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THE TRUST FOR THE AMERICAS  
LA FUNDACIÓN PARA LAS AMÉRICAS  
A FUNDAÇÃO PARA AS AMÉRICAS  
LA FUNDATION POUR LES AMÉRIQUES

**SUBJECT:** REGIONAL SEMINAR ON LEGAL CAPACITY OF PEOPLE WITH PSYCHOSOCIAL DISABILITIES,  
WEDNESDAY, JUNE 5<sup>TH</sup>, 2013, ANTIGUA, GUATEMALA  
**DATE:** MAY, 2013

**LOCATION:** Hotel Las Farolas, Antigua, Guatemala

**DATE:** Wednesday, June 5, 2013.

**TIME:** 08:30-16:00

### General Information about the Event

On June 5, in Antigua, Guatemala, The Trust will host a one day seminar with experts and practitioners on disability rights from throughout the hemisphere. We expect the seminar to foster a discussion about best practices, challenges and opportunities in the implementation of Article 12 of the UN Disability Convention, and its interplay with current OAS resolutions and conventions on disability. Particularly, we expect to hear from a variety of experts from the medical and legal profession, as well as civil society advocates and representatives from the judiciary, on the issue of full legal capacity and changes in domestic laws and policies that still provide for interdiction and diminished recognition of rights for people with psychosocial disabilities.

The activity is carried within the Trust initiative to promote the full and unrestricted recognition of the legal capacity and human rights of persons with psychosocial disabilities (acronym, PWD PS), and by extension, of all PWD affected by lack of effective recognition of their legal capacity. This under article 12 of the UN Convention on People with Disabilities. Such project is financed by the Open Society Institute Foundation (OSI), and is implemented primarily in Mexico, Colombia, Peru, Argentina and Chile.

In 2012, The Trust conducted a mapping of the situation of rights of persons with psychosocial disabilities in the five target countries –see above- plus Paraguay (6 countries in total). Based on such study the Trust was able to identify leaders and civil society organizations of persons with psychosocial disabilities through which we are currently conducting advocacy actions, as well as education and monitoring of their rights.

The overall project has a domestic and regional focus and provides for the following activities:

- a. **Training justice operators**, lawyers, professionals in mental health and other authorities about the scope of article 12 of the Convention for the rights of persons with disabilities UN-CRPD (five workshops held, one per country)
- b. **Building capacity for the defense** and monitoring of the exercise of rights among organizations of persons with psychosocial disabilities and its leaders, identified in the process of mapping developed by the Trust. (Five workshops held, one per country).
- c. **Share best practices** on decision-making model set forth by article 12 of the CRPD, and other implementation's strategies (moving the discussion from theory to practice).



**Expected Outcomes of the Guatemala Event.** During the event, we expect to foster a space for reflection as well as an exchange of best practices and findings from the 10 national workshops carried by The Trust in five countries. **At the end of the one day seminar**, participants are expected to approve a document with policy recommendations for the effective implementation of article 12 of the UN Disability Convention in Latin America. Such recommendations will be drafted by participants, experts, justice operators and civil society representatives attending the Seminar. A copy of the policy recommendation documents will be provided to the OAS Secretary General and representatives of different delegations attending the OAS General Assembly in Guatemala.

### **Speakers and Participants**

The seminar will be attended by two delegates per country, from Argentina, Peru, Colombia, Chile and Mexico. These will be chosen among leaders of organizations of persons with psychosocial disabilities and other institutions related to the rights of people with disabilities.

Some of the speakers invited to attend the event include:

- **Jorge Ballester Quesada**, former Vice President of the Bureau of the Ad Hoc Committee that drafted the International Convention on the rights of persons with disabilities from the United Nations and Chairman of the Group of Latin American and the Caribbean (GRULAC) at United Nations.
- **Pablo Rosales**, Special Rapporteur of the Committee Monitoring the Implementation of the OAS Inter-American Convention on Disabilities.
- **Silvia Quan**, Member of the International Committee of experts for the UN-CRPD.
- **Judge, Gabriel Medrano Valenzuela**, President of the judiciary and the Supreme Court of Justice of Guatemala.
- **Thelma Aldana**, Judge of Guatemala Supreme Court.
- **Victor Madrigal**, specialist, inter-American Commission on Human Rights (IACHR).
- **Evelyn Jacir**, Director of the Department of Social Development and Employment of the Organization of American States, OAS.

The Trust for the Americas has also invited to the closing ceremony, her Excellency **Ingrid Roxana Baldetti Elías, Vice President of the Republic of Guatemala**. The Vice President, who has expressed interest in attending the seminar, is currently working on a set of new proposed policies on disability, specifically on legal capacity.

AGENDA

<b>08:00 am to 08:30 am</b>	<i>Registration</i>
<b>08:30 am to 08:50 am</b>	<p><i>Welcome &amp; Introduction</i></p> <ul style="list-style-type: none"> <li>• Licda. Dina Ochoa, President of the Court of Femicide and other forms of violence against women of Guatemala.</li> <li>• Dr. Silvia Quan, Member of the International Committee of experts UN-CRPD</li> <li>• Mr. David Rojas Mejía, Business and Marketing Director, Trust for the Americas-OAS</li> <li>• Dr. Alison Hillman, Open Society Institute Foundations</li> <li>• Mr. Eduardo Rodriguez-Frias, InterAmerican Foundation (to be confirmed)</li> </ul>
<b>08:50 am to 09:15 am</b>	<i>Participants' Presentation. Objectives, Agenda and Methodology of the Seminar.</i>
<b>09:15 am to 9:45 am</b>	<p><i>First Presentation: Report of mapping on the exercise of legal capacity of persons with psychosocial disabilities in six Latin American countries "Without legal capacity, there are no human rights": Progress and challenges. Pamela Molina Toledo</i></p> <p><b>Pamela Molina Toledo</b> Project Manager, Trust for the Americas-OAS</p>
<b>09:45 am to 10:00 am</b>	<b>Q &amp; A</b>
<b>10:00 am to 10:15 am</b>	<b>Coffee break</b>
<b>10:15 am to 10:45 am</b>	<p><i>Presentation 2: Article 12 of the Convention on the rights of persons with disabilities: the roads to its effective implementation in Latin America and the Caribbean.</i></p> <p><b>Dr. Jorge Ballesterero Quesada</b>, former Vice President of the Bureau of the International Convention on the rights of persons with disabilities, UN.</p>

10:45 am to 11:00 am	Q & A
11:00 am to 11:30 am	<p><i>Roundtable Discussion I: How to move forward on the issue, in the international and inter-American human rights scenarios?</i></p> <ul style="list-style-type: none"> <li>• <b>Mr. Victor Madrigal</b>, Inter-American Commission on Human Rights, organization of American States: Inter-American mechanism of Justice. Revised disability cases.</li> <li>• <b>Ms. Silvia Quan</b>, Member of the International Committee of the CRPD / UN</li> <li>• <b>Mr. Pablo Rosales</b>, lawyer, Special Rapporteur at CEDDIS / OAS.</li> </ul>
11:30 am to 11:45 pm	Q & A
11:45 pm to 12:45 pm	<p><i>Roundtable II: Experiences and proposals to move forward in the exercise of legal capacity</i></p> <ul style="list-style-type: none"> <li>• <b>Dra. Sandra Montoya (Colombia)</b>: Perspective of PWD PS: overcoming the stigma.</li> <li>• <b>Dr. Mario Solórzano (México)</b>: strategic litigation as a tool for the exercise of rights</li> <li>• <b>Dra. Alison Hillman (USA)</b>, Open Society Institute Foundation: The role of international cooperation in the development of initiatives to advance the implementation of article 12 CRPD-OSI (TBC)</li> <li>• <b>Dra. Patricia Brogna (México-Argentina)</b>, PHD in social and political sciences: good practices in the implementation of the model of decision-making support, CRPD, article 12.</li> <li>• <b>Dra. Tina Minkovich, lawyer (USA)</b>: experiences and perspectives from the World Network of Users and Survivors of Psychiatry.</li> </ul>
12:45 pm to 13:00 pm	Q & A
13: 00 pm to 14:00 pm	<b>LUNCH TIME</b>
14:00 pm to 14:45 pm	<i>Working groups: proposal of Latin American Declaration and Recommendations Paper on Legal Capacity of PWD.</i>
14:45 pm to 15:00 pm	<b>Coffee Break</b>
15:00 pm to 15:30 pm	<i>Plenary conclusions: "Latin American Declaration on the exercise of the legal capacity of persons with disabilities". Adoption of the Regional Declaration and Recommendations.</i>
15:30 pm to 16:00 pm	<p>Protocolary Closing Ceremony: (<b>Invited Guests</b>)</p> <ul style="list-style-type: none"> <li>• <b>Sr. Jean Michel Arrighi</b>, Secretary for Legal Affairs, OAS.</li> <li>• <b>Dr. Gabriel Medrano Valenzuela</b>, President of the Judiciary and the Supreme Court of Justice of Guatemala (confirmed).</li> <li>• <b>Mrs. Evelyn Jacir De Lobo</b>, Director of the Department of Social Development and Employment, organization of American States (confirmed).</li> <li>• <b>Mr. Emilio Álvarez Icaza</b>, Executive Secretary, inter-American Commission on Human Rights (to be confirmed)</li> <li>• <b>Mr. David Rojas Mejía</b>, Business and Marketing Director Trust for the Americas-OAS.</li> </ul>

**BACKGROUND**

The Trust for the Americas is a non profit organization incorporated in the United States. The Trust was created in 1997 to promote programs in the areas of Democracy, Human Rights and Economic Opportunities. The Trust activities are aligned with the mandates and principles of the Organization of American States.

Within the Trust, the Democracy and Governance Unit works with civil society organizations and the media to promote civil rights and liberties, the rule of law and access to justice, and effective governance throughout the Americas. Current initiatives foster the participation of people with disabilities in elections, advocate equal recognition under the law for people with psycho-social disabilities, promote access to justice for victims of hate crimes in Central America, and assist displaced populations in Colombia to reclaim their land through the Colombian legal process.

**For more information**

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