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CANADIAN PROPOSALS FOR ARTICLES 9 AND 10

ARTICLE 9

Replace current text of Article 9 with the following:

1. States Parties shall recognize that, in civil matters, adults with disabilities have a legal capacity identical to that of other adults and shall accord them equal opportunities to exercise that capacity. In particular, they shall recognize that adults with disabilities have equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals. *(CEDAW, Art. 15(2) with revisions)*
2. States Parties shall ensure that where adults with disabilities need support to exercise their legal capacity, including assistance to understand information and to express their decisions, choices and wishes, the assistance is proportional to the degree of support required and tailored to the adult's individual circumstances.
3. Only a competent, independent and impartial authority, under a standard and procedure established by law, can find an adult not to have legal capacity. States Parties shall provide by law for a procedure with appropriate safeguards for the appointment of a personal representative to exercise legal capacity on the adult's behalf. Such an appointment should be guided by principles consistent with this Convention and international human rights law, including:
 - (a) ensuring that the appointment is proportional to the adult's degree of legal incapacity and tailored to the adult's individual circumstances; and,
 - (b) ensuring that personal representatives take into account, to the maximum extent possible, the adult's decisions, choices and wishes.

ARTICLE 10

Remove 2 (d) and replace with new paragraph 3:

3. Any person with a disability who has been the victim of unlawful deprivation of liberty shall have an enforceable right to compensation.