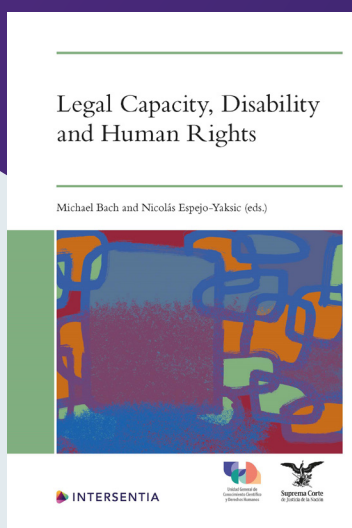


# Legal Capacity, Disability and Human Rights



**Michael Bach and  
Nicolás Espejo-Yaksic (eds.)**

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Article 12 of the UN Convention on the Rights of Persons with Disabilities (UNCRPD) recognises the equal right to exercise legal capacity without discrimination based on disability, and obliges state parties to ensure access to the support a person may require in exercising it. Since its adoption, there has been a growing body of work critically examining laws which restrict or remove the exercise of legal capacity based on disability. Traditionally, this work has focused on constitutional and legal standards regulating the exercise of legal capacity. However, reforming legal capacity seems to be an all-encompassing enterprise, which requires deeper attention to be paid to its historical, social and legal foundations, as well as the wide array of institutions that it permeates and their internal coherence.

*Legal Capacity, Disability and Human Rights* comprises chapters by key legal scholars and practitioners in the field of legal capacity, disability and human rights from the Americas, Europe, Asia, Oceania and Africa. The book aims to achieve three main goals to address the aforementioned issues. First, to explore the historical evolution, theoretical constructs and institutional features of legal capacity within comparative legal systems and determine the legal and social contours it is taking in current legal reforms. In doing so, the chapters help to reveal the multiple dimensions and institutional arrangements that constitute contemporary “regimes” of legal capacity. Second, the chapters examine the specific ways in which evolving principles, rights and standards derived from disability law and human rights are impacting and transforming the law of legal capacity and the practice of supporting people to exercise it in jurisdictions around the world. These practices include legal reform processes and landmark judicial decisions. Finally, the book examines emerging and persistent legal questions and challenges in conceiving, designing and implementing more comprehensive reforms in legal capacity regimes, to ensure consistency with the aims of Article 12 of the UNCRPD.

With a foreword by the Supreme Court of Justice of Mexico and contributions by Michael Bach, Javier Barrientos Grandon, Chen Bo, Renata Anahí Bregaglio Lazarte, Terry Carney AO, Urania Chiu, Pok Yin S. Chow, Renato Antonio Constantino Caycho, Amita Dhanda, Marieta Dimitrova, Nicolás Espejo-Yaksic, Maria Paz Garcia Rubio, Kristin Booth Glen, Piers Gooding, Federico Isaza, Lana Kerzner, Constanza López Radrigán, Pablo Marshall, Wayne Martin, Dianah Msipa, Agustina Palacios, Andrea Parra, Nadia Shabani, Alberto Vásquez and Huang Yi.

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