Actualizing Capacity in Chinese-Speaking Asia: On the Challenges and Good Practices to Implementing Article 12 of the UNCRPD (Day 1)

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From the treatments they receive to voting at elections, persons with psychosocial and intellectual disabilities are often deprived of their right to make their own decisions in different aspects of social life. Formally recognising their capacity in law and, as such, honouring their autonomy, will, and preferences in accordance with Article 12 of the United Nations Convention on the Rights of Persons with Disability (UNCRPD) is thus an important and pressing task.

On 30 March 2019, the Human Rights Law and Policy Forum of the School of Law of City University of Hong Kong held a 3 Days Conference on ‘Actualizing Capacity in Chinese-Speaking Asia: On the Challenges and Good Practices to Implementing Article 12 of the UNCRPD’, bringing together legal practitioners from Asia’s Chinese-speaking societies and leading international experts in the area with the aim of exploring the challenges and best practices to effectively implement the Article 12 of the CPRD. The conference attracted more than 130 participants.
The Conference commenced with a welcoming speech given by Dr. Stephenson Chow (Assistant Professor, School of Law, CityU) and Ms. Chine Chan (Equity and Justice Initiative), who, after thanking all guests, introduced the importance of Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD).

The introduction was followed by the keynote speech delivered by Tina Minkowitz, Esq. (Center for the Human Rights of Users and Survivors of Psychiatry), one of the forty drafters of the CRPD, who presented on the emergence of the CRPD paradigms on the absolute prohibition of forced interventions and substitute decision-making that are now firmly rooted in DPO advocacy. She addressed how these paradigms were first brought into light during the drafting and negotiations of the CRPD and their subsequent development in CRPD jurisprudence.
Presentations delivered by **Tina Minkowitz, Esq.**

Our guest speaker **Ms. Sharon Primor** (The Israel Human Rights Center for People with Disabilities) gave a presentation on how civil society struggle to abolish human rights violations in Israel’s psychiatric system. She also shared her experience of civil societies’ campaign in 2016 in attempt to abolish restraints and seclusions for psychiatric hospitals in Israel.
**Dr. Oliver Lewis** (Doughty Street Chambers) explained how law can be used to advance rights of people with mental health issues or intellectual disabilities. He also shared his experience as Executive Director of Validity, where he oversaw strategic litigation at the European Court of Human Rights and advocacy before UN treaty bodies.

**Dr. Michael Bach** (Institute for Research and Development on Inclusion and Society) spoke about ‘Implementing Article 12 in Practice, Programs, Policy and Law: Some Lessons from Experience’. Michael outlined three main questions that he wanted the audience to think about. From “What does ‘support’ for legal capacity mean?”, “What ‘theory’ of legal capacity should drive our strategy for change?”, to finally “How do we make change happen?”.

After lunch break, there was a ‘Street Law Demonstration’ performed by **Chosen Power** (People First Hong Kong).

The second part of the Conference consists of panel discussions. With the first panel discussion focused on ‘Asia Value and the Rights to people with Psychosocial Disabilities’ discussed by **Ms. Emmy Charissa** (People with Psychosocial Disability of Singapore) and **Ms. Raz Adibah Rosian** (Mental Illness Awareness and Support Association).
Presentations delivered by Ms. Raz Adibah Rosian

It was then followed by a panel discussion on ‘Reflections on the Implementation of Article 12 of UNCRPD in Hong Kong, Taiwan and Mainland China by Ms. Huang Xuetao (Equity and Justice Initiative), Dr. Yibee Huang (Convenants Watch) and Ms. Sophie Cheung (Disabilities CV).

(From left to right) Dr. Simon Ng, Ms. Sophie Cheung, Dr. Yibee Huang, Ms. Huang Xuetao
The first day of the conference ended with a closing remark by Dr. Simon Ng (University of Hong Kong) and Dr. Stephenson Chow who thanked all the guest speakers and attendees for joining and their contribution to the discussion.