

IQual!



On IQ-Discrimination

A Study in Normalized Injustice

The National Association JAG (Riksföreningen JAG) is a national non-profit association for people with multiple significant disabilities, one of which concerns intellectual ability. Riksföreningen JAG is religiously and politically independent.

The purpose of The National Association JAG is to work towards ensuring that members have the opportunity for a good life through:

- Equality (Jämlikhet), Assistance (Assistans), and Community (Gemenskap) (JAG)
- The best possible personalized assistance in all life situations with respect for human dignity and integrity
- Living on their own terms in community with their family and living like others in society, experiencing stimulating events and experiences in a safe manner
- Promoting physical and mental health in all ways and safeguarding other interests

This report is made by IQual.

IQual collects and disseminates knowledge about self-determination and participation based on human rights. We aim to be a source of knowledge about obstacles, opportunities, and solutions and actively seek collaboration with researchers, investigators, media, disability rights organizations, and others. Above all, we want to combat IQ discrimination.

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Summary

We have asked questions about IQ discrimination to members of the National Association JAG, focusing on how they experience discrimination in society. This report is based on the results and how they relate to Sweden's implementation of the UN Convention on the Rights of Persons with Disabilities. Like many others, we believe that Sweden has not fully implemented the convention, which has also led to criticism from the UN committee. People with intellectual disabilities are discriminated against in various contexts, and their rights under Article 12 of the convention are not respected.

Theoretical Framework and Method

The study is based on responses from 90 members of the National Association JAG who answered a survey about their experiences. We reflect the results against the philosopher Miranda Fricker's reasoning about epistemic injustice in the book: *Epistemic Injustice - Knowledge, Power, and Ethics* (Fricker 2018). Can this discrimination be understood through the concepts of testimonial injustice and hermeneutical injustice, where individuals with disabilities are often not seen as knowledge subjects?

Results

The results show that 64 percent of respondents have experienced IQ discrimination, and many report that it has happened more than ten times. Nearly one-tenth report that it happens one to several times a day. IQ discrimination is often carried out by healthcare personnel and civil servants. The survey results indicate

several types of discrimination categorized as negative attitudes, unfair assessment by authorities, threats, poorer medical treatment, indirect discrimination, and poorer outcomes of interventions.

Regulations and Rights

There are shortcomings in how laws and regulations are interpreted and how interventions are carried out. This shows a gap between the political intentions regarding compliance with the convention and the reality..

Conclusions

Based on the experiences of the members of the National Association JAG, the report reinforces the view that Sweden does not live up to the rights and obligations in the UN Convention on the Rights of Persons with Disabilities, especially concerning people with multiple extensive disabilities, one of which is an intellectual disability..

Miranda Fricker's reasoning about epistemic injustice provides an understanding of how people with intellectual disabilities are systematically discriminated against by not being recognized as knowledge subjects but instead becoming objects of others' knowledge.

By defining what IQ discrimination is and in which situations it arises, prejudices can be highlighted. This creates opportunities to change attitudes and counteract discrimination.

Introduction

The UN Convention on the Rights of Persons with Disabilities (CRPD) and several other core conventions have been adopted as complements and reinforcements of the UN Universal Declaration of Human Rights for groups considered particularly vulnerable. The Disability Rights Convention clarifies that all human rights apply fully to persons with disabilities..

Sweden has so far not made the convention into law but has instead chosen a transformation where adjustments are made to existing legislation. This means that all legislation in Sweden must comply with the convention.

Theoretical Framework

IQ discrimination is when a person with an intellectual disability is treated worse than others. IQ discrimination can also be when rules or conditions in society are not adapted for people with intellectual disabilities.

We have asked the members of the National Association JAG if they have been discriminated against because of their intellectual disabilities and how it has manifested..

The results are reflected against the reasoning in the book Epistemic Injustice: Knowledge, Power, and Ethics where the British philosopher Miranda Fricker describes the injustice that can affect people because they are not considered knowledge subjects but instead become objects of others' knowledge

She uses the concepts of testimonial injustice and hermeneutical injustice.

Testimonial injustice is about prejudices giving

Method

The experiences of JAG members were collected through a survey. It was sent out on December 10, 2024, to the association's full members and their legal representatives. The survey was conducted from December 10, 2024, to January 31, 2025.

In connection with the UN committee's review in the spring of 2024, criticism was raised about how Sweden has implemented Article 12 of the convention and everyone's ability to be equal before the law. Ultimately, it is about the right not to be discriminated against regardless of what disabilities one has.

Based on the experiences of the members of the National Association JAG, we can reinforce the view that Sweden does not live up to the rights and obligations in the UN Convention on the Rights of Persons with Disabilities, especially concerning people with multiple extensive disabilities, one of which is an intellectual disability.

the person who speaks about something lower credibility, prejudices directed at social types.

We believe that intellectual disabilities can be considered a social type. Hermeneutical injustice arises when the common tools that help us interpret social phenomena and events are designed in such a way that people's social experiences cannot be seen as part of how reality can be interpreted.

By highlighting the prejudices that people are subjected to because they belong to a certain social type, opportunities are created to change attitudes and counteract discrimination. Just as Fricker describes the emergence of the concept of sexual harassment (Fricker 2007, p. 206), we believe that the term IQ-discrimination highlights a specific social experience and raises awareness of the hermeneutical injustice that many people with intellectual disabilities experience.

Method

The survey was conducted in FORMS with five multiple-choice questions and an open question where respondents were asked to describe occasions when they experienced IQ-discrimination.

Survey Results

After two reminders, we received a total of 90 responses.

- The majority of respondents are over 25 years old.
- 56 percent are women, 44 percent are men.
- 64 percent of those who responded feel that they have been IQ discriminated against.
- 64 percent of these state that it has happened more than ten times.
- 9 percent state that it happens one to several times a day.

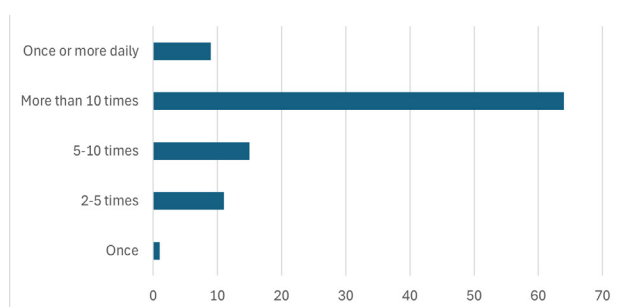


Image 2 shows the results of the question "How often has it happened?"

1% answer once, 11% answer 2–5 times, 15% answer 5–10 times, 64% answer more than ten times, and 9% answer once to several times daily.

In the survey, five options were given for the contexts in which discrimination can occur. The responses were fairly evenly distributed

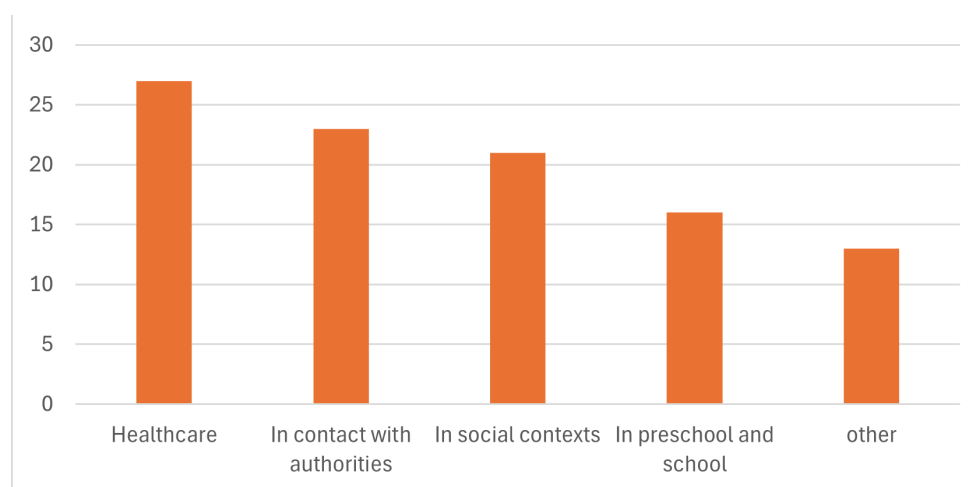


Image 3 shows the results of the question "In what contexts have you felt IQ-discriminated?" 27% answer healthcare, 23% answer in contact with authorities, 21% answer in social contexts, 16% answer in preschool and school, and 13% answer other.



Image 1 shows the results of the question "Have you been mistreated because of your intellectual disability?" 64% answer yes. 36% answer no.

The various examples of IQ discrimination have been divided into six categories presented below:

- Negative attitudes
- Unfair assessment by authorities
- Threats
- Poorer medical treatment
- Indirect discrimination
- Poorer outcome/performance of intervention

Negative Attitudes

The category where we received the most examples is negative attitudes. Thirteen people provided various examples of this, the most common being that one is talked over ones head.

"People often talk ABOUT me instead of WITH me even though I am present. I think it is because people do not know how to behave, but I think healthcare personnel and civil servants, such as

those from the Social Insurance Agency and the municipality, should know better."

"Being at the Hearing Rehabilitation and only being talked about even though I am sitting opposite the audiologist. On top of that, the audiologist says to my mother/legal guardian: How cute she is. I was sitting there listening!"

"During a visit to the municipality, it did not start well, my legal guardians with me, the caseworker met us in the entrance but did not greet me, we went to a floor where we squeezed into a small room where my wheelchair barely fit. The caseworker asked a lot of questions about me without addressing me. My legal guardians tried to help me get in touch with the caseworker, but it did not work."

Among older social constructions of what it means to have an intellectual disability is the view that one is shameful and must be hidden..

"On a plane when the flight attendant says over the loudspeaker that the person who was anxious will soon fall asleep. It was SAS. The incident was reported to the Justitieombudsman, but without a lawyer, I had no chance against them at SAS."

An example of a stereotypical everyday theory that still exists is that people with intellectual disabilities are "eternal children." This creates a disadvantage and a power shift in favour of other adults, such as staff and others one meets, who are happy to make decisions for the person with a disability.

"When people assume that I want to listen to children's music just because I am in a wheelchair and are surprised that I like hard rock and rock. When they think I like children's movies just because I am in a wheelchair and are surprised that I like horror movies and action movies."

"They changed my incontinence protection in the closet because I refused to go upstairs where the toilet is. My mother, who is also my legal guardian, was not taken seriously. Just because I have an intellectual disability, the staff wanted to decide what is best for me, even though what was best for me was not always best for the staff. Guess who won in these unequal power relations where my life should be at the center."

"When I was in school, I had two communication buttons, a red one and a green one for no and yes. My teacher scheduled a communication lesson once a week where she asked questions that I was supposed to answer yes or no to. I did not want to communicate at a set time for 40 minutes a week. My teacher became very frustrated that I did not respond. I was also told that what we were supposed to learn was to sit still and listen."

The same person also describes that a doctor told their mother that their child should not have been born because tests have been developed to detect such disabilities before birth.

Several respondents describe a reverse logic from, for example, the assistive device center, where they need to prove that they benefit from an assistive device before they have tested or had the opportunity to learn how to use it.

"När jag var tvungen att visa att jag kunde cykla för att få en hyra anpassad cykel. Istället för att få hyra anpassad cykel för att kunna lära mig att cykla. När jag inte fick möjlighet att lära mig ett ämne (t ex engelska) i skolan för att min lärare inte trodde att jag har förutsättningar att lära mig."

Unfair Assessment by Authorities

We have received four descriptions where authorities make assessments based on the assumption that a person with intellectual disabilities does not have the same need as others to decide for themselves and that decisions are made based on the needs of the staff instead of the person.

"... The school's responsible educator – in connection with a dialogue about suitable activities, the staff wishes to take the easy way and I refrain from participating so it makes it easier for the staff."

Threats

Four people describe threatening situations.

"In school, my teacher was supposed to feed me. She said, 'If you don't open your mouth properly now, you won't get any food.' I am severely intellectually disabled and did not understand what she said, let alone the consequences of it. I lost so much weight in the first year of school that my

doctor said I needed a feeding tube in my stomach. And so it was."

"I have been beaten and threatened on the subway by unknown people and have been 'unprofessionally' treated at the day center, which ended with the day center terminating me without a proper conclusion."

Poorer Medical Treatment

Three people have received poorer medical treatment:

"At the health center and hospital, they say that symptoms are due to the disability, doctors say 'that's how they can look' (who have autism)."

"On one occasion when I was operated on, I did not receive enough pain relief and not at the right interval/time either. The reason was that I did not seem to be in pain or did not say anything. I was in so much pain that I held onto the bed rails and screamed loudly in the end. I had never screamed in my life before. So I learned that. It took more than a year before I could sleep without nightmares."

"Not being examined relevantly based on described pain – an EEG investigation would be fundamental instead of prescribing heavy medications."

Indirect Discrimination

Indirect discrimination is when someone is disadvantaged by the application of a provision, criterion, or procedure that appears neutral but disadvantages individuals based on discrimination grounds. A general example is that one does not have the right to personal assistance at the day center while people with employment in the regular labour market have the right to personal assistance at the workplace

Four people highlight indirect discrimination in their responses.

"Not being able to identify myself digitally with something like BankID through my legal guardian makes all contact regarding finances with banks more complicated. Not having access to my medical records via 1177 because I am not allowed to have BankID."

"I think it is very stupid that people with intellectual disabilities are not allowed to have BankID. It is an obvious thing in so many contexts, and it is much harder not to have the same opportunities as most people with only physical impairments. Especially since we with intellectual disabilities might need it even more than many others, as we have so many contacts with authorities, healthcare, and other institutions. I think we generally have many more such contacts than the average person."

One person describes several forms of indirect discrimination. The first concerns membership in HSB. The person feels that they are denied membership in HSB because they have an intellectual disability. The reason given by the associations is that all owners must also live in the apartment they own, and since it is parents who buy the majority of the apartment, membership is denied. The issue has been discussed both locally and centrally in HSB, and they have shown no interest in counteracting the indirect discrimination that arises. If it is not possible to become a member of a housing cooperative, the person sees a high risk that it will be necessary to move to a grouphome where they do not see any opportunities to have their needs met.

"What the municipality can offer our son is a grouphome, which does not meet our son's needs by far. It would be a trauma for him to live in such an environment and have to give up so much of his self-determination. I know from parents in different parts of the country that in group homes, the resident usually gets to decide what they want to do ONE day a week. All other days are group activities. It is not dignified to have to accept such a life where one does not get more support to do what one feels good about and needs. We therefore want our son to have his own apartment where he can be with his personal assistants."

Poorer Outcome/Performance of Intervention Due to the Nature of the Disability

Poorer outcome/performance of intervention due to the nature of the disability is reported by nine people. In this category, it is described how the combination of several different disabilities, one of which concerns intellectual ability, results in disadvantage. An example is the municipality that does not consider itself able to implement

day activities or group homes based on the person's needs.

"I feel discriminated against because there is almost nothing that targets people with my combination and level of disabilities (severe autism, severe ADHD, strong cognitive disability). There are hardly any activities (e.g., day activities, schools, etc.) that target my group (insufficient knowledge, insufficient individual adaptations, too little staff) and not suitable activities either. Activities are often aimed either at people who are more high-functioning or people who 'only' have cognitive disabilities. I have experienced that a special school did not want to accept me even though there was space, several day activities where I was ready to try said no (when I was granted personal assistance at the day activity, there were day activities that did not want assistants there), I have been thrown out of a short-term accommodation where they could not handle me and were not prepared to provide competent staff..."

One person describes in detail how they were deprived of their most important activity due to aggressive behavior. A behavior that arose because they did not receive support according

to an agreed visual schedule. The performer choosing to remove activities instead of finding solutions that work is described by several, as well as the person being forced to forgo interventions because the staff cannot meet the person's needs.

"I believe I was IQ discriminated against by the group home because they did not follow the agreed decision on a visual schedule that I need to understand. Then punished for being scared and angry. Trips were cancelled, and I was not allowed to go swimming anymore because I had been scared and did not understand where the new staff would take me. It was terrible that I would not be able to go swimming because those were the best days I had when I lived in the group home. Swimming with my Halliwick friends. Because then I felt competent because I swam 800 meters with my old assistant. I can't talk or count, but I can swim :-)"

"Not being treated well in connection with a transportation service trip. Carelessness in securing my wheelchair, it's not that important. Carelessness with how the seatbelt is placed, it's not that important. Not seeing or talking to me, it's not that important. So good that my assistants stand up for me and directly say that this is not OK!"

Explanation of Regulations

The responses from JAG members confirm that society does not live up to the current regulations regarding the rights of persons with disabilities.

Legislation and Its Interpretation

To ensure political and civil rights, the Constitution (RF) has been amended so that disability is included among the grounds for discrimination.

"RF 1 chapter 2 §

The public shall counteract discrimination of people based on gender, skin color, national or ethnic origin, linguistic or religious affiliation, disability, sexual orientation, age, or other circumstances that concern the individual as a person."

Based on the examples given in the survey, there are shortcomings in compliance with the Health and Medical Services Act, the Social Services Act, the LSS, and the Education Act..

The Parental Code is an important law to ensure rights according to several articles concerning civil and political rights.

The Swedish state has, when introducing the UN convention, assessed that existing legislation with certain adjustments meets all civil and political rights that apply directly. Furthermore, the state, when introducing the convention, stated that social, cultural, and economic rights will be met within a reasonable time. (Chöler, Erdtman, Linder, 2018, p. 52)

The UN Convention on the Rights of Persons with Disabilities

The purpose of the convention is to promote, protect, and ensure all human rights and fundamental freedoms for all persons with disabilities and promote respect for the inherent dignity of persons..

The rights of the convention cover most areas of society and are therefore an important part of how Swedish legislation should be interpreted. Not having one's rights under the convention met is not a discrimination issue; discrimination occurs only when it can be proven that a person

has been disadvantaged compared to another person because of their disability.

There are several articles in the convention that are particularly important for understanding what we call IQ discrimination.

Article 5 on Equality and Non-Discrimination sets the principles that should apply to everyone regardless of disability, and Articles 12 and 19 contain rights that enable people with intellectual disabilities not to be discriminated against in society.

There is a direct link between Article 12 and Article 19 because the rights in both articles enable people to (regardless of the need for support) be a subject that demands interventions that make it possible to live in society like others.

In the UN's General Comment No. 5, it is highlighted that:

"Article 19 is therefore linked to the recognition and exercise of being a person in the eyes of the law and legal capacity in accordance with Article 12 of the convention. This is further explained in the committee's General Comment No. 1 (2014) on equal recognition before the law."

The core of Article 12 is about the fundamental shift from substitute decision-making to supported decision-making. The requirement is to consider the person's will and preferences instead of a principle of the individual's best interest that can be objectively determined. When it is not possible to determine a person's will and preferences despite various attempts, the best possible interpretation of the individual's wishes must apply.

In General Comment No. 1, Article 12, paragraph 4, p. 13 Swedish translation:

"When, despite considerable efforts, it is not possible to determine the individual's will and preferences, the "best interpretation of will and preferences" must replace a determination of the "individual's best interest." This respects the individual's rights, will, and preferences, in accordance with Article 12, Paragraph 4. The principle of the individual's best interest is not a

guarantee that follows Article 12 in relation to adults. The paradigm of "will and preferences" must replace the paradigm of the individual's best interest to ensure that persons with disabilities enjoy the right to legal capacity on equal terms."

Discrimination

In everyday language, discrimination can mean being subjected to unfair treatment at work, school, or perhaps when you go to a restaurant. It does not have to be discrimination in the legal sense. The Discrimination Act specifies what constitutes discrimination in the legal sense in certain established areas, but there are also other laws that may be relevant to show discrimination. The Discrimination Act needs to be seen in relation to other laws, such as the Employment Protection Act, the Education Act, and the Planning and Building Act.

The Discrimination Act only regulates discrimination in the societal areas covered by the law; working life, education, healthcare, social services, transportation services, social insurance area, etc. It does not contain a general prohibition against discrimination.

According to the Discrimination Act, forms of discrimination can be:

- Direct discrimination: when someone is disadvantaged because of their disability in a comparable situation.
- Indirect discrimination: when someone is disadvantaged by a provision, criterion, or procedure that appears neutral but disadvantages people because of disability.
- Lack of accessibility
- Harassment due to disability
- Sexual harassment
- Instructions to discriminate

The work of the Discrimination Ombudsman (DO) and the Discrimination Act aims primarily at ensuring that actors in the specified societal areas take active preventive measures to prevent discrimination. Therefore, DO's most important role is to exercise supervision and impose fines on those who do not take the measures they are obliged to take.

Legal process in case of discrimination

When an individual feels subjected to IQ-discrimination, it is crucial, just as the respondents in our survey have done, to write down the situation that has arisen. It is the arisen situation that guides the further process..

The legal options available to legally address discrimination are:

1. Claim compensation for discrimination against the one who discriminated in violation of a prohibition (DL 5 chap § 1)
2. Invalidation of dismissal or other legal action
3. Sue the state in general court for violation of the European Convention (Law 19994:1219)

The basis of the Discrimination Act is that the person who feels discriminated against must show circumstances that discrimination has occurred, and it is up to the discriminator to prove that it has not occurred (DL 6 chap 3 §).

The person who claims to have been discriminated against has the right to represent themselves in a process about discrimination and compensation for discrimination. According to the Discrimination Act 6 chap 2 §, DO or a non-profit association representing its members' interests also has the opportunity to represent. Special rules apply to employee organizations.

The process of getting a court decision that one has been subjected to discrimination and has the right to compensation for discrimination is long and arduous, whether it is DO driving the case, the discriminated person, or an organization representing its members' interests.

1. Investigation to compile a lawsuit
2. Preparation for negotiation
3. Main hearing
4. Judgment/decision
5. Possible appeals

Conclusions and discussion on epistemic injustice

This study has its limitations in that it is a relatively small and specifically defined target group that has answered the questions. At the same time, it is also the study's strength that the participants belong to the people who have the greatest need to be protected against discrimination and for whom the threat to their human rights is greatest.

IQ-discrimination occurs when a person is disadvantaged compared to others in the same situation, and this disadvantage is due to intellectual disability. The most common situation is being talked over, especially noteworthy when professionals do this.

It is clear that legislators and interpreters of legislation have not done enough to ensure that people with extensive disabilities and intellectual impairments have their need for support in decision-making met and respected. As described above, the UN Convention and the UN Committee's interpretation of Article 12 emphasize that even if the principal needs support to express their will and have it interpreted by someone else, that will must be respected and accepted. In Sweden, people have the right to supportive decision-making by a guardian. The guardian needs to have the ability to provide support in interpreting and expressing the persons' will, because if that will is not respected, discrimination arises.

Some of the results can be seen as effects of the testimonial injustice that follows from individuals not having their experiences recognized or interpreted in such a way that discrimination does not arise. Epistemic injustice creates consequences for both the discriminated person and the discriminator.

Based on our report, several conclusions can be drawn about epistemic injustice in relation to people with intellectual disabilities:

1. Testimonial injustice is clearly manifested

The survey shows that people with intellectual disabilities systematically have their credibility undermined. The most prominent example is

that many are "talked over" or that people talk "about" them instead of "with" them, showing that they are not regarded as full knowledge subjects. This is particularly serious when it also applies to professionals in healthcare, care, and authorities.

2. Interpretive injustice at a structural level

Society lacks adequate concepts and frameworks to interpret the experiences of people with intellectual disabilities. The report highlights that the concept of "IQ-discrimination" can play an important role by giving a name to these specific social experiences, which can help reduce interpretive injustice.

3. Power relations reinforce epistemic injustice

When people with intellectual disabilities are regarded as children with childish interests regardless of age, an imbalance and a power shift are created where other adults make decisions for them. This is a clear example of how epistemic injustice can be manifested

4. Expertise about own needs is ignored

Several examples in the report show how people's knowledge about their own needs is overlooked, for example, when they receive poorer medical treatment where symptoms are dismissed with reference to the disability, or when interventions are designed according to staff needs rather than the individual's

5. Forced communication as epistemic injustice

The example where a person is forced to communicate in a specific way during scheduled time shows how people with intellectual disabilities are deprived of the right to choose when and how they want to express their knowledge and experiences

6. Gap between regulations and reality

Despite Sweden having ratified the UN Convention on the Rights of Persons with Disabilities, there is a large gap between human rights and the reality that people experience. This gap can be seen as a form of epistemic injustice where there is formal recognition of people's rights, but practice does not follow this..

7. Epistemic injustice in authority decisions

The report describes situations where authorities make assessments based on the assumption that people with intellectual disabilities do not have the same need for self-determination as others, which is a direct expression of epistemic injustice.

Miranda Fricker's reasoning about epistemic injustice provides a theoretical tool to understand how people with intellectual disabilities are systematically discriminated against by not being recognized as knowledge subjects but instead becoming objects of others' knowledge. The report shows that this is a widespread problem in Sweden, despite legislation and conventions intended to prevent this..

By putting words to what IQ-discrimination is and in which situations it arises, we can highlight the normalized injustice that people with intellectual

disabilities are subjected to. When those affected themselves understand that their experiences are valid and demand to be given credibility, both self-image and the image that the environment has to interpret reality are affected.

As the concept of IQ-discrimination spreads, more people will likely initially feel unfairly treated, but understanding one's fundamental human rights is a first step towards demanding change. Being recognized by society as a bearer of knowledge and getting the support needed to express it is already a right according to the UN Convention on the Rights of Persons with Disabilities. May this report contribute to this right being upheld.

References:

Summary comments regarding Sweden's combined second and third periodic report, General comment no. 1 (2014) on Article 12 Equality before the law
Epistemic Injustice. Knowledge, Power, and Ethics. Miranda Fricker, Oxford 2007
Counteracting Disability Discrimination and Changing Society - With the Law as a Tool. Maria Chöler, Emil Erdtman, and Ola Linder. Stockholm 2018

Article 5 Equality and Non-Discrimination

1. *States Parties recognize that all persons are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.*
2. *States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.*
3. *In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided.*
4. *Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination under the terms of this Convention.*

Article 12 Equal Recognition Before the Law

1. *States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.*
2. *States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.*
3. *States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.*
4. *States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will, and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible, and are subject to regular review by a competent, independent, and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.*
5. *Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs, and to have equal access to bank loans, mortgages, and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.*

Article 19 Living independently and being included in the community

States Parties recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment of this right and their full inclusion and participation in the community, including by ensuring that: a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement; b) Persons with disabilities have access to a range of in-home, residential, and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community; c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.