

## GREAT NEWS FROM MEXICO! (AND SDMNY MAY HAVE A [SMALL] PART IN IT)

Mexico ratified the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2007, and since then has made significant progress in advancing the human right of legal capacity (the right of everyone to make their own decisions *and* to have them legally recognized) which guides all our work at SDMNY. In 2019 the Mexican Supreme Court decided a case involving guardianship of a single individual, “Ernesto”, and found that his guardianship (called “interdiction” in Mexico) was unconstitutional because it violated Article 12 of the CRPD. In a subsequent 2021 decision, the Supreme Court ruled more broadly that guardianship was unconstitutional and unlawfully discriminated against people with disabilities. The Court’s decisions, though important, only meant that guardianship/interdiction law was no longer valid, but couldn’t, and didn’t provide for necessary changes in state laws or for implementation, which are legislative and executive branch functions. So, here’s the great news we’ve just learned!

On April 24, 2023, the Mexican Congress abolished guardianship at the national level in a landmark reform to Mexico’s national Civil Procedure Code. The new law grants all adults full legal capacity, regardless of disability, as well as the right to supports, including supported decision-making, if they so choose. The law was the result of a powerful campaign by a coalition of self-advocates, disability organizations and their allies, including Human Rights Watch (HRW) called *Decidir Es Mi Derecho* (Deciding is My Right). As you can imagine, they were thrilled to celebrate what everyone has recognized as an amazing victory. Check out the moving short video produced by HRW [here](#)—you’ll be inspired!



*Hundreds of people with disabilities demonstrate to demand visibility and their right to be included in society, Mexico City, December 4, 2021. Courtesy of Human Rights Watch*

But there is more still to be done because in Mexico, as in the US, it is state laws and regulations that govern issues and services relating to people with disabilities; the new national legislation passes responsibility to Mexico’s 32 states for implementation. And here’s where SDMNY’s experience and successes in New York may provide a small contribution—or so, because we have always seen ourselves as part of an international movement, we hope!

In June 2020, between its two decisions, the Human Rights Division of the Supreme Court commissioned a report on legal capacity around the world, and SDMNY’s Founding Director, Kris Glen, was asked to write the chapter on the U.S. (The Report has been translated into English and will be published as a book later this year.) Not surprisingly, Kris’s chapter includes information on the three-phase facilitation process we have developed and piloted to enable people with I/DD to make their own decisions with the support of trusted persons in their lives, our own SDMA legislation, and the OPWDD grant under which we are designing and piloting a state-wide facilitation service delivery model, an achievement unmatched anywhere else in the world. As individual Mexican states explore reform of their civil codes and how to provide the supports required by the new law, we hope that what we have learned and achieved with the support of our own state government will help demonstrate the feasibility of providing a model to actualize legal capacity for, and end discrimination against people with I/DD and other disabilities.

This weekend is Mexican Independence Day, so when better to celebrate the independence of persons with disabilities and the impactful work of the disability community? So...



**VIVA MEXICO, AND ALL THE ADVOCATES OF  
*DECIDIR ES MI DERECHO* WHO MADE THIS  
GREAT VICTORY POSSIBLE!**

