assessment of (in)capacities for budget management purposes and forms of rationale used

- Cristina Fereira, Associate Professor in sociology (Haute Ecole University of Health, Vaud, Lausanne):
  Capable of working or demonstrating willingness? An expert assessment of painful experiences

- Romain Juston, Doctoral student in sociology (UVSQ, Printemps Laboratory and EHESS):
  Listening to people for the purpose of assessment. The weight of a victim’s words in determining temporary total work disability.

- Tonya Tartour, Doctoral student in sociology (Sciences Po, CSO):
  The Economics of psychiatric decisions: analysis of medical screening tools used to admit patients to psychiatric hospitals and provide care without consent

- Armelle Jacquet-Andrieu, Clinical psychologist
  Assessing polyhandicap: the example of acute onset aphasia

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C4
ACCESSING RIGHTS AND REGULATING COMPLAINTS

- Philippe Bellanger, Doctoral student in law (University of Artois):
  Legal analysis of the dissemination of medical information concerning adult patients under protective measures

- Sébastien Saetta, Doctor in sociology (CERMES 3):
  How “quality control” departments take into account the complaints of users

- Sandrine Perrot, Policy Officer (DGOS, French Ministry of Health):
  How do we deal with complaints?

- Bernard Meile, User representative (Advocacy–France):
  Letter to a Director of Temporary Housing Services

- Julie Minoc, Doctoral student in sociology (UVSQ, Printemps Laboratory and ENS):
  Appealing guardianship decisions in France: practice and procedure when dealing with incapacity before courts of appeal
The theme of this Conference addresses the objectives and concerns of the French Committee in charge of monitoring implementation of the UN CRPD, chaired by the French National Human Rights Defender and composed of the CNCDH, CNDP, CFHE and CIH.

The organizing team wishes to thank Céline Lefebvre and Regina Mattei, from EHESP, and Jeudimidi for their participation in the development of this document, as well as Stephanie Wooley for her volunteer linguistic and translation assistance, and Ariane Bréhier, Cindy Hémery and Christiane Gérard-Mellon for their logistic assistance.