

OCTOBER 28TH, 29TH AND 30TH, 2015
PARIS, INALCO

INTERNATIONAL
CONFERENCE

GUARANTEEING PERSONS
IN VULNERABLE SITUATIONS
THE CAPACITY TO ENJOY AND
EXERCISE THEIR CIVIL AND
POLITICAL RIGHTS

*The United Nations Convention on the Rights of
Persons with Disabilities - focus on Article 12:
A legal turning point in care and support
relationships?*

WORKSHOP
SCHEDULE

THURSDAY, OCTOBER 29,

2:00 PM

A1 Supported decision-making: a new profession?

B1 Forced decisions, shared decisions in the psychiatric and geriatric fields: Comparative approaches

C1 Legal reforms impacting capacity and incapacity: national and international prospects (simultaneous translation provided)

4:00 PM

A2 Innovative support practices (simultaneous translation provided)

B2 Personal decisions or institutional requirements: examples of choices of where to live

C2 "Histoires de droits" - Let's talk about your rights - French educational tool kit to promote and respect the rights of persons living with mental health problems

FRIDAY, OCTOBER 30,

9:00 AM

A3 Legal Capacity and Participation

B3 Review of the epistemological challenges in assessing capacities in situ

C3 Enforcement of fundamental rights: the role of the judge, activists and the State (simultaneous translation provided)

11:00 AM

A4 The use of compulsion, intervening in other people's lives and the risk of abuse (simultaneous translation provided)

B4 Making or breaking capacities: "experiential" versus "expert" knowledge

C4 Accessing rights and regulating complaints

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

THURSDAY, OCTOBER 29, 2015 - 2:00 PM

B1

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.**

THURSDAY, OCTOBER 29, 2015 - 2:00 PM

C1

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

Eilionóir 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 Jespersion, Founder and Board member
(PO-Skâne):
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 impair-
ment of mental faculties

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):
Supporting the choice of where to live: the case
of placement in Belgium of French citizens under
psychiatric care. Framework and practice.

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 Raphaël 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

THURSDAY, OCTOBER 29, 2015 - 4:00 PM

C2

"HISTOIRES DE DROITS" - LET'S TALK ABOUT YOUR
RIGHTS - French educational tool kit to promote and
respect the rights of persons living with mental health
problems

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

FRIDAY, OCTOBER 30, 2015 - 9:00 AM

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, CERME53 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 psy-
chosocial disabilities and substitute decision-
making CNSA-ENS-EHESP):

**"What is the priority?" Passing judgment on
personal capacity and designing care strategies.**

FRIDAY, OCTOBER 30, 2015 - 9:00 AM

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**

FRIDAY, OCTOBER 30, 2015 - 9:00 AM

C3

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, IRENEE):

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

FRIDAY, OCTOBER 30, 2015 - 11:00 AM

A 4

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

FRIDAY, OCTOBER 30, 2015 – 11:00 AM

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 Ferreira,
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 EHES):
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

FRIDAY, OCTOBER 30, 2015 – 11:00 AM

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

Avec le soutien de la
Caisse nationale de
solidarité pour l'autonomie



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Transformation de l'Etat
politisation des sociétés
institution du social



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 CNCNDH, CNCPH, 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 Hémerly and Christiane Gérard-Mellon for their logistic assistance.