

Workshop Series: Supported, Accessible and Equal Decision-making

Decision-making requires support and accessibility: a person's own autonomy and ability to live a life according to their life plan must be safeguarded, even if their decision-making capacity is limited due to illness or disability. In these cases the legal system faces challenges that lead to delicate balancing situations. In addition to safeguarding a person's agency and autonomy, there is a need to provide protection, to ensure the predictability of the legal system and to assess the legitimate interests of third parties.

In spring 2023, the Center of Law and Welfare and the Discipline of Civil Law, School of Law (UEF) will organize a two-part workshop series on this topic, and will approach it from the perspectives of political science, legal dogmatics, comparative law and empirical knowledge. In the light of the approach taken by the UNCRPD, the workshops will examine: (1) What is accessible and equal legal decision-making? (2) How should the capabilities of a person with disabilities or illnesses be supported? How should different interests be balanced against each other (e.g. needs of markets) against the right to self-determination)? (3) How does domestic legislation (e.g. advocacy and decision-making in health care and social services) address the requirement of de facto equality and how have these issues been addressed in other countries?

The first workshop 'Support for Exercising Legal Capacity' will be held in Joensuu on 13-14 February 2023. The keynote speaker will be Adrian D. Ward from Scotland. The workshop will reflect on what supported decision-making amounts to in the light of recent research. What are the conditions for it? What is the meaning of the concept under international human rights instruments and national laws? The workshop will approach these questions in particular from the perspectives of social policy, jurisprudence and comparative law. In the workshop a member of the Finnish Bar Attorney-of-Law Minttu-Maaria Pekkanen will provide comments from a practical perspective, covering the deficiencies of the current legislation and the challenges practitioners encounter and acknowledge when it comes to self-determination and autonomy in legal reality. Furthermore, University Lecturer Katja Karjalainen, together with Adrian Ward, will also talk about a new research/model law project of the European Law Institute (ELI), entitled 'Advance choices', emphasizing in particular the need for comparative law research in the field.

The second workshop 'Accessibility and Decision-making' will be held in Helsinki on 8 June 2023. The keynote speaker will be Professor Rosie Harding from the University of Birmingham. The workshop will build on the results of and ideas discussed during the first workshop. What is the legal language to be achieved? How, for example, can legal professionals support persons with disabilities in deciding on their own affairs? Furthermore, in the second workshop, Professor Anna Mäki-Petäjä-Leinonen and Professor Kaijus Ervasti will present the benefits of interdisciplinary research in assessing and providing the knowledge needed to underpin accessible and equal legal decision-making.

The workshops will take the form of semi-structured discussions. Ward and Harding will give expert presentations in the workshops, after which they have agreed to comment on research questions

and themes raised by the PhD students and other researchers on the basis of short papers (approx. 1-2 pages) sent in advance. Researchers should use the short papers to evaluate their own research specifically from the perspective of the workshop theme. The aim is to generate debate, generate new research ideas – and networks – and this initiative is especially aimed at encouraging younger researchers to critically evaluate their own work. How do their research outputs meet the requirements of the international human rights framework? What can they learn from solutions adopted in other countries that can be utilized in their own research?

Registration for seminar in Joensuu is now open:

<https://link.webropol-surveys.com/S/018796A4CA5532B2> . A more detailed programme will be published a few weeks before the seminar. There is no registration fee. The workshop will be arranged only as a in person meeting and it is possible to attend without a paper. The registration for workshop in Helsinki will begin in March 2023.

Registration for seminar in Joensuu ends 31.1.2023.

Any questions? Please, do not hesitate to contact.

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