

WE, participants of the 5th World Congress of Adult Guardianship acknowledge that initiatives have begun to emerge across the world to implement the Convention on the Rights of Persons with Disabilities (CRPD), in particular to introduce supported decision-making as called for under Article 12 of the Convention.

While such initiatives are welcomed and encouraged, we are concerned that the full scope of Article 12, together with the Convention's principles, as interpreted by the CRPD Committee, are not being fully embraced nor applied.

We draw attention to and affirm the following:

- The continuation and maintenance of guardianship systems, laws and practices is not compliant with the Convention;
- Supported decision-making cannot be placed within substituted decision-making regimes: support and guardianship are not compatible;
- The right to supported decision-making encompasses the right to refuse support: support cannot be imposed upon an individual;
- The right to make decisions cannot be contingent on any other person's assessment of:
  - one's decision-making ability, or
  - the decision itself;
- Any policy/legal reform to uphold universal legal capacity must:
  - Recognise the universal right to legal capacity;
  - Abolish guardianship and other forms of substituted decision-making;
  - Repeal laws which permit substitution of decision-making, including laws and provisions which deny free and informed consent such as mental health laws and other legislation permitting involuntary hospitalisation and treatment;
  - Provide and recognise supported decision-making arrangements in accordance with the individual's will and preferences;
  - Be consistent with the CRPD provisions and principles

With the above in mind, we recommend:

- The active involvement, close consultation and meaningful participation of the persons concerned, including persons with psychosocial disabilities, persons with intellectual disabilities, persons with cognitive disabilities, autistic persons, among others and their representative organisations;
- The active promotion of legal and policy reform to uphold Article 12 of the Convention, taking the example of the Peruvian legal reform abolishing substituted decision-making on the basis of disability as a benchmark;
- Refraining from engaging in any act or practice that is inconsistent with the Convention;
- The withdrawal of the Yokohama Declaration and similarly based declarations which retain guardianship and substituted decision-making regimes;
- Changing the name and nature of the World Congress on Adult Guardianship to concretely contribute to realising the Convention on the Rights of Persons with Disabilities which calls for a departure from guardianship and transformation of societies to respect the rights of people with disabilities on an equal basis with others.

We call on all actors, regardless of their responsibility or position, and regardless of the existing legal resolutions or mandates that link them to individuals to whom they have the supposed duty to provide support, take active steps to align and orient their actions towards achieving CRPD compliance, exploring all the possibilities within their reach, and actively promoting changes in their own practices while being active in defending the need for legal changes.



We sign on to the declaration to uphold Article 12 of the Convention on the Rights of Persons with Disabilities as put forward by the CRPD Committee, calling for a departure from guardianship and transformation of societies to respect the rights of people with disabilities on an equal basis with others.

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