



Laws about being able to
make important decisions
for yourself



What is in this book

Inside this book you will read about:



What this book is about



Important things to remember about this book



Your right to make decisions for yourself



Laws in different European countries



Real life examples from people with disabilities



What should happen next?

What this book is about



The European Union Agency for Fundamental Rights wrote this book.

The European Union Agency for Fundamental Rights is called FRA for short.

FRA is an organisation.

An organisation is a group of people working together.

FRA helps to make sure everyone in the European Union can use his or her rights.



The European Union is a group of 28 countries in Europe.

Rights are things that everyone has.

For example, the right to vote and the right to get married.

FRA works on the rights of people with disabilities.



This book will tell you about laws in the European Union.

Laws are rules people must follow.

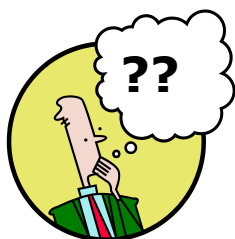
These laws are about legal capacity.

Legal capacity means that you are allowed to make important decisions for yourself.



FRA looked at what these laws mean for people with intellectual disabilities and for people with mental health problems.

People with intellectual disabilities find it hard to learn new things.



People with mental health problems sometimes find it hard to cope with problems in life.

Important things to remember about this book

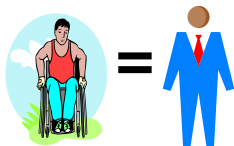


The United Nations created an important document in 2006.

The document is called the Convention on the rights of people with disabilities.



This Convention is an agreement between different countries about rights that everyone has.



Countries who agreed to the Convention must make sure people with disabilities have the same rights as people without disabilities.

The general ideas in the Convention are:

- People with disabilities are free to make their own choices.
- Everybody should be treated fairly.



The Convention says that:

- People with disabilities must be involved in everything that changes their lives.
- Everyone should have the same access to things and places.

For example, everyone should have access to information and buildings.



- People with disabilities have the same rights to be part of society as everybody else.

- People with disabilities must be respected for who they are.





This book will tell you about some laws in Europe.

These laws are about
being allowed to make important decisions for yourself.

This is called legal capacity.

Your right to make decisions for yourself

Most people are allowed to make decisions about their life:



- They can choose where they live.
- They can choose who they live with.
- They can choose who to vote for.
- They can spend their own money.

Being allowed to make decisions affects your rights.



Rights are things that everyone has.

For example, the right to vote and the right to get married.



Some people with disabilities are not allowed to make decisions about their life.

When people with disabilities are not allowed to make decisions for themselves, another person makes decisions for them.



These people are often called guardians.

For example, guardians decide what people with disabilities spend their money on and where people with disabilities live.



The Convention on the rights of people with disabilities says important things about the rights of people with disabilities to make decisions for themselves.

The Convention says:



- The law must treat people with disabilities the same as people without disabilities.



- People with disabilities have the same right as everyone else to make their own decisions about important things.



- People with disabilities have the same right as everyone else to own a house.



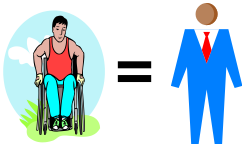
- People with disabilities have the same right as everyone else to control their own money.
- People with disabilities have the same right as everyone else to borrow money.



- People with disabilities have the same right as everyone else not to have their house or their money taken away.



- People with disabilities should have the support they need when making decisions.



The Convention makes sure people with disabilities have the same rights as people without disabilities.

To have the same rights, people with disabilities need to be allowed to make decisions for themselves.



For this to happen, countries may have to change laws so that people with disabilities are treated the same as people without disabilities.

Laws in different European countries



All European countries have laws about the right of people with disabilities to make important decisions.

Sometimes these laws mean that some people with disabilities are not allowed to make decisions for themselves.

About who makes decisions

When people with disabilities are not allowed to make decisions for themselves, another person makes decisions for them.

These people are often called guardians.

In some countries guardians make all important decisions for people with disabilities.

This happens in:



 Cyprus  Ireland  Romania

There are no guardians in:



-  Germany  Sweden

In other countries guardians only make some decisions for people with disabilities.

For example, guardians make decisions for people with disabilities about their house. But people with disabilities have the right to take decisions about who to marry or where to work.



Countries have different reasons why a person with a disability is not allowed to make important decisions.



For example, in many countries people think that some people with disabilities are not able to make decisions for themselves.

In most countries, this happens to people with an intellectual disability or a mental health problem.



There should be rules for when a person with a disability cannot make decision for themselves.



There should be rules about how a guardian makes decisions.

About choosing a guardian

In some countries, people with disabilities can choose not to make important decisions.

These countries are:







-  Austria
-  Denmark
-  Estonia
-  Finland
-  France
-  Germany
-  Greece
-  Italy
-  Luxembourg
-  Slovenia
-  Slovakia
-  Spain
-  Sweden
-  United Kingdom



In some countries people with disabilities can help to choose their guardian.

These countries are:

-  Greece
-  Hungary
-  Italy
-  Lithuania
-  Netherlands



About guardians making decisions

In most countries guardians must ask people with disabilities before making a decision for them.



In some countries guardians do not have to ask people with disabilities before making a decision for them.

About having a guardian

In some countries, the state checks regularly if people with disabilities need a guardian.



The state can decide that a person does not need a guardian anymore. This means that the person can make his or her own decisions again.

This happens in:

-  Estonia  Germany  Malta

In many countries there is no limit on how long people with disabilities can have a guardian for.



This happens in:

-  Belgium
-  Cyprus
-  Czech Republic
-  Greece
-  Ireland
-  Lithuania
-  Netherlands
-  Poland
-  Portugal
-  Slovenia
-  Spain



In some countries
people with disabilities cannot ask to be allowed to
make important decisions again.

In many countries
people with disabilities can ask to be allowed to
make important decisions again.

This happens in:












-  Austria
-  Czech Republic
-  Denmark
-  Estonia
-  Finland
-  France
-  Germany
-  Greece
-  Hungary
-  Italy
-  Luxembourg
-  Poland
-  Spain
-  Sweden
-  United Kingdom

About countries changing laws



Some countries recently changed their laws about the right of people with disabilities to make important decisions.

This happened in:

-  Czech Republic
-  Finland
-  France
-  Germany
-  Hungary
-  Latvia
-  Malta
-  Sweden
-  United Kingdom

Some countries are talking about changing their laws.

This is happening in:



-  Bulgaria  Ireland  Poland

Real life examples from people with disabilities

FRA talked to people with disabilities
in 9 European countries.

All countries have agreed to the Convention.

The 9 countries are:



-  Bulgaria
-  France
-  Germany
-  Greece
-  Hungary
-  Latvia
-  Romania
-  Sweden
-  United Kingdom

Some of the people we talked to
were not allowed to make important decisions for
themselves.

These people had guardians
who made decisions for them.



This happened for different reasons:

- Sometimes this was because of arguments with their family.
- Sometimes, it happened because of money.
- Sometimes, it happened because the person with a disability found it difficult to pay bills.

Some of the people FRA spoke to
helped to choose their guardian.



Other people did not help to choose their guardian.

Some people did not like their guardian making decisions for them. They wanted to be allowed to make decisions for themselves.



Other people said that their guardian was very helpful.

People said it is important to get on well with guardians.

Sometimes people said that they did not know what guardians are meant to do.

FRA asked people with disabilities what it was like not to be allowed to make decisions for themselves.



Some people said that their guardian does not give them money when they ask for it.

Their guardian also does not allow them to decide what to buy with their money.

Many people said their guardian decides where they live and who they live with.



Some people with disabilities said their guardian did not ask if they would like to live somewhere else.



Some people said it is difficult to change their guardian or to stop having a guardian.



Some of the people FRA spoke to were allowed to make decisions for themselves. Sometimes other people help them to make decisions.

These people are often called supporters.



Sometimes social workers and organisations for people with disabilities help to find supporters.

Sometimes family and friends are the supporters.

Most people FRA spoke to liked having supporters to help them make decisions.



Some people said it is difficult to get a supporter.

This means that sometimes people do not have a supporter even though they want one.

What should happen next?



European countries are changing their laws to make sure that people with disabilities can have all the rights written in the Convention on the rights of people with disabilities.

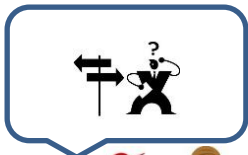


This means laws about decision making for people with disabilities are changing as well.



The changes might stop other people from making decisions for people with disabilities without asking them.

This means there will be no more guardians.



This means people with disabilities will be allowed to make their own decisions about their life.



Some people with disabilities need help to make important decisions.

For example, decisions about giving money or about selling a house.



Instead of a guardian making a decision for them, people with disabilities will get help to make their own decisions.

People with disabilities will get help from a person or a group of people called supporters.

Supporters are not allowed to make decisions for people with disabilities.

They help people with disabilities to make decisions for themselves.



It is important that people with disabilities take part in making decisions about their life.

They should be allowed to decide who helps them to make decisions.

They should be allowed to choose their supporters and decide how supporters help them to make decisions.

It is important for people with disabilities to learn how to make decisions.

This will help to make sure people with disabilities have the same rights as everybody else.



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