

INTERNATIONAL CONGRESS

**THE EXERCISE OF THE LEGAL
CAPACITY OF PERSONS WITH
DISABILITIES AND THE SUPPORT
PROVIDED BY THE ADMINISTRATION AS
A SUBJECTIVE PUBLIC RIGHT**

14th and 15th September 2022, Barcelona

Faculty of Law, *Aula Magna* - Av. Diagonal, 684

In-person format

Introduction

The United Nations Convention on the Rights of Persons with Disabilities, concluded in New York on December 13th, 2006 and ratified by Spain in 2007, entered into force on May 3rd, 2008. The purpose of the Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, amongst others, promoting and respecting their inherent dignity (art.1.1). Based on this purpose, article 12.1 reaffirms that persons with disabilities have the right to recognition everywhere as persons before the law.

Law 8/2021, of June 2, *which reforms civil and procedural legislation to support persons with disabilities in the exercise of their legal capacity*, has given a significant impetus to the adaptation of our legal system to the United Nations Convention. The reform of the procedural legislation operated by the Spanish Law 8/2021, has catalysed the approval of the Catalan Decree-Law 19/2021, of August 31, *which adapts the Civil Code of Catalonia to the reform of the procedure of judicial modification of capacity*, a transitory regime, whilst the Catalan legislator culminates a comprehensive and final reform to adapt and align its legal framework to the provisions.

One year after the entry into force of the Spanish Law 8/2021 and the Catalan Decree-Law 19/2021 of the *Generalitat de Catalunya*, this Congress aims to provide a forum to analyse, reflect and debate on the changes and developments from different perspectives of this new set of rules, in which the respect for the legal capacity of persons with disabilities is paramount, as well as to explore the implications of the new paradigm on the provision of support services from a public and subjective right perspective.

Congress Management

Dr. Joaquín Tornos i Mas
Dr. María Luisa Zahino Ruiz

Coordination

Mrs. Anna Grañana i Sancho

Scientific Committee

Dr. Ferran Badosa Coll. *Professor Emeritus of Civil Law, University of Barcelona.*
Dr. Joaquín Tornos i Mas. *Professor of Administrative Law, University of Barcelona.*
Dr. Santiago Espiau Espiau. *Professor of Civil Law, University of Barcelona.*
Dr. Tomás Font i Llovet *Professor of Administrative Law, University of Barcelona.*
Dr. Esther Arroyo Amayuelas. *Professor of Civil Law, University of Barcelona.*
Dr. M^a Esperança Ginebra Molins. *Professor of Civil Law, University of Barcelona.*

Registration & Certificate

Registration for the congress is free of charge and must be submitted through info.dret.discapacitat@ub.edu before **September 7th, 2022**.

Participation in the congress entitles each participant to obtain a certificate of attendance.

Wednesday, September 14th

8:45 Welcome & Registration

9:15 Opening

Dr. Xavier Pons Ràfols. *Dean of the Faculty of Law of the University of Barcelona.*

9:30 The New York Convention on the Rights of Persons with Disabilities. Article 12 on equal recognition before the law.

Moderator: Dr. Amalia Gamio Ríos. *Vice President of the Committee on the Rights of Persons with Disabilities.*

Dr. Francisco Bariffi. *Postdoctoral Researcher of the CONEX-PLUS Program of Universidad Carlos III de Madrid. Academic Coordinator RED-CDPD.*

10:00 The reform of civil and procedural legislation to support persons with disabilities in the exercise of legal capacity.

Moderator: Dr. Ferran Badosa Coll. *Professor Emeritus of Civil Law at the University of Barcelona.*

"The adaptation of the Spanish Civil Code to Article 12 of the New York Convention". Dr. M^a Paz García Rubio. *Professor of Civil Law at the University of Santiago de Compostela. Permanent member of the First Section (Civil Law) of the General Codification Commission.*

"The bases of the reform of the Civil Code of Catalonia in matters of support for the exercise of legal capacity and Decree-Law 19/2021, of August 31". Dr. M^a del Carmen Gete-Alonso y Calera. *Professor of Civil Law at the Universidad Autónoma de Barcelona. President of the Person and Family Section of the Codification Commission of Catalonia.*

"The procedural dimension of support for the exercise of legal capacity". Dr. Lluís Caballol Angelats. *Professor of Procedural Law at the University of Barcelona.*

11:30 Discussion

12:00 Break

12:15 The exercise of legal capacity of persons with disabilities

Moderator: Dr. Pedro del Pozo Carrascosa. *Professor of Civil Law, University of Barcelona.*

"The notion of legal capacity embodied in Title XI, Book I, of the Spanish Civil Code: 'Nothing about us, without us'". Dra. Juana Marco Molina. *Professor of Civil Law, University of Barcelona.*

"Supports for the exercise of legal capacity in the Spanish Civil Code". Dra. Cristina Guilarte Martín-Calero. *Professor of Civil Law at the University of Valladolid.*

"The supports to the exercise of legal capacity in the Civil Code of Catalonia. The assistance". Dr. Jordi Ribot Igualada. *Professor of Civil Law at the University of Girona. Member of the Person and Family Section of the Codification Commission of Catalonia.*

13:30 Discussion

14:00 Break

16:00 Jurisprudence and notarial practice regarding support for the exercise of legal capacity

Moderator: Dr. Santiago Espiau Espiau. *Professor of Civil Law, University of Barcelona.*

"The application of the civil and procedural reform in matters of support for the exercise of legal capacity in case law". Dra. M^a Ángeles Parra Lucan. *Professor of Civil Law at the University of Zaragoza, Magistrate of the 1st Chamber of the Supreme Court.*

"The role of the notary's office in shaping support for the exercise of legal capacity". Sra. Almudena Castro-Girona Martínez. *Director of the Aequitas Foundation. President of the Human Rights Commission of the International Union of Notaries.*

17:00 Colloquium

17:30 Communications

Moderator: Dra. M^a Luisa Zahino Ruiz. *Associate Professor of Civil Law at the University of Barcelona.*

Thursday, September 15th

8:45 Reception

9:00 The obligation of public law to guarantee support for the exercise of legal capacity of persons with disabilities

Moderator: Dr. Joaquín Tornos i Mas. *Professor of Administrative Law at the University of Barcelona.*

Dr. Antonio Moreno Molina. *Professor of Administrative Law at the University of Castilla-La Mancha.*

9:30 Support services for the exercise of legal capacity of persons with disabilities. Challenges and scenarios

Moderator: Dr. Vicenç Aguado i Cudolà. *Professor of Administrative Law at the University of Barcelona.*

"Control mechanisms for the indirect management of services to individuals". Dr. Josep Ramon Fuentes i Gasó. *Professor of Administrative Law at the Rovira i Virgili University.*

"The current public management of support services for the exercise of legal capacity". Mrs. Montserrat Vilella Cuadrada. *General Director of Personal Autonomy and Disability of the Department of Social Rights of the Generalitat de Catalunya.*

"Modalities of public-private partnership for the provision of support services for the exercise of legal capacity". Dra. Maria Mercè Darnaculleta i Gardella. *Professor of Administrative Law at the University of Girona. Member of the Legal Advisory Committee.*

11:00 Discussion

11:30 Break

12:00 The role of the third sector in the provision of support services for the exercise of publicly owned legal capacity under debate

Moderator: Ms. Silvia García Nogué. *Lawyer and secretary of the Commission for the Rights of Persons with Disabilities of the Bar Association of Barcelona.*

"Supports from the commitment to dignity". Mr. Josep Maria Solé i Chavero. *Lawyer and Director of the Support-Girona Foundation.*

"Transition from the former Guardianship Foundations, to entities providing support: challenges of reform and collaboration with the Administration of Justice". Mr. Rafael Armesto del Campillo. *Lawyer and legal advisor to Futubide and member of the Forum of Legal Advisors of the LIBER Association of Decision Support Entities.*

"Comparative experiences of collaboration with the third sector for the provision of support: opportunities and challenges". Mr. Alberto Vásquez Encalada. *Senior Advisor at the Center for Inclusive Policies (CIP) in Washington DC.*

13:30 Colloquium

14:00 Break

16:00 Reflections from the public-private perspective regarding the future of managing public services supporting the exercise of legal capacity

Moderator: Dr. Antonio Madrid Pérez. *Professor of Philosophy of Law at the University of Barcelona.*

Mr. Facundo Chávez Penillas. *Human Rights and Disability Advisor, Office of the United Nations High Commissioner for Human Rights.*

17:00 Communications

Moderator: Mr. Antonio Galiano Barajas. *Legal Secretary of the Municipal Institute for People with Disabilities of the Barcelona City Council.*

18:00 Institutional closing

Mr. Joan Ramon Casals i Mata. *General Director of Law, Legal Entities and Mediation of the Department of Justice of the Generalitat de Catalunya.*