

# ***The Path of Constructing the Supported Decision-Making System in the Interaction Between International and Domestic Law***

**Xiaoxuan Guo<sup>1,a,\*</sup>**

<sup>1</sup>*School of Law, Zhongnan University of Economics and Law, Jiangxia District, Wuhan, Hubei, China*

*a. 1987688454@qq.com*

*\*corresponding author*

**Abstract:** This article focuses on the path of constructing the supported decision-making (SDM) system in the interaction between international and domestic law, exploring the role of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) in promoting this system globally. The article reviews the theoretical foundation of the supported decision-making system and analyzes the legislative practices in countries such as Germany, Japan, and Canada. It summarizes the interactive model where international law, through soft norms and supervision mechanisms, promotes domestic legal reforms. Article 12 of the CRPD, centered on “equal legal capacity” and “assistance and support,” provides guidance for contracting states in system innovation, advancing legislation through concluding observations and compliance monitoring, and promoting the transformation from the traditional guardianship system to the supported decision-making system. This article argues that the promotion of the supported decision-making system not only reflects international law’s guiding role in domestic law but also demonstrates how domestic practices feedback into and enrich the content of international law. This bidirectional interaction mechanism has laid a solid foundation for achieving the global goal of protecting the rights of persons with disabilities, providing both theoretical justification and practical support for the expansion of the supported decision-making system into other areas of rights protection.

**Keywords:** Supported decision-making ,CRPD, Legal capacity, international law, domestic law

## **1. Introduction**

In recent years, with the growing global attention to the protection of the rights of persons with disabilities, the supported decision-making (SDM) system has gradually become a focal point of international law and policy research. This system aims to ensure that persons with disabilities receive appropriate support in the decision-making process, safeguarding their legal capacity, and gradually replacing the traditional guardianship system. The release of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) in 2006 provided a legal framework for the promotion of the SDM system, emphasizing the principles of “equal participation” and “assistance and support.” The CRPD requires contracting states to ensure that persons with disabilities exercise their legal

capacity with the support they need, thereby promoting a global reflection on and reform of the guardianship system.

Although Article 12 of the CRPD laid the foundation for the implementation of the SDM system, its specific application faces challenges in different countries due to variations in legal traditions, cultural backgrounds, and social acceptance. This raises the question of how international law can promote domestic legal reforms through treaty provisions and supervisory mechanisms to achieve localized implementation. This article aims to explore the role of the CRPD in advancing the legislative practice of the supported decision-making system, analyze the interaction mechanism between international law and domestic law, and examine how this interaction promotes the global dissemination and optimization of the system.

The article first reviews the theoretical foundation and domestic practices of the SDM system, then explores how international law, through the CRPD and its supervisory mechanisms, drives domestic legislation. It also analyzes the implementation paths of the CRPD in different countries, revealing the impact of international treaties on national legal evolution. Finally, the article looks ahead to the global promotion of the SDM system and its potential legal expansion applications.

## 2. Literature Review

In the existing literature, scholars have conducted in-depth research on the supported decision-making system from multiple perspectives, focusing on areas such as its theoretical foundation, the legislative practices of various countries, the comparison between SDM and substitute decision-making, and its application in mental health law.

Many scholars have conducted research on the theoretical foundation of the SDM system, with a significant number focusing on the provisions of Article 12 of the CRPD concerning “legal capacity.” This article emphasizes that all persons with disabilities should equally enjoy legal capacity and, when necessary, should be provided with appropriate support to exercise that capacity. Many scholars have divided legal capacity into “legal standing” and “legal agency,” highlighting that the supported decision-making system should ensure equal rights for persons with disabilities at both levels [1]. The traditional substitute decision-making system deprives persons with disabilities of their decision-making capacity, whereas the SDM system enables them to make autonomous decisions by providing support. Although these studies elucidate the advantages of the SDM system, they tend to focus too much on the theoretical protection of rights and overlook the practical implementation and operation of the system in legislative and legal practice.

There are significant differences in the legislative practices and models of various countries. Scholars, through a comparative law perspective, have analyzed the different paths taken by countries in implementing the supported decision-making system. For example, countries like Canada, Germany, Australia, and the United Kingdom have introduced the SDM system to varying degrees within their legal frameworks. Weller, by analyzing the practices of these countries, pointed out that although these countries have made progress in legislation, there are still many challenges in actual application, particularly regarding differences in legal implementation and social cultural acceptance [2]. Beadle-Brown also noted in his research that while the United Kingdom has established the SDM system through the Mental Capacity Act, there are still issues in practice, such as ineffective enforcement and lack of support systems [3]. While these studies provide valuable insights for the legislation of other countries, they focus more on domestic legal practices and overlook the impact of international law on these legal changes, with little discussion on how international treaties influence legislative reforms in various countries.

Many studies also focus on the comparison between supported decision-making and substitute decision-making, discussing the differences in rights protection between the two. Kohn and others pointed out that the traditional substitute decision-making model relies on guardians making legal

decisions on behalf of persons with disabilities, which in some cases may lead to rights being deprived [4]. In contrast, the core concept of the SDM system is to provide decision-making support to persons with disabilities, allowing them to remain the principal agents in legal actions. This system reflects respect for the will and preferences of persons with disabilities, ensuring that they receive appropriate assistance when exercising their capacity [5]. These studies clearly demonstrate the advantages of the SDM system and its breakthroughs in the protection of the rights of persons with disabilities. However, many studies still overly focus on theoretical discussions and lack in-depth analysis of how the system can be effectively implemented in practice.

While significant progress has been made in the literature regarding the theoretical foundation, national practices, and comparative applications of the supported decision-making system, there remain clear gaps. The most notable gap is how international law and domestic law interact to promote the widespread implementation of the SDM system. Most studies primarily focus on domestic legislative processes and system comparisons, but few explore in depth how the CRPD influences legislative reforms and legal practices in various countries through concluding observations, international monitoring mechanisms, and the efforts of international organizations. The implementation paths of Article 12 of the CRPD in different countries, and how international law can prompt these countries to adopt the supported decision-making system through supervision and pressure, have yet to be systematically analyzed. This article aims to fill this gap by studying the interaction mechanism between international and domestic law and exploring how the CRPD, through its supervisory mechanisms and the role of international organizations, promotes the implementation of the SDM system. This will fill the current research gap, reveal how international treaties gradually transform from principled provisions into actual legal practices in various countries, and provide both theoretical support and practical guidance for promoting the globalization of this system.

### 3. Introduction to the Supported Decision-Making System

The supported decision-making system enables individuals with disabilities to retain their legal capacity by providing supportive measures, enhancing their participation in legal and social affairs. This system marks a significant shift in modern guardianship concepts, transitioning from the traditional substitute decision-making model to a more supportive framework that prioritizes individual autonomy and dignity.

The substitute decision-making model, as a traditional approach in guardianship systems, operates on the assumption that individuals under guardianship lack decision-making capacity. In this model, guardians make decisions on their behalf, aiming to protect their “best interests.” This framework often prioritizes objective interests such as economic security and physical safety, while neglecting the true wishes and preferences of the person under guardianship. Research has shown that this model frequently fails to address the actual needs of individuals, especially when they retain some decision-making capacity. Additionally, substitute decision-making tends to overlook the mental well-being and dignity of individuals, sometimes stripping them of control over their own lives and decisions.

In contrast, the SDM model shifts the focus to “autonomy of will,” emphasizing the preservation of independence and dignity for individuals with disabilities. This approach provides appropriate support to help individuals understand information, articulate preferences, and make decisions independently, rather than merely appointing a proxy decision-maker. Advocated by disability rights activists and formalized in the Convention on the Rights of Persons with Disabilities (CRPD) in 2006, this model has gained significant international attention. Article 12 of the CRPD establishes the legal foundation for SDM, calling for a transition from protective frameworks to systems that respect the autonomy and dignity of individuals with disabilities.

The supported decision-making model is particularly suitable for individuals with cognitive impairments or dementia. It introduces the concept of “dignity in risk,” which recognizes that

individuals should be allowed to take certain decision-making risks rather than being entirely shielded from them. This approach suggests that even if a decision does not align with conventional “best interests” standards, as long as it does not endanger the individual’s safety, their choice should be respected. By integrating respect for individual autonomy into the legal framework, the SDM system offers a more humane and inclusive alternative to traditional guardianship models.[6]

In recent years, this system has been widely recognized as a cornerstone of modern guardianship practices, providing individuals with disabilities greater opportunities to exercise their legal capacity and participate in society. The adoption of SDM reflects a broader shift toward respecting the rights and dignity of individuals, ensuring their voices are heard and valued within the legal and social systems.

#### **4. The Origin of Domestic Legal Practices in the Supported Decision-Making System**

International practices have had a profound impact on the formation of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) regarding SDM. Since the 1960s, several countries have reformed their legal capacity and guardianship systems, gradually establishing the concept of SDM. In 1968, France took the lead by passing Law No. 68-5, which abolished the incapacitation system inherited from the Napoleonic Code, adopting a case-by-case review process to assess the legal capacity of individuals with disabilities and focusing on the protection of their personal interests and the right to make autonomous choices. Subsequently, countries such as Germany and Japan introduced legislative innovations and institutional adjustments, laying the groundwork for the development of the supported decision-making system.

Germany has played a key role in advancing the SDM system. In 1990, Germany passed the Assistance Act, which comprehensively revised the “adult guardianship and curatorship system” in the German Civil Code, abolishing the incapacitation system that had been in place for over two centuries. The reform presumed all adults with intellectual disabilities to have legal capacity, emphasizing the principles of necessity and subsidiarity. It stated that supportive measures should only be applied when genuinely needed and should prioritize support provided by the person in need or their family and friends, avoiding the establishment of statutory assistance unless absolutely necessary. Courts tailored support measures to the needs of individuals with disabilities through case-by-case review, thereby maintaining their legal capacity while meeting actual needs. Although this system retained some limited scope for guardianship, it significantly reduced the intensity of guardianship intervention. The Assistance Act provided a practical foundation for the formation of Article 12 of the CRPD and served as a reference for other countries building their SDM systems.

The development of Japan’s supported decision-making system began with a deep reflection on the traditional guardianship model. The Civil Code of 1896 established the incapacitation and quasi-incapacitation systems, which deprived individuals lacking decision-making ability of their legal capacity through full guardianship, while neglecting the autonomy and needs of people with disabilities. As Japan faced increasing aging, the traditional family support model became insufficient to meet complex needs, prompting major revisions to the Civil Code in 1999. This revision introduced three types of guardianship mechanisms—assistance, curatorship, and guardianship—providing varying levels of support. In 2000, the Advance Directive Law was passed, allowing adults with decision-making capacity to designate guardians in advance to ensure they could act according to their wishes if their capacity diminished in the future. Additionally, the court supervision mechanism was strengthened to review guardians’ actions and prevent the abuse of power. These reforms gradually shifted from substitute decision-making to SDM, which not only increased the participation of individuals with disabilities in decision-making but also provided a unique perspective on the development of the international supported decision-making system.

Canada has been an important pioneer in the supported decision-making system, with its legislative practices offering an innovative framework for protecting the rights of persons with disabilities domestically and contributing valuable experience to the international promotion of SDM principles. Since the 1970s, several provinces in Canada have explored supported decision-making as an effective mechanism to replace traditional guardianship [7]. In 1996, British Columbia passed the Representation Agreement Act (RAA), which established the basic framework for SDM in law. The act allowed individuals with disabilities to designate representatives to assist with major matters such as medical and financial decisions, while ensuring that the representative could not make key decisions on behalf of the individual, thereby safeguarding their autonomy. The RAA also introduced a supervision mechanism, requiring agreements related to property management to be monitored by a third-party supervisor to prevent abuse of power and protect the rights of individuals with disabilities. This law enhanced the transparency and security of the system and concretized the concept of “equal legal capacity” as outlined in the CRPD, setting a successful example for the international community in promoting SDM.

Overall, the legal practices in these countries reflect a deep reflection on the traditional guardianship model and highlight the central role of the decision-making rights of individuals with disabilities through reform. The innovative experiences of France, Germany, Japan, and Canada not only supported the formation of Article 12 of the CRPD but also laid a solid foundation for the global advancement of the supported decision-making system. This reform pathway suggests that the construction of the supported decision-making system must balance individual rights with practical needs, providing legal guarantees for equal participation by individuals with disabilities.

## 5. The Embodiment of Supported Decision-Making in International Law

Domestic legal practices of the supported decision-making system have provided rich theoretical and empirical support for the establishment of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD). From France’s pioneering abolition of the incapacitation system to the innovative practices of Germany, Japan, and Canada, the legislative reforms in these countries have gradually established the core concept of SDM, laying the foundation for advancements in international law regarding the protection of the rights of persons with disabilities. The practices of these countries demonstrate the transformation from traditional guardianship to supportive decision-making, directly influencing the provisions in CRPD Article 12 concerning equal legal capacity.

The introduction of Article 12 of the CRPD in 2006 established a new global human rights protection model. This provision explicitly requires that persons with disabilities enjoy equal legal capacity, and that countries implement support mechanisms to ensure they can effectively exercise this right. Article 12 not only reaffirms the equal rights of persons with disabilities but also brings profound innovation to traditional guardianship systems, emphasizing the protection of their right to make autonomous choices.

Article 12 of the CRPD states that persons with disabilities “shall enjoy legal capacity on an equal basis with others,” clearly requiring State Parties to take measures to support persons with disabilities in exercising their legal rights. This provision not only reformed the traditional substitute decision-making model but also redefined the concept of legal capacity for persons with disabilities. The traditional guardianship system, based on doubts about the decision-making abilities of persons with disabilities, typically relied on guardians to make decisions on their behalf. In contrast, the supported decision-making model advocated by the CRPD uses supportive measures to enable individuals with disabilities to make independent decisions within their capabilities, granting them greater participation and autonomy. For persons with cognitive or mental disabilities, this model becomes a core pathway for their social inclusion and decision-making participation.

Through the legal provisions of Article 12 and the international monitoring mechanisms, the CRPD promotes the implementation of supported decision-making systems by countries, gradually establishing the international legal foundation for the protection of the rights of persons with disabilities. This framework has encouraged countries to develop more inclusive and just legal systems in both legislation and practice, setting global standards for the protection of disability rights and deepening the application and development of the supported decision-making concept.

## **6. Legislative Responses and Practices of Various Countries Toward the Supported Decision-Making System**

International practices have played a significant role in promoting the establishment of the supported decision-making system under Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD). Through the oversight and recommendations of the Committee on the Rights of Persons with Disabilities, the CRPD further facilitates the implementation of SDM in legislation and practice across different countries. This process has formed an interactive development model of “international practice foundation—CRPD establishment of standards—national response and implementation,” driving the globalization of the supported decision-making system. As the international community increasingly prioritizes the rights of persons with disabilities, countries have actively responded by revising relevant laws, gradually incorporating SDM into domestic legislation to enhance the autonomy of persons with disabilities in social and legal matters.

### **6.1. United States**

The United States has adopted a cautious yet proactive approach toward establishing the supported decision-making system. Although a unified framework has not yet been established at the federal level, several states have actively explored this concept. In the 2012 Dameris case, the New York State Supreme Court recognized for the first time the legal status of persons with disabilities as capable of independent decision-making with appropriate support, terminating the guardianship over Dameris. This judgment provided a judicial precedent for the legalization of SDM, reflecting progress in safeguarding the decision-making rights of persons with disabilities in the United States. The 2013 Hatch case further clarified that decision-support is a transitional measure in guardianship, while also ensuring the autonomy of individuals with disabilities and providing necessary support. These cases laid the foundation for the promotion of SDM.[8]

In 2015, Texas became the first state to legalize SDM as an alternative to guardianship, requiring courts to prioritize supported decision-making before determining guardianship, with guardianship being considered only when “supports and services” are insufficient. This legislative model has become a model for state-level practices. In 2016, the United States established the “National Resource Center for Supported Decision-Making” and launched a five-year action plan to promote the widespread adoption of SDM, while also publishing reports advocating for the prioritization of the supported decision-making model in guardianship rulings. This system design reflects respect for the autonomy of persons with disabilities and provides practical references for other states and countries.

Despite progress, the lack of unified federal legislation in the United States has resulted in significant differences in legislation and implementation across states, hindering the full promotion of SDM. This decentralization reflects the nature of the U.S. federal system, while also providing space for local innovation. Scholars believe that the U.S. experience demonstrates a typical path from judicial cases to legislative promotion, highlighting the important role of the supported decision-making system in modern society.

The U.S. experience shows that supported decision-making not only requires legal support but also needs cultural acceptance. This system emphasizes retaining decision-making rights for persons with disabilities and voluntary support relationships, which not only advances the protection of disability rights domestically but also reflects the profound impact of international law on the development of domestic law. However, balancing the differences between states and achieving federal unity remains a key challenge for the future and offers valuable lessons for other countries.

## 6.2. Australia

Australia introduced the supported decision-making mechanism in response to the requirements of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD), aiming to grant persons with disabilities equal legal capacity. Between 2010 and 2012, the South Australian Office of the Public Advocate conducted a pilot SDM project, focused on replacing the traditional guardianship system in practical application, allowing persons with disabilities to engage more comprehensively in decision-making regarding personal affairs. This project was not formalized through separate legislation but rather used a non-statutory agreement model, where persons with disabilities and their supporters voluntarily signed agreements to establish supportive relationships. The agreements were governed by the “National Decision-Making Principles” (NDMP), with supporters mainly consisting of family members or close friends, providing assistance in areas such as health, housing, and daily life, and the fulfillment of the agreements was monitored by a third party. The pilot demonstrated that SDM significantly boosted the confidence, decision-making ability, and control over life for persons with disabilities, while also enhancing communication between the individuals and their supporters.[9]

Although this model has been well-received in practice, the lack of a clear legal status limits the effectiveness of SDM in protecting persons with disabilities, especially for isolated individuals without a support network, for whom a non-statutory agreement model may fail to safeguard their rights. In 2013, the United Nations Committee on the Rights of Persons with Disabilities, in its concluding observations, noted that Australia had not yet established a legal framework for supported decision-making and recommended that the country take steps to gradually replace the traditional guardianship system. This indicates that the CRPD’s requirements have had an impact on Australian legal reform, pushing the guardianship system towards a model that better respects the rights of persons with disabilities.

In its 2019 concluding observations, the Committee acknowledged the progress made by Australia in the area of SDM. Specifically, the Australian government referred to the recommendations of the Australian Law Reform Commission (ALRC) and explored the introduction of a federal decision-making model within the legal framework to encourage SDM. This exploration demonstrated the potential for a transition from the traditional guardianship model to the supported decision-making model. Additionally, the Committee highly praised Australia’s efforts in education and training, such as the “Equal Legal Capacity” training program for judicial officers, police, and civil servants, as well as the Disability and Inclusion Strategy (2018-2020) launched by the Federal Prosecutor’s Office. These measures improved the legal profession’s understanding of the legal capacity of persons with disabilities and enhanced accessibility for persons with disabilities within the judicial system.

However, the Committee also pointed out that substitute decision-making is still, in some cases, considered a “last resort,” which does not meet the requirements of Article 12 of the CRPD. Furthermore, the lack of coordination between national and local policies in Australia may weaken the effectiveness of promoting SDM. The Committee recommended that Australia establish a more systematic legal framework for supported decision-making and strengthen coordination between various levels of government to ensure a comprehensive transition from substitute decision-making to SDM in all jurisdictions. These recommendations provide a clear direction for Australia’s legal

reform and highlight the unique role of international law in driving domestic reform through concluding observations and oversight mechanisms.

### 6.3. China

The impact of the Convention on the Rights of Persons with Disabilities (CRPD) on China's guardianship system is evident not only in legislation but also in significant achievements in social practice. Since the CRPD came into effect in China in 2008, the concepts of "equal participation" and "assistance and support" have gradually been recognized by the disability community and their families. Although China's civil legislation still falls short in the area of SDM, various social organizations have taken the lead in implementing supported decision-making projects, driving innovations in the traditional guardianship model and creating a practice of supported decision-making with Chinese characteristics.

At the social level, some disability mutual aid organizations, encouraged by the CRPD, have rapidly grown and become driving forces. For example, projects like the "Overcome" and "Companion Program" offer support to persons with disabilities through personalized life planning, creating an environment conducive to self-determination and embodying the spirit of SDM. Additionally, the "Five Wishes" program, which allows persons with disabilities to exercise decision-making power and express personal wishes in daily life, has been widely adopted. Local notary departments have also actively explored judicial practices. Notary agencies in cities such as Shanghai and Nanjing have provided assistance to elderly individuals and those with intellectual disabilities through mechanisms like "continuous agency delegation" and "guardianship trusts." The "Intentional Guardianship" model launched in Shanghai's Putuo District allows individuals to make arrangements for potential future incapacity while they still retain decision-making capacity. This model was recognized by the Ministry of Justice in 2018 and has since been promoted nationwide as a practice example of SDM.[10]

The CRPD has facilitated China's gradual incorporation of supported decision-making into both legislation and social practices, injecting new momentum into the protection of the rights of persons with disabilities. Although the Civil Code still centers on substitute decision-making, the promotion of innovative measures like intentional guardianship has led to the gradual standardization of the supported decision-making model, laying the foundation for broader legislative inclusion in the future. This indicates that China's legal system is transforming towards a greater respect for the wishes of persons with disabilities. Article 12 of the CRPD established equal legal capacity for persons with disabilities and requires States Parties to guarantee decision-making rights through supportive mechanisms, accelerating the shift in China's guardianship system toward a dual model of "supported decision-making as the primary mechanism, with substitute decision-making as a secondary option." This transformation is making the legal system more humane and aligns it with international human rights developments, providing a foundation for the further advancement of disability rights protection in China.

In summary, the development of the supported decision-making system reflects a two-way interaction between international law and domestic law. This interaction is not only the input of international rules into domestic law but also the feedback and refinement of international law through domestic practices. International law gradually pushes national practices through provisions with weak obligations and high flexibility, building consensus and, based on this, forming universally binding rules. [11] Article 12 of the CRPD did not directly change the laws of each country through mandatory provisions but provided guidance and space for institutional innovation for States Parties through the principles of "equal legal capacity" and "assistance and support." Through soft norms and international oversight mechanisms, the CRPD has promoted States Parties' continuous improvement of their domestic legal systems, balancing the universality of the law with the diversity

of practical needs. This interaction model highlights the leading role of international law and facilitates the coordination and unification of national laws with international standards, providing a solid institutional foundation and theoretical support for the global protection of the rights of persons with disabilities.

## **7. The Ongoing Influence of International Law on Domestic Law and the Future Outlook of Supported Decision-Making Systems**

The global promotion of the supported decision-making system has benefited from the establishment of Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) and its subsequent supervision and advocacy. In this process, international practice laid a solid foundation for the formation of CRPD Article 12, and the CRPD, by establishing international standards for SDM, has accelerated the adoption of this system by various countries. Early practical explorations by countries have provided important references for the content of the CRPD, making Article 12 not only a provision but also an innovation in the global model for the protection of the rights of persons with disabilities.

By reviewing the 2020 report of the United Nations Committee on the Rights of Persons with Disabilities, a more comprehensive understanding of the impact of Article 12 of the CRPD on the global promotion of supported decision-making systems can be gained. The report clearly states that State Parties should abolish laws that deprive persons with disabilities of legal capacity and gradually transition from substitute decision-making to SDM. The Committee emphasizes that legislative reforms should respect the will and preferences of persons with disabilities, ensuring their autonomous decision-making through supportive mechanisms while also establishing safeguards to prevent interference and abuse. Furthermore, the report calls for States Parties to enhance education and training to ensure that legal practitioners and social service agencies fully understand the core principles of supported decision-making and are able to provide support that meets the needs of persons with disabilities.

The concluding observations and monitoring mechanisms have played an important role in the global promotion of the supported decision-making system, but their limitations cannot be overlooked. Concluding observations are typically presented in the form of recommendations, offering guidance to lawmakers and judges in State Parties, but they lack enforceability. This characteristic means that their impact largely depends on the political will of States Parties and the allocation of domestic resources, rather than on mandatory legal obligations. As a result, in some countries, progress in implementation may be slow or even stagnate.

To overcome this weakness, it is necessary to explore synergistic paths between international law and regional mechanisms. For example, rulings by regional judicial bodies such as the European Court of Human Rights have legal binding power and can ensure compliance with the core principles of international law through enforcement. If the principles of supported decision-making in international law could be further translated into binding rulings through regional mechanisms, this could effectively address the shortcomings of soft law implementation.

In addition, international law can enhance the effectiveness of implementation by strengthening technical support and resource allocation. For instance, the United Nations Committee on the Rights of Persons with Disabilities could collaborate with regional organizations to establish specific implementation frameworks, provide technical assistance, and build capacity to help States Parties overcome resource and capacity gaps, thereby promoting the full implementation of the supported decision-making system. This international and regional collaboration path not only enhances the enforceability of soft law but also deepens the adaptability of the supported decision-making system across different legal systems, providing a more solid legal guarantee for the protection of disability rights.

As Article 12 of the CRPD is widely applied, countries have integrated their legal backgrounds and social needs into the implementation of core principles, gradually forming localized implementation paths. The integration of globalization and localization has made the supported decision-making system both universal and flexible, adapting to the needs and operational realities of various countries. The interaction between international law and domestic practice supports each other, providing a feasible legal framework for the protection of disability rights. In the future, with the deepening interaction between international law and domestic law, the supported decision-making system is expected to expand into more areas of rights protection, providing sustained legal support for persons with disabilities and other groups in need of assistance.

## 8. Conclusion

The SDM system represents a groundbreaking advancement, emerging from the dynamic interaction between international law and domestic legal practices. Grounded in the principles of Article 12 of the CRPD, it bridges global legal standards with national innovations, fostering reforms that prioritize equal legal capacity and individual autonomy. By replacing traditional guardianship models, SDM exemplifies how international norms inspire domestic legislative changes while local practices refine and enrich global frameworks. This evolving system demonstrates adaptability across diverse legal and cultural contexts, paving the way for broader rights protection. As its influence expands, SDM reinforces the commitment to inclusivity, equity, and the transformative potential of international and domestic legal collaboration. Looking ahead, the SDM system is poised to expand its influence into broader areas of rights protection, fostering the development of more inclusive and equitable legal structures.

## References

- [1] Chen, P. Y. (2001). *A study on the British will and inheritance system*. *Xiamen University Law Review*, 2, 267–320.
- [2] Weller, P. (n.d.). *Supported decision-making and the achievement of non-discrimination: The promise and paradox of the Disabilities Convention*.
- [3] Beadle-Brown, J. (n.d.). *Supported decision-making in the United Kingdom: Lessons for future success*. *Research and Practice in Intellectual and Developmental Disabilities*.
- [4] Kohn, N. A., Blumenthal, J. A., & Campbell, A. T. (2012). *Supported decision-making: A viable alternative to guardianship?* *SSRN Electronic Journal*.
- [5] Li, G. Q. (2017). *On the coordination of the system of legal capacity and the new adult guardianship system: A review of the institutional arrangements in the General Principles of Civil Law of the People's Republic of China*. *Legal Science (Northwest University of Political Science and Law Journal)*, 35(3), 131–140.
- [6] Devia, N., Bickenbach, J., & Stucki, G. (2011). *Moving towards substituted or supported decision-making? Article 12 of the Convention on the Rights of Persons with Disabilities*.
- [7] Gordon, R. M. (2015). *The 2015 annotated British Columbia incapacity planning legislation, adult guardianship act and related statutes* (pp. 20–22). *Carswell*.
- [8] Salzman, L. (2011). *Guardianship for persons with mental illness – A legal & appropriate alternative*. *St. Louis University Journal of Health Law & Policy*, 4, 306–307.
- [9] Brayley, J. (2013, June). *Supported decision-making: A case for change*. Paper presented at the Supported Decision Making Forum, Queensland University of Technology, Brisbane.
- [10] Du, S. Y. (2018). *The modern transformation of the adult guardianship decision paradigm: From substitution to assistance*. *North Legal Studies*, 12(6), 136–147. <https://doi.org/10.13893/j.cnki.bffx.2018.06.013>
- [11] Abbot, K. W., et al. (2000). *Hard and soft law in international governance*. *International Organization*, 54(3), 421–456.