

# Inclusive Education about Article 12

easy read







Dear all,

We are a partnership of 8 organisations from the Czech Republic, Slovakia, United Kingdom, Lithuania, Latvia and Spain.



We work together on this project called IDEA 12. The project wants to let people know about Article 12 from the Convention on the Rights of Persons with Disabilities.



This Article says that “everyone has equal recognition before the law”.



This means that it is the law that everyone has the right to make their own decisions and act.



People from all 8 organisations bring together their experience. Some have lived personal experience of having a disability, while others have other kind of experience very important to the project.

## 1. Introduction

### 1.1 Purpose of the document



It is still common across Europe that people with disabilities are denied the right to make their own decisions and act.





Instead somebody else would make their decision for them. Some of these people can be lawyers, social workers, or family members. This is called “substitute decision-making”.



Many times, these people do not have the right training on the Convention on the Rights of Persons with Disabilities and on supported decision-making.



This is when someone is supported to make their own decisions.



This project wants to use training and education as a tool of change.

## 1.2 IDEA 12 and Inclusiveness



The project wants to involve people with disabilities who have firsthand experience of substitute / supported decision-making. These people will be half of the trainers and a big portion of participants.



They are very important to the project because they can have a bigger impact on people's attitudes, and influence policy. Being an equal partner will be a good model for others to follow.



They will also learn more about their rights and how to fight for them.



The project aims to treat and pay its participants equally, if they have a disability or not.

## 1.3 The content of this document



This document explains supported decision-making, what Article 12 is and how it is important for social inclusion of people with disabilities.



The document also explains what are the objectives of the training days part of the project.



It also talks about the most important topics around Article 12.

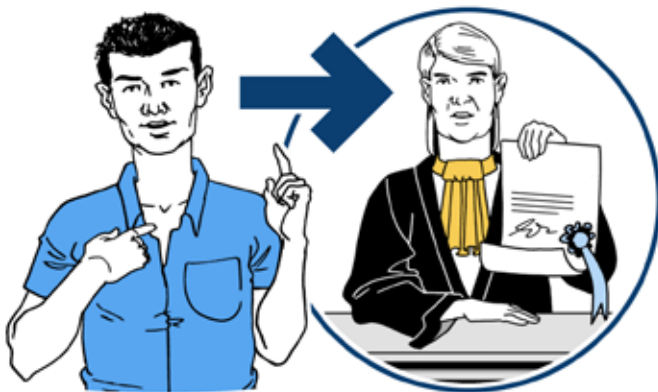
## 2. Supported decision-making and legal capacity



We make decisions every day, some are small and some are more important.



Some of our decisions have legal rules, for example deciding to get married or making a contract.



Not all decisions we make result in some sort of legal action. But when a legal action is taken, it starts with making a decision.



It has been and still is common belief that a person with a disability cannot make their own decisions and act.





Instead a guardian makes the decision for them. They are supposed to decide by judging what is in the best interest of the person with a disability. This is called **substitute decision-making**.



This often means that the person with a disability loses the ability to make decisions about choices in their life.



Sometimes through substitute decision-making people do not get their fundamental rights as humans, like education, parenting, health and relationships.



Also people under guardianship often become victims of abuse and neglect because of substitute-decision making.



Having legal capacity means that you can and are capable of making your own decisions when it comes to creating, changing and ending legal relationships, as for example civil partnerships, marriage, or being a parent.



This is different from mental capacity. Mental capacity is about whether you have the right mental skills to be able to make a decision.



Mental capacity must not be used to deny your legal capacity.



Supported decision-making now replaces substitute decision-making. Under the Convention on the Rights of Persons with Disabilities it is now a legal right for a person.

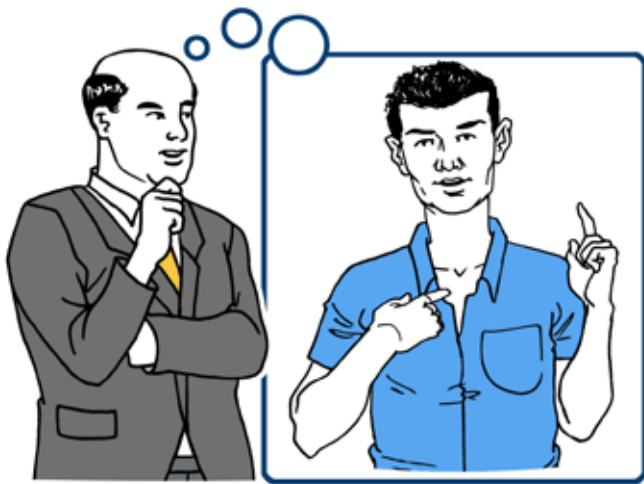


This means that depending on your individual circumstances you have the right to be given the support you need to make your own decisions, and to be protected from influence and abuse when doing so.





The support you receive must respect your rights, will and preferences. It must be accessible to anyone.



If a decision still needs to be made for you, this will be made not in “your best interest”, but according to the best interpretation of your will and preferences.



You have the right to take risks and make mistakes. The support you receive can not stop you from making a decision because they think it is a bad decision.





Support is different from person to person. You may have a person you trust assist you, support from a peer or advocacy group, or assistance with communication. Or you may not want support at all.

Governments must make sure that people can get support if they need it.

For many people with disabilities being able to plan in advance is an important form of support.



Supported decision-making also means that places such as banks must give you information in any way that you can understand so that you can open a bank account for example.



In supported decision-making there needs to be safeguards put into place. This means that there have to be ways to make sure your decision is the one that gets heard.

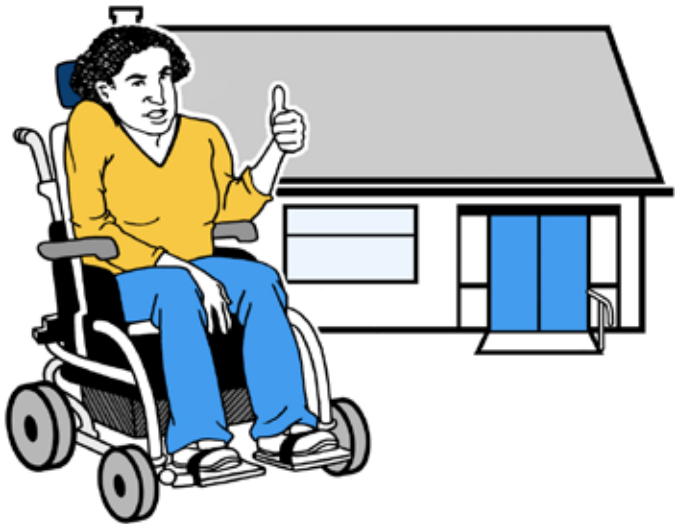
### 3. Why Article 12 is important to social inclusion and fighting discrimination of people with disabilities



Having legal capacity means that you can exercise your rights as a human being. It is necessary for independent living and inclusion in the community.



But also all the support you get, like accessible community services, support services, choice of where you live etc., all help you exercise your legal capacity.



Supported decision-making enables you to gain self-esteem and independence, live a healthier and better life and resist potential abuse.

## 4. Educational goals of the training



The training is split into one day training and three day training sessions.

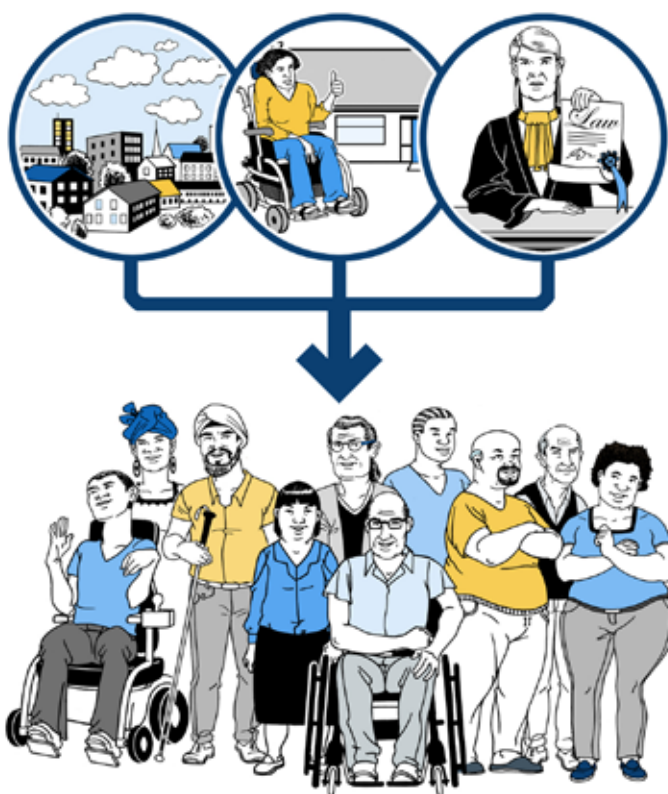


The training is inclusive, which means participants will be made up of different types of people, including people with disabilities, family members, policy makers, and the public.



## One day training

One day training is for a big group of people from different backgrounds.



This training aims to look at Article 12 and its impact to people with disabilities in broader contexts of their lives, like community and independent living or access to justice.





## Three day training

Three day training is for small groups including people with disabilities and their supporters.

This training session is more practical. It includes thinking about how the participants' make their own decisions and how they support others in making decisions.

## Topics covered

Both types of training cover the following topics in different levels of detail:

- **Making Article 12 work in the EU**



- **Making Article 12 work in the states of the 8 organisations involved in the IDEA 12 project**

- **What can article 12 bring to the life of a person with a disability?**

Independence, inclusion in the community, health, and stopping abuse.

- **The change from substitute decision making to supported decision-making.**

How understanding the differences between legal capacity and mental capacity impacts this change.

- **Support in decision-making**

The process of providing support.



- **Different levels of support for decision-making**

This topic will look at what support is needed for people who can independently make decisions, those who need some support with making decisions, and those who need supporters to identify and interpret their will and preferences.

- Some people can make their own decisions independently and do not need any extra support.
- People might not need support just to make their final decision, but also to get the right information, to think about what other choices they could make, and think about what their decision might mean in the future.



- Supporters must make every effort to understand what the person they are supporting wants and how they want to be done.
- The same person might need different amounts of support at different times and for different decisions.
- **Who can provide support for decision-making**  
Paid professionals, non-paid professionals and natural supporters, for example, a parent
- Paid professionals do not have to work for services that only help people with learning disabilities.





- **Process of decision-making – three day training event only**  
Seven steps of support to decision-making.
- Support needs to come from someone who knows the person well, not someone who only knows about their disability in an academic way.
- **Forms of support**  
Different forms of support, including personal support, peer support, and communication assistance.
- Different forms of support can also include help with finding out what the decision is, collecting information about the decision, thinking about different decisions that could be made, and what will happen as a result.

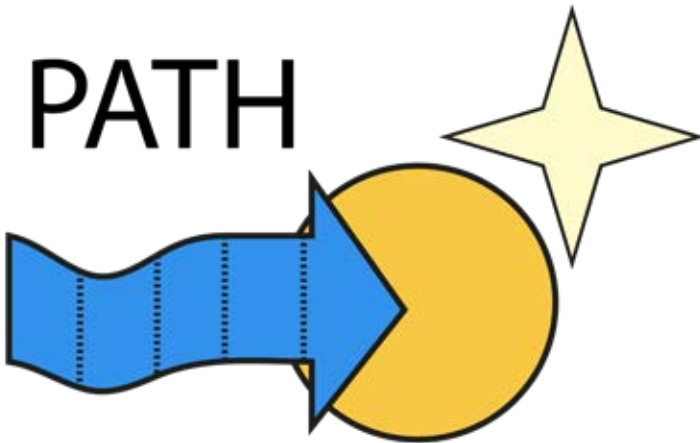


Circle of relationship and circle of support, individual decision-makers, communication charts, matching support, and person centred planning.

PATH is a person centred planning tool that can be used to help people find out what they need to do to carry out what they want to do in the future.

The important to/for tool is a way to split up things that are needed to keep someone healthy and safe, which are put in the important for column, and what they say is the most important things they want which goes in the important to column.

# PATH

[illegible]



- **Four important elements in supported decision-making**

Your right to choose, the state's obligation to support you, safeguard you and make reasonable accommodations for you.

- **Reasonable accommodation**

Making services accessible for people with disabilities. This is described in Article 2 of the UN Convention on the Rights of Persons With Disabilities.

- Reasonable accommodation can include easy read, simple language and giving people more time to look things over.

It also includes the use of supporters

People might need different accommodation at different times.



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