



# CALL FOR CHAPTERS FOR COLLECTIVE BOOK

“EXPERIENCES CONCERNING THE ASSESSMENT OF THE AUTONOMY OF PERSONS WITH DISABILITIES”

## CALL FOR PAPERS

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## OBJECTIVE OF THE CALL

The Convention on the Rights of Persons with Disabilities (CRPD) revolutionized the understanding of the possibilities and ways in which this group could exercise their rights. Autonomy, recognized in article 3, is fundamental for understanding this change. Persons with disabilities cease to be objects of protection to become subjects of law, with agency and freedom to decide on important aspects of their lives. This principle of autonomy will irradiate the exercise of all rights (health, political participation, education, housing, freedom, etc.). In this context, article 12, referring to the equal recognition of legal capacity and the obligation to create supports and safeguards for legal decision-making, and article 19, regarding the right of persons with disabilities to live in the community and have support for acts of daily life, are the key norms for achieving autonomy.

Although disability and being an older person are not synonymous, they are categories that often overlap, as they are groups that face similar barriers. Infantilization and substitution of the will are some of them. Therefore, the Inter-American Convention on the Protection of the Human Rights of Older Persons (IACHROP) also recognizes, in its articles 3 and 7, independence and autonomy as a guiding principle and right; and raises in its article 8 the right of these persons to community integration.

Since the adoption of the CRPD and IACHROP, several countries in the world have been adapting their normative frameworks and developing programs and policies that, to a greater and lesser extent, contribute to the achievement of an autonomous life for these groups. This happened, despite the aforementioned standards do not provide clear routes on how to accomplish with those programs and policies. In any case, what is clear is that the approach must be interdisciplinary by focusing on respect for the will of persons with disabilities. In this context, it is important to learn about their experiences in order to identify replicable aspects and errors that can be corrected. Taking this into account, this publication seeks to present and compare experiences concerning the use of tools and strategies of assessing the autonomy of persons with disabilities and the elderly within the framework of the recognition of legal capacity in Latin America and the world.



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## MAIN OBJECTIVE

This publication aims to present and compare experiences on the use of tools and strategies of assessing the autonomy of persons with disabilities and the elderly within the framework of the recognition of legal capacity in Latin America and the world.

## STRUCTURE

The book will be divided into different sections. Each section will include several chapters and will have an initial presentation where the experiences developed in those chapters will be reviewed and compared.

The guiding questions for the preparation of the chapters corresponding to each section are the following:

### **Sección 1: Legal Capacity, Legal Personality, Subjectivity and Autonomy**

What is required for the exercise of legal capacity? How do the categories of legal personality and subjectivity relate to legal capacity? What are the links between legal capacity and autonomy? What are levels of autonomy required for the exercise of rights? How can autonomy be reconciled with paternalism, and how can they be distinguished in the exercise of rights? How do autonomy and dependency come together for the exercise of legal capacity? How can the boundaries between dependency, interdependence and care be established?

### **Section 2: Tools for Assessing Legal Capacity in Supporting Systems**

In those countries where supporting systems for decision-making were implemented, how can autonomy be assessed when designating support or allowing the exercise of legal capacity? Who can assess autonomy? What are the tools available? Are there experiences of exercising autonomy and assessing it within the framework of a supporting system?



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### **Section 3: Assessing Autonomy concerning the Consent on Sexual Relations in Situations of Gender-based Violence**

How can the sexual consent of a person with disability or an older person be determined? How can the boundaries between consent and abuse be established? Are there vices of consent on this matter? Can these latter be applied to other persons? Are there legal decisions on the matter? What is the limit between care and abuse?

### **Section 4: Assessing the Autonomy of Institutionalized Persons in Residential Care Facilities for Persons with Disabilities or the Elderly, and Psychiatric Centers**

How can the autonomy of older persons or the ones with disabilities be guaranteed within institutional settings? What is the boundary between autonomy and dependence in institutionalized spaces? Is autonomy limited to acts of daily living or can it be extended to legal acts? Does autonomy play a role in deinstitutionalization processes? How does care lead to autonomy in institutional contexts? Are there successful experiences of autonomy and care in contexts of institutionalization?

### **Section 5: The Progressive Autonomy of Children with Disabilities**

How can disability training policies be implemented to promote an exercise of progressive autonomy? How can this be guaranteed in the case of centers or institutions? Does special education affect the possibilities of developing autonomy? Are there pedagogical experiences that promote the autonomy of children with disabilities in the classroom?

### **GUIDELINES FOR PROPOSALS AND CHAPTER**

The proposal or abstract of the chapter should not exceed 500 words and should indicate the section to which the chapter belongs. It must be accompanied by a summary of no more than 100 words per author. The proposal can be written in Spanish, Portuguese, or English and must be submitted by 20 October 2023.

If the proposal is accepted, the deadline for submitting complete chapters is 26 February 2024. The chapters will undergo double-blind external peer review and editing. It is important to highlight that the acceptance of the proposal does not ensure participation in the book as this will depend on the peer review process.





Chapters should follow these criteria:

- The chapters should be in Spanish, Portuguese, or English. The publication will be in the original language.
- The text may have a maximum of 10,000 words in Arial 11 and 1.5 line spacing.
- The citation method will be that of APA 7th edition. However, normative instruments and jurisprudential decisions will be quoted and included in footnotes.

Contributors will be invited to present and discuss their chapters in a forum to be scheduled.

Abstracts and a mini curriculum vitae should be sent in a joint e-mail to both [renata.bregaglio@pucp.edu.pe](mailto:renata.bregaglio@pucp.edu.pe) and [anapbarbosa@direito.ufrj.br](mailto:anapbarbosa@direito.ufrj.br) by 20 October 2023.

**DEADLINE FOR SUBMISSION OF CHAPTERS: THE DEADLINE IS 26 FEBRUARY 2024**