

International Academy for the Study of the Jurisprudence of the Family

Executive Secretary-Treasurer:
Carmen Garcimartin
University of La Coruña -
Facultad de Derecho
Campus de Elviña, 15071-La
Coruña, Spain
Email: cgarcimartin@udc.es

President: Stefano Troiano
University of Verona
Dipartimento di Scienze Giuridiche
Email: stefano.troiano@univr.it

Senior V. P.: Scott FitzGibbon
Boston College Law School
Boston College
Email: fitzgisc@yahoo.com

<http://www.iasjf.org>

XV IASJF Annual Symposium

“Disability and the Family”

June 19-20, 2024,

at the Faculty of Law
of the University of Zaragoza, Spain



Facultad de Derecho
Universidad Zaragoza



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di **SCIENZE GIURIDICHE**

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Wednesday, June 19

9 am. Registration.

9.30 am. Welcome remarks.

M^a Ángeles Rueda Martín, General Secretary of the University of Zaragoza
Antonio García Gómez, Dean of the Faculty of Law of the University of Zaragoza
Stefano Troiano, President of the IASJF
Carlos Martínez de Aguirre, President of the Organizing Committee

10 am: Keynote Speech. Moderator: Stefano Troiano.

Mirzia Bianca

Full Professor of Private Law, University of Rome “La Sapienza” (Italy)
“The vulnerable family member. Reflections on the new category of vulnerability.”

10:30 am: Coffee Break

11:00 Panel 1. The Convention on the Rights of Persons with Disabilities and its implementation. Moderator: David Pimentel.

Carlos Martínez de Aguirre

Full Professor of Civil Law - University of Saragossa (Spain)
“Commenting the Comment. The General Comment N° 1 of the Committee on the Rights of Persons with Disabilities: interpretation or correction?”

Maciej Domański

PhD Department of Civil Law, Assistant Professor at the Chair of Civil Law, Faculty of Law and Administration, University of Warsaw (Poland)

Bogusław Lackoroński

PhD with Hab. Department of Civil Law, Assistant Professor at the Chair of Civil Law, Faculty of Law and Administration, University of Warsaw (Poland)

“Implementation of Art. 12 of the CRPD in Polish private law – the first step on the way towards assisted decision-making model. (Amendment to provisions on curators for persons with disabilities in force since February 15, 2024)”

Ursula Basset

Universidad de Buenos Aires y Universidad Católica Argentina (Argentina)
“Rethinking how protective devices and paradigms offered by the CRPD affected family law”.



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12:15 am: Panel 2 (Spanish). Solidaridad familiar y defensa de las personas con discapacidad. Moderator: Javier Ferrer Ortiz.

Marcos Mauricio Córdoba

Professor Emeritus of the University of Buenos Aires (Argentina)

"La solidaridad familiar en la protección del discapacitado a través del derecho de sucesiones"

Javier Nanclares Valle

Profesor Titular de Derecho civil, Universidad de Navarra (España)

Lecturer of Civil Law, University of Navarra

"Intangibilidad legitimaria y protección del ascendiente con discapacidad"

Marina Pérez Monge

Profesora Titular de Derecho Civil, Facultad de Derecho, Universidad de Zaragoza (España)

"Aproximación a la guarda de hecho en España tras la Ley 8/2021, de 2 de junio, por la que se reforma la legislación civil y procesal para el apoyo a las personas con discapacidad en el ejercicio de su capacidad jurídica"

Sara Scola

Ricercatore in Diritto Privato. Università degli Studi di Verona (Italia)

"Opportunities and limits of the measures of the Italian legislation for the effective and efficient protection of persons with disability"

1:45 pm. Lunch

3:30 pm.: Panel 3. Disability, Family and beyond (1). Moderator: Carmen Garcimartín.

Scott FitzGibbon

Professor Emeritus, Boston College Law School (USA)

"Vulnerability Denial; How Parents Might Assist in Avoiding It"

Katherine A. Macfarlane

Associate Professor of Law and Director, Disability Law and Policy Program, Syracuse University College of Law (USA)

"Nondisabled Parents and Disability Rights Advocacy"

Katarzyna Bagan-Kurluta - Piotr Fiedorczyk

University of Bialystok (Poland)

"The right to marry of vulnerable people: the Polish case"



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María Dolores Casas Planes

Associate Professor. University of Jaén (Spain)

“De facto guardianship of persons with disabilities and the family as a key element of solidarity”

5 pm. Coffee Break.

5:30 pm. Panel 4 Spanish. Más allá de la discapacidad: protección de los vulnerables.

Moderator. M^a Victoria Mayor del Hoyo.

Analucía Torres Flor

Universidad Carlos III Madrid, Madrid (España) / Universidad Católica San Pablo, Arequipa, (Perú).

“La Problemática del Régimen de Asistencia Personal en el Perú y la Situación de los Cuidadores no Profesionales en el Contexto del Proceso Judicial de Nombramiento de Apoyos en la Toma de Decisiones con Representación a favor de Personas con Discapacidad: Una Aproximación a partir de la Opiniones de Jueces de Familia de la Corte Superior de Justicia de Arequipa”

M^a del Carmen Cazorla González-Serrano

Profesora Titular Derecho Civil. Universidad Rey Juan Carlos I (España).

“Discapacidad intelectual y envejecimiento: Un problema social del S.XXI”

Gonzalo Trobo Cabrera **[online]**

Escribano Público-Abogado, Ph.D. Doctor en Derecho de la Persona y la

Familia (Universidad de Zaragoza), Master en Matrimonio y Familia (Universidad de

Navarra), Master en Derecho Matrimonial Canónico (Universidad Internacional de La Rioja),

Profesor Agregado. Grado 4. D. Privado I y VI (Udelar) – (Uruguay)

“The protection system for children and adolescents in vulnerable situations in Uruguayan legislation”

7:00 pm. Closing (First day)

8:30 pm: Gala Dinner. Restaurante Náutico. Zaragoza



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Thursday, June 20

9:30 am: Keynote Speech. Moderator: Carlos Martínez de Aguirre.

Sofía de Salas Murillo

Full Professor of Civil Law. University of Saragossa (Spain)

"The role of the family in providing support in the exercise of the legal capacity of persons with mental disabilities".

10 am: Panel 5. Disability, Family and beyond (2). Moderator: Piotr Fiedorczyk.

Zdeňka Králíčková

Full Professor of Civil Law, Faculty of Law, Masaryk University, Brno (Czechia)

"New Concept of Support, Protection and Empowerment of Vulnerable Adults in Czechia"

Antonio Jorge Pereira Júnior

University of Fortaleza - Constitutional Law Doctorate Program - "PPGD-UNIFOR"
(Brazil)

"Applications of Neurotechnology in Personal Disabilities and Its Impact on Family Relationships"

Yitshak Cohen

Professor of Law, Ono Academic College (Israel)

"The Children's Rights to Independent Status - Protecting the Children's Interests in Divorce Proceedings Between Their Parents"

11.15 am: Coffee Break.

11:45: Panel 6 (Spanish). La discapacidad y el Derecho de Familia. Moderator. Marcos Córdoba.

Javier Ferrer Ortiz

Catedrático de Derecho Canónico y Eclesiástico del Estado. Universidad de Zaragoza (España)

"La capacidad para el consentimiento matrimonial: estudio comparado entre el Derecho canónico y el Derecho civil español"

María Calderón Sánchez

Alumna de doctorado de la Universidad CEU San Pablo (Madrid)

"La validez del matrimonio de los discapacitados: derecho civil vs. derecho canónico"



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M^a Victoria Mayor del Hoyo
Profesora Titular de Derecho civil
Universidad de Zaragoza (España)
"Filiación y discapacidad"

María Puyal Recarens.
Estudiante de Doctorado. Universidad de Zaragoza (España)
"Sharenting (¿y qué hay de las personas con discapacidad psíquica?)"

1:00 pm.: Lunch.

2:15 pm: IASJF Assembly.

**15:30 pm: Keynote Speech. Moderator: Carlos Martínez de Aguirre
Ignacio Sancho Gargallo.**

Judge of the Spanish Supreme Court.

"Personal autonomy and social solidarity in relation to people with mental disabilities"

**4:00 pm: Panel 7. Family and Disabilities in Estate Planning and Succession Law.
Moderator. Ursula Basset.**

Stefano Troiano

Dipartimento di Scienze Giuridiche, University of Verona (Italy)

"Estate Family Planning to Protect Members with Disabilities: Potential and Limitations of the Italian Legislation on Support for the Disabled"

Aurelio Barrio Gallardo

Associate Professor of Civil Law. University of Zaragoza (Spain)

"The Person with Mental Disability and his Testament: What about the Holographic Will?"

Romina Santillán Santa Cruz

Assistant Professor of Civil Law. University of Zaragoza (Spain)

"Widowed spouse, fiduciary substitution and family solidarity"

5:15. Coffee Break.



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5:45 pm: Panel 8. Legal tools to protect persons with disabilities. Moderator: Stefano Troiano

Inés Sánchez-Ventura Morer

Lecturer, Faculty of Law, University of Navarre (Spain)
"Planning for incapacity: continuing powers of attorney"

Karel Lach

Mgr., lawyer at the Department for the Protection of the Rights of Persons with Disabilities, Public Defender of Rights (Czech Republic)
"The Czech Public Defender of Rights: Promoting and Protecting the Rights of Persons with Disabilities"

Gaia Scaduto.

PhD. in Private Law, Postdoctoral Research Fellow in Private Law. University of Verona (Italy)
"On the subsidiary nature of legal measures to protect elderly disabled persons. The existence of a strong family support network as a possible obstacle to opening an "amministrazione di sostegno" (administration of support) in Italian law"

7:00 Closing remarks. Stefano Troiano. President of the IASJF.

Scientific Committee:

Stefano Troiano
David Pimentel
Carmen Garcimartin
Carlos Martínez de Aguirre

Organizing Committee:

Carlos Martínez de Aguirre
M^a Victoria Mayor del Hoyo
Marina Pérez Monge
Javier Martínez Calvo
Romina Santillán Santa Cruz

The Symposium is organised in the framework of the following Projects: 1) *"Digital vulnerability. An intergenerational path between personal rights and market relations"*, Missione 4 "Istruzione e Ricerca" – Componente 2 "Dalla Ricerca all'Impresa" – Investimento 1.1 - Progetti di Ricerca di Rilevante Interesse Nazionale (PRIN), funded by the European Union – NextGenerationEU, D.D. MUR 30.06.2023, n. 968 - CUP B53D23010350006 (Scientific Supervisor of the Verona University Unit: Prof. Stefano Troiano). 2) Grupo de Investigación *Ius Familiae* (S30_23R) Gobierno de Aragón y Universidad de Zaragoza, IP, Carlos Martínez de Aguirre.



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