



OÑATI INTERNATIONAL INSTITUTE
FOR THE SOCIOLOGY OF LAW
—
OÑATIKO LEGE-SOZIOLOGIAKO
NAZIOARTEKO ERAKUNDEA
—
INSTITUTO INTERNACIONAL
DE SOCIOLOGÍA JURÍDICA DE OÑATI

WORKSHOP ON: Family Justice and Mental Incapacity

Coordinator: **Mavis Maclean** (University of Oxford)

6-7 July 2023

Programme

Meeting room: Achille Loria (*1st floor*)

Wednesday 5th July

21:00 **Dinner for the participants in “Restaurante Iturritxo”** [Street: Atzeko Kalea, 32]

Thursday 6th July

09:30 **Registration at** the International Institute for the Sociology of Law [1st floor]

10:00 Welcome and Introduction from the Head of Publications **Leire Kortabarria**.
Apologies from **Lucy Series**, **Masha Antokolskaia**

10:30-11:00 Coffee break [Gurvitch & Galdos room]

11:00-13:30 **SESSION 1 Family Justice and Incapacity: the context for regulation (2 hours 4papers)**

(i) An introduction to the aim and scope of the workshop from **Mavis Maclean**

(ii) The role of the Official Solicitor and Public Trustee in London: Current issues in England and Wales from **Sarah Castle**, Official Solicitor, presented by a member of her staff **Cheryl Morris**

12:00 Break

12:30-13:30 (iii) The FLEUR and ELI European comparative law projects on empowerment and protection: comments from **Professor Jens Scherpe**, Aalborg University and **Professor Christiana Fountoulakis**, Fribourg

(iv) The difficulty of assessing the need for support and protection for children of parents with limited mental capacity **Professor Thomas Meysen**, SOCLES Heidelberg University

13:30 Lunch break [Cantina Zapore]

Thursday 6th July (continuation)

- 15:00 **SESSION 2 Categories of vulnerable people and the changing regulation of provision to meet their needs (2.5 hours 5papers)**
- Protection of the Disabled
- (v) **Professors Belinda Fehlberg**, University of Melbourne, and **Richard Ingleby** Victorian Bar and University of Western Australia: Protecting Who? Exploring the operation of the Guardianship and Administrative Act 2019(Vic)
- (vi) **Professor Teresa Picontó**, University of Zaragoza: The transitional legal situation in Aragon with respect to the Rights of Persons with disabilities, as state Law 8/2021 follows the state Law 5/2019
- 16:00 Break
- 16:30 The Age Factor: Protection of children and the elderly
- (vii) **Professor Julieta Marotta**, with **Laura Noemi Lora** University of Buenos Aires: Childhood and legal capacity in Argentina examining the rights of children to be heard and participate in the family legal process in terms of their progressive autonomy
- (viii) **Professor Margaret Hall**, Simon Fraser University Canada: mental capacity and vulnerability in older adults, the function of guardianship and the significance of family relationships.
- 18:30 Drinks followed by dinner

Friday 7th July

- 10:00 **SESSION 3 STRATEGIES AND IDEOLOGIES Support or Control? Welfare or Justice?**
- (ix) **Benoit Bastard**, CNRS Paris-Saclay: The judge, the guardian and the family. Who is in charge of vulnerable persons in France?
- (x) **Verda Irtis**, Galatasaray University: people without legal capacity in Turkey; the relationship between law, society and justice, in a context where there is strong pressure on the family. What is being said and what is being done legally and politically? How can we consider available data in relation to the human rights approach?
- 11:00 Coffee break [Gurvitch & Galdos room]

Friday 7th July (continuation)

11:30-12:30 (xii) **Professor Velina Todorova**, Plovdiv University, Movement for change in Bulgaria: the Bill on Physical Persons and Supported Decision Making, abolishing regulation of legal incapacitation of disabled persons and introducing strong support measures for individuals to exercise their rights

(xiii) **Bregje Dijksterhuis, Anja Hoekstra** (excellence student), University of Amsterdam and **Jelle Landman** (Forza advisory group, former Guardian): The role of the Guardian for financial matters, combining a commercial and a protective role in legal incapacity in the Netherlands. Data from interviews on their social and educational backgrounds, daily activities, challenges and sources of satisfaction will be presented

(xiii) on line **Professors Jacek Kurczewski and Malgorzata Fuszara** University of Warsaw: Legal incapacitation as an issue in Polish Law

12:30 **CLOSING SESSION: Message from Encarna Roca**

Thanks to all, and discussion of plans for publication

13:15 Close

13:30 Lunch break [Cantina Zapore]