



OÑATI INTERNATIONAL INSTITUTE  
FOR THE SOCIOLOGY OF LAW

—  
OÑATIKO LEGE-SOZIOLOGIAKO  
NAZIOARTEKO ERAKUNDEA

—  
INSTITUTO INTERNACIONAL  
DE SOCIOLOGÍA JURÍDICA DE OÑATI

## WORKSHOP ON:

# “Supporting Legal Capacity in Socio-Legal Context”

Coordinators: **Rosie Harding** (University of Birmingham), **Mary Donnelly** (University College Cork), **Ezgi Tascioglu** (University of Birmingham)

18 – 19 July 2019

## Programme

### 18th July 2019

08:45 – 09:15 **Registration at the IISL office**

09:15 - 09:45 Welcome and Introductions

09:45 - 11:00 Session 1 - Mapping the Conceptual Contours of Capacity Law  
Chair: Rosie Harding

**Camillia Kong** ‘The Significance of Narrativity and Self-Interpretation in Supporting Capacity’

**Louise Campbell** ‘Person-centred care – what does capacity legislation miss?’

11:00 - 11:15 Break

11:15 - 13:00 Session 2 - Reforming Capacity Law: Making Law and Confronting Challenges  
Chair: Ezgi Tascioglu

**Mary Donnelly** ‘Delivering a Framework for Support Decision-Making in Ireland: Changing Norms, Changing Practices’

**Patricia Cuenca Gómez** ‘Reflections on the reform of the Spanish civil legislation regarding the legal capacity of persons with disabilities.’

**Eilionoir Flynn** ‘The (contested) role of the academy in activist movements for legal capacity reform: a personal reflection’

13:00 - 14:45 **Lunch**

14:45 - 16:00 Session 3 - Beyond Guardianship  
Chair: Mary Donnelly

**Anna Mäki-Petäjä-Leinonen** ‘Self-determination in the theory and practice of guardianship law in Finland’

**Jill Stavert** ‘Adapting or discarding the status quo?: supporting the exercise of legal capacity in Scottish law and practice’

16:00 - 16:15 Break

16:15 - 18:00 Session 4: The Capacity Tightrope: Between Paternalism and Empowerment  
Chair: Rosie Harding

**Ezgi Tascioglu** ‘Calculations of Intimacy: Sex, Contact, and Capacity under the Mental Capacity Act 2005’

**Shaun O’Keeffe** ‘How to ‘pass’ your functional capacity assessment: Advice for vulnerable people in a paternalistic world’

**Claire Murray** ‘Unwanted interventions in childbirth: the evolving role of capacity and the importance of supporting decision-making in Ireland’

## **19th July 2019**

- 09:30 - 11:00 Session 5 - Traversing Paradigms: Mental health and mental capacity  
Chair: Mary Donnelly  
**Suzanne Doyle Guilloud** 'Charting a path to the provision of non-coercive mental healthcare: the roots and branches of universal legal capacity and the support paradigm'  
**Soumitra Pathare** 'Enabling Supported Decision making in India's Mental Health Care Act 2017'
- 11:00 - 11:15 Break
- 11:15 - 13:00 Session 6: Capacity Law in the Context of Dementia  
Chair: Rosie Harding  
**Laura Prichard-Jones** 'Exploring the Potential and the Pitfalls of the UNCRPD and GC1 for People with Dementia.'  
**Margaret Hall** 'Legal capacity and the experience of dementia in old age: reducing vulnerability, supporting the self'  
**Titti Mattsson** 'Making decisions on social services for persons with dementia in Sweden'
- 13:00 - 14:45 **Lunch**
- 14:45 - 16:30 Session 7: Supporting decision-making in, through and beyond capacity law  
Chair: Ezgi Tascioglu  
**Jaime Lindsey** 'Empowering social workers to support decision-making by vulnerable adults'  
**Rosie Harding** 'Supporting Legal Capacity from Theory to Practice? Striking the balance between support and protection.'  
**Amanda Keeling** 'Creating Supportive Environments in Adult Safeguarding - Developing a Theoretical Framework'
- 16:30 - 16:45 Break
- 16:45 - 18:00 Session 8: Roundtable Discussion  
Chair: Rosie Harding & Mary Donnelly  
This final session will involve all participants, reflecting on outcomes from the two days of the workshop and discussing future plans, including for publication.