

Confcap-Capdroits Manifesto

All vulnerable! All capable!

Civil capacity and legal restrictions: for a change of outlook and practices

We, the undersigned women and men, who are concerned about care and support relationships and the participation of everyone in civil life, regardless of whether our vulnerabilities or differences are personal, professional, social, cognitive, psychological or environmental,

Have come together to engage in a dialogue among persons with a health problem or a disability, family members and friends of these persons, academics, medical doctors, judges, users of mental health services, social services and health combined with social services, lawyers, guardians, persons whose strength has been weakened due to age or a neurodegenerative illness, professionals in the fields of mental health care, social services and health care combined with social services, pharmacists, fire brigade officers, police officers, chaplains, artists, carers,

By sharing our scientific knowledge, our expertise as citizens, our professional practices, our personal experiences with care and support and based on the authority of our lived experiences,

We hereby express our concerns about the high level of the use of coercion in France, both physically and as regards the right to make decisions, which is being imposed in the name of the protection of vulnerable persons and which is taking place within families, hospitals, retirement homes, public services, social combined with medical care facilities and in public spaces,

We have observed that these practices may lead to a lack of respect for the choices of persons, together with stigmatization and disqualification of the person,

We further express our concerns about the growing and overly systematic use of legally authorized measures which give others the power to decide and act in order to protect a person without the consent of the person concerned (guardianship measures, hospitalization and treatment without consent, administrative regulations),

We question the use of these legal provisions which may in certain cases be abusive or lead to ill treatment,

We reaffirm the importance of the principle that all citizens should be presumed to benefit from civil capacity and the right to self-determination, which is a condition for a democratic society and which allows all persons to have control over their lives to freely decide on where they want to live, who they want to vote for, what activity they want to engage in, who their doctors are and the type of care they deem appropriate, as well as who they have a personal relationship with, their choice to have or not to have children, the measures they plan to take at the end of their lives or any other act involved in civil life,

We defend the principle that the freedom and dignity of persons facing the hardships of vulnerabilities must be fully respected and supported in solidarity, regardless of their social behavior,

Whereas decisions or action taken to protect persons may offer the required support to certain persons, may be experienced in a positive way, and lead to greater participation on the social level,

Whereas the support and the assistance required to exercise rights and freedoms must be ensured in solidarity,

We hereby bring to the attention of our fellow citizens and the public authorities that shared decision-making and personalized support systems for participation exist and are insufficiently known and used in this country,

And that it is necessary to promote the skills, knowledge and *savoir faire* of family members, friends and professionals specialized in creating relations to assist the person,

As well as to facilitate access to information and knowledge in order to compensate for disabilities, including the use of enhanced and alternative communications methods which must be made accessible, together with the implementation of new tools which would also lead to a change of outlook and practices in the way we respond to the expectations and needs of persons who are disabled or in a vulnerable situation.

We therefore ask by way of the publication of this public tribune that a national and European dialogue be launched based in particular on the United Nations Convention on the Rights of Persons with Disabilities for the purpose of designing policy and a system of governance for the protection and respect of the fundamental rights of persons with disabilities or vulnerabilities that takes into greater consideration what those persons we represent have to say.

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Let's change practices and outlooks on protection measures

Easy-to-read version

We are women and men.

We are all vulnerable in one way or another.

Among us, there are persons with disabilities, their family members, researchers, doctors, judges, lawyers, guardians, fire brigade officers, police officers and others.

We came together to talk.

We had a lot to say, because we have all had different experiences in life.

But we agree on several things.

There are too many situations where the opinion of persons with disabilities or who are sick or vulnerable is not listened to because others want to protect them.

This happens in families, hospitals and in other places.

We are worried about this.

Persons with disabilities and persons who are sick or vulnerable are not informed about their rights very well and sometimes not at all.

Persons with disabilities are not treated as well as other people.

Sometimes the law lets other people decide for us, even if we don't agree.

This is called coercive or protection measures.

For example, a guardian can refuse to do what the person under guardianship wants.

If the person lives in a group home, the director can also refuse to do what the person wants.

A judge can decide that a person has to go to a psychiatric hospital to protect them, even if that person doesn't agree.

In situations like this, persons with disabilities and persons who are sick or vulnerable are sometimes treated badly.

It would be better to have protection measures where persons themselves participate directly.

We believe that self-determination is very important.

All adults should have the right to decide where and with whom they want to live.

All adults should have the right to decide who they want to vote for.

All adults should have the right to choose what they want to do in life.

All adults should have the right to choose their own doctor.

All adults should have the right to choose the medical care and social support they think is best for them.

All adults should have the right to have children and start a family.

The way things are done in society must change.

The rights of persons with disabilities and persons who are sick or vulnerable must be better respected.

Persons with disabilities or who are sick or vulnerable must be helped to make important decisions independently.

Sometimes, we are glad when someone else helps us to make a decision.

There are ways to help persons with disabilities and persons who are sick or vulnerable to make decisions if they need help.

For example, information should be given in a way that is understandable.

Persons with disabilities or who are sick or vulnerable must be helped to express their opinions.

Families, judges and guardians must be helped to find ways to do this.

Above all, society needs to know about the rights of persons with disabilities and the rights of persons who are sick or vulnerable.

This should be talked about.

To do this, a major forum for dialogue should be organized in France and in Europe.

Everyone should be invited to give their opinion.

We should also look at what the United Nations Convention on the Rights of Persons with Disabilities has to say about this.