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LATVIA ABOLISHES PLENARY GUARDIANSHIP

5 December 2012

Last week the Latvian parliament adopted a new law which abolishes plenary guardianship. This means that the 2,334 people in Latvia who are currently prohibited from taking any decisions about their lives, will have to be reviewed, and it is MDAC's hope that many of them will have restrictions lifted so that they can make their own decisions.



photo: www.baltic-review.com

Latvia becomes the second country in Europe to take this step following the adoption of the UN Convention on the Rights of Persons with Disabilities in 2006, the first being the [Czech Republic](#).

"MDAC congratulates Latvian parliamentarians for abolishing plenary guardianship, which has resulted in so much personal misery," commented Sándor Gurbai, MDAC's Legal Capacity Project Manager, "We have written to the Minister of Justice today asking him to introduce supported decision-making to truly bring Latvian law into compliance with international human rights standards."

The new law abolishes full deprivation of legal capacity. It introduces a new initiative of partial guardianship which is a joint decision between the adult and guardian (where either one can exercise a veto), temporary guardianship for up to 2 years without restricting legal capacity and advanced directives. The new law introduces compulsory periodic review of partial guardianship and this is scheduled for every 7 years.

Background

In December 2010, Latvia's Constitutional Court ruled that the law provided only for total guardianship and "does not allow for partial restrictions of legal capacity or other milder and more appropriate solutions". Despite the parliament missing the deadline of 1 January 2012 to amend the law, the government is to be congratulated for taking a step in the right direction. MDAC has been supporting the process, by working with a partner NGO called [Resource Center for People with Mental Disability, ZELDA](#).

In March 2011, we co-organised a training event in Riga for policy-makers and NGOs on legal capacity law reform, and advised the Ministry of Justice on how they should develop new legislation. The new law does not contain any provisions on supported decision-making, a measure which MDAC considers elementary for any State to comply with its obligations under Article 12 of the UN Convention on the Rights of Persons with Disabilities. MDAC pointed this out in its [written comments](#), sent to the Latvian Parliament in December 2011 when it was discussing the draft law.

MDAC puts on record the role which ZELDA played in advocating for law reform in Latvia. It also thanks Zennström Philanthropies which has played a crucial role in supporting legal capacity law reform across Europe. For more information on either of these topics, please contact mdac@mdac.info

MDAC needs further support to fight social exclusion in Latvia and elsewhere. **Your donation is crucial.** With your help, MDAC will provide the best impact for people with disabilities, where your money is needed the most and where your investment will work the hardest. The change which you can help create is long-lasting and will ultimately prevent many more people being subject to abuses in the future. Please help us today by clicking [here](#).

Tags: [latvia](#), [legal capacity](#), [advocacy](#)

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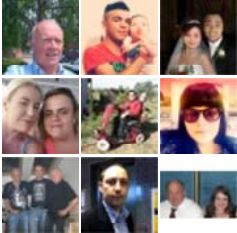
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