

# Defending Disability Rights in Europe?



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# Disability Rights In Europe Disability Rights In Europe

**Oddný Mjöll Arnardóttir, Gerard Quinn**

## **Disability Rights In Europe Disability Rights In Europe:**

**Research Handbook on EU Disability Law** Delia Ferri,Andrea Broderick,2020-11-27 This Research Handbook comes at an opportune time and provides a comprehensive and wide ranging exploration of relevant developments concerning disability rights at EU level It also looks beyond the EU focusing on how disability has been relevant in EU external relations In addition the Research Handbook considers the interface between EU disability law and Council of Europe law

**Disability Rights in Europe** Anna Lawson,Caroline Gooding,2005-05-15 Recoge 1 Human rights 2 Anti discrimination laws 3 Achieving equality through law      **Disability Rights Law and Policy: International and National Perspectives** Mary Lou Breslin,Silvia Yee,2021-09-13 This volume describes the extraordinary success of the international political movement of people with disabilities to include disability as a human rights issue The authors are renowned disability rights attorneys university professors and activists who practice teach and work internationally Published under the Transnational Publishers imprint      The American Dream vs. the European Dream ,2024-06-12 Bachelor Thesis from the year 2012 in the subject Cultural Studies European Studies grade 1 4 Maastricht University language English abstract This paper explains the reflection of the individualist focus of the American and the communal aspect of the European Dream in disability rights legislation of the United States and the European Union respectively The first chapter elaborates on the dominating notions of the American thoroughly explained by James Adams 1931 as well as the European Dream coined by Rifkin 2004 The second chapter describes the two institutional frameworks of disability rights legislation On the one hand the Americans with Disabilities Act of 1990 is outlined in greater detail On the other hand the recent European Disability Strategy 2010 2020 is summarized on the basis of its main objectives areas of action and implementation strategies Subsequently the third chapter sets out a comparative approach to both pieces of legislation Therefore the first hypothesis draws upon methodology common in legal studies whereas the second one consults the social philosophy perspective in order to explain the reflection of the European Dream within the framework of the current European disability right legislation Here the transformation that the British disability has undergone during the 1990s and which had substantial implications on the formation of a European disability rights movement is thoroughly analyzed The American Dream no myth has spread as relentlessly as this notion of American patriotism Its underlying values such as liberty equality and democracy have shaped the policy making processes in the United States since the Declaration of Independence in 1776 Nowadays this glorious legend of the American Dream remains rather influential and determines the workings of the US political system Doubtlessly there are similar success stories of people living within the European Union however there is no myth yet about the destitute man who came to the EU started off as a dish washer and quickly became part of the successful and prosperous European upper class due to his continuous and accurate work      The European Disability Rights Revolution Jeffrey Archer Miller,2020 Over the course of a decade disability laws in Europe changed dramatically Due to 1 the entry into force of the UN Convention on the Rights of

Persons with Disabilities 2 the transposition of EU Directive 2000 78 into national law and 3 a new line of judgments handed down from the European Court of Human Rights individuals with disabilities gained new rights and new opportunities to enforce those rights in court This European Disability Rights Revolution constitutes a double upheaval one part conceptual one part legal hierarchical This dissertation is an attempt to grapple with the complex confluence of events and ideas that created the European disability rights revolution and what drives it forward today Does disability rights law develop mainly through European Union law regional human rights law international law or domestic law Who are the individuals and or organizations that sustain the European disability rights revolution Who breathes life into the statute books and how do they do it

**International and European Disability Law and Policy** Andrea Broderick, Delia Ferri, 2019-10-31 The first textbook on international and European disability law and policy analysing the interaction between different legal systems and sources

The UN Convention on the Rights of Persons With Disabilities Oddný Mjöll Arnardóttir, Gerard Quinn, 2009 The International Convention on the Rights of Persons with Disabilities is the first human rights treaty adopted by the United Nations in the 21st century It seeks to secure the equal and effective enjoyment of human rights for the estimated 650 million persons with disabilities in the world It does so by tailoring general human rights norms to their circumstances It reflects and advances the shift away from welfare to rights in the context of disability The Convention itself represents a mix between non discrimination and other substantive human rights and gives practical effect to the idea that all human rights are indivisible and interdependent This collection of essays examines these developments from the global European and Scandinavian perspectives and the challenge of transposing its provisions into national law It marks the coming of age of disability as a core human rights concern

The right of people with disabilities to live independently and be included in the community Council of Europe, 2012-06-01 Recognising the right to live in the community is about enabling people to live their lives to their fullest within society and access the public sphere A precondition for anyone to enjoy all their human rights this right is taken for granted by the majority of the population but is often denied to persons with disabilities who are instead placed in segregated institutions or in settings which isolate them from the rest of the community This Issue Paper describes the challenges faced by Council of Europe member states in complying with this right It traces the right of people with disabilities to live independently and be included in the community to its origins in the most fundamental human rights standards both within the Council of Europe and United Nations systems The paper draws on Article 19 of the UN Convention on the Rights of Persons with Disabilities to identify the various forms that violations of this right can take and provides guidance for community based responses governed by choice in order to achieve inclusion and participation The paper shows the link between the right to live in the community and other rights notably the right to equal recognition before the law legal capacity The Issue Paper ends with a sample of indicators and guidance questions to assess the transition from violation to implementation of the right to live in the community The Commissioner's recommendations on the right to live

independently and be included in the community are published at the beginning of the document

*Implementing International Disability Law in the European Union* Ottavio Quirico, 2024-06-28 This book investigates the implementation of disability rights and duties in the European Union aiming to understand its functioning and explore ways forward through a critical analysis of the Convention on the Rights of Persons with Disabilities CRPD within the context of international regulation Along the lines of the integration of fundamental rights within the common market the EU has indeed progressively adopted meaningful regulation to advance disability rights which are now essentially shaped by the CRPD The research considers the interaction between law and policy at the international EU and Member States level focusing on three essential elements including the sources of disability law institutional mechanisms and substantive regulation Grounded in the distinction between primary rules on law making and secondary norms on enforcement the analysis unfolds against the background of the twin transitions on sustainability and digitalisation and encompasses the Council of Europe system particularly in the light of the foreseeable accession of the EU to the European Convention on Human Rights Arguably following the progressive development it has facilitated in other regulatory areas the Court of Justice of the European Union can provide a decisive contribution to advancing inclusiveness for people with disabilities in the Union The book is a useful resource for practitioners policymakers academics students researchers and anyone interested in EU and international disability law and politics

*The UN Convention on the Rights of Persons with Disabilities and the European Union* Carmine Conte, 2022-02-24 This book analyses the impact of the UN Convention on the Rights of Persons with Disabilities CRPD on EU non discrimination law and governance The CRPD places the protection of persons with disabilities at the heart of international human rights law The Convention is the first human rights treaty open for signatures by regional organisations and the European Union favourably acceded to it in December 2010 Ten years after this historic event this book explores whether the theory has been put into practice and examines the effects of the CRPD on EU non discrimination law and governance This book brings together the practices of the European Court of Justice CJEU with regard to disability discrimination to show whether the CRPD is living up to its full potential to substantially improve the protection of the rights of persons with disabilities in the EU It examines whether the judicial interpretation of the Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation does or does not comply with the new legal background delineated by the CRPD In addition it investigates whether the governance mechanisms underlying the EU Framework for promoting protecting and monitoring the CRPD are effectively fostering the implementation of the CRPD and the role of civil society The prohibition of discrimination on grounds of disability has undergone substantial changes and developments since it was first introduced under international and EU law This book highlights the main changes to disability discrimination which have occurred in the EU legal order in the last ten years The book will be of interest to academics law students and legal practitioners working in the field of EU non discrimination and equality law

*The United Nations*

*Convention on the Rights of Persons with Disabilities* Valentina Della Fina, Rachele Cera, Giuseppe Palmisano, 2017-01-20 This Commentary provides the first comprehensive legal article by article analysis of the provisions of the Convention on the Rights of Persons with Disabilities CRPD The Convention is the key international human rights instrument exclusively devoted to persons with disabilities and the centerpiece of international efforts to address inequalities and barriers they encounter to the full enjoyment of human rights The book discusses the Convention's position within existing international human rights law and within the framework of the United Nations measures to protect the rights of people with disabilities Starting with the background of all the Convention's articles including the travaux préparatoires this Commentary examines each provision's substance and interpretation and explores the significance of each right its legal scope and relationship with other international legal norms and principles A unique contribution also analyzes the Optional Protocol to the Convention In addition to enriching academic studies of international human rights law the book provides insights into the practical operation of the Convention's provisions by assessing the practice of the CRPD Committee the activities of relevant international and regional human rights bodies in enforcing the rights of persons with disabilities and the contracting parties implementation practices Relevant European Court of Human Rights the Court of Justice of the European Union and if appropriate other regional jurisdictions case law as well as the jurisprudence of domestic courts are taken into consideration Contributions from leading scholars and international experts make this book an indispensable resource for lawyers academics students journalists international organizations NGOs and other stakeholders wanting to better understand the rights of people with disabilities Furthermore it makes a valuable contribution to appraising the impact of the Convention in the legal orders of contracting parties and to charting the way forward in the protection of the rights of persons with disabilities Human Rights--disability--children Council of Europe, Council of Europe. Division of the Partial Agreement in the Social and Public Health Field, 2005-01-01 This publication contains the proceedings of a Council of Europe conference held in Strasbourg in November 2004 which reviewed current Council of Europe instruments designed to promote and protect the rights of people with disabilities It focuses on the right of children with disabilities to grow up within a family and in a community context and the need to end the institutionalisation of children with disabilities *Actors and Roles in EU Disability Law* Delia Ferri, Eva S Krolla, 2025-05-29 This open access book looks at the development and consolidation of EU disability law as a distinct field of enquiry It provides novel approaches to studying EU disability law In a departure from other books on the topic it takes a contextual approach both engaging with current debates and policies and providing rigorous legal analysis In addition to looking at the how of the field's development it addresses the who by charting the key stakeholders in the field This is an insightful and innovative take on an increasingly significant field of EU law The ebook editions of this book are available open access under a CC BY NC ND 4.0 licence on bloomsburycollections.com Open access was funded by the European Research Council *Routledge Handbook of Disability Law and Human Rights* Peter

Blanck, Eilíonóir Flynn, 2016-07-07 This handbook provides a comprehensive and authoritative state of the art review of the current and emerging research and policy on disability law Bringing together a team of respected and experienced experts the handbook offers a range of jurisdictional and multidisciplinary perspectives The authors consider historical and contemporary as well as comparative perspectives of disability law Divided into three parts the contributors provide a comprehensive reference to the theoretical underpinnings ongoing debates and emerging fields within the subject The study provides a strong basis for consideration of contemporary disability law its research foundations and progressive developments in the area The book incorporates interdisciplinary and comparative country perspectives to capture the breadth of current discourse on disability law This handbook provides a valuable resource for a wide range of scholars public and private researchers NGOs and practitioners working in the area of disability law and across national and transnational disability schemes The work will be of important interest to those in the fields of sociology history psychology economics political science rehabilitation sciences medicine technology and law among others      *Legislation to Counter Discrimination Against Persons with Disabilities* Council of Europe. Working Group on Legislation Against Discrimination of People with Disabilities, Council of Europe. Committee on the Rehabilitation and Integration of People with Disabilities, 2003-01-01 This report provides a comparative analysis of European legislation designed to counter discrimination against people with disabilities in all areas of life including education mobility accessibility vocational guidance and training healthcare employment sports leisure and culture This is the second edition of the report prepared for the Second European Conference of Ministers responsible for Integration Policies for People with Disabilities held in Malaga in 2003      *Social Rights in Europe* Gráinne De Búrca, Bruno de Witte, Larissa Ogertschnig, 2005 Social rights while traditionally the neglected sibling within the human rights family have been prominent on the agenda in Europe in recent years The debate over the justiciability of social rights in the EU's Charter of Fundamental Rights and the revision of the Council of Europe's European Social Charter have contributed in different ways to this prominence The chapters in this book examine these recent developments and discuss some of the current dilemmas and challenges for the system of protection of social rights in Europe The collection moves deliberately beyond the traditional focus on labour rights to consider other social rights which are seen to be of growing importance such as health and disability in particular Writers who are familiar with and in some cases who have worked within the various European systems assess different aspects of their functioning including their respective mechanisms for monitoring and enforcement The relationship between the two main systems of protection of social rights The EU Charter of Fundamental Rights and the European Social Charter is considered both in a chapter on the possibility for future accession of the EU to the ESC as well as through a series of case studies on the right to work to health to freedom from discrimination and the rights of the disabled This approach allows reflection on the respective strengths and weaknesses of these two systems and the existing tensions and synergies between them      **The Changing Disability**

**Policy System** Rune Halvorsen, Bjørn Hvinden, Jerome Bickenbach, Delia Ferri, Ana Marta Guillén Rodríguez, 2017-04-28  
 Being an active citizen involves exercising social rights and duties enjoying choice and autonomy and participating in political decision making processes which are of importance for one's life. Amid the new challenges facing contemporary welfare states, debate over just how active citizens can and ought to be has redoubled. Presenting research from the first major comparative and cross-national study of active citizenship and disability in Europe, this book analyses the consequences of ongoing changes in Europe: what opportunities do persons with disabilities have to exercise Active Citizenship? The Changing Disability Policy System: Active Citizenship and Disability in Europe, Volume 1, approaches the conditions for Active Citizenship from a macro perspective in order to capture the impact of the overall disability policy system. This system takes diverse and changing forms in the nine European countries under study. Central to the analysis are issues of coherence and coordination between three subsystems of the disability policy system and between levels of governance. This book identifies the implications and policy lessons of the findings for future disability policy in Europe and beyond. It will appeal to policymakers and policy officials as well as to researchers and students of disability studies, comparative social policy, international disability law, and qualitative research methods. *Encyclopedia of Disability* Gary L. Albrecht, 2006. Presents current knowledge of and experience with disability across a wide variety of places, conditions, and cultures to both the general reader and the specialist. Disability, Diversity, and Legal Change Lee Ann Bassett Marks, Melinda Jones, 2021-09-27. This text ventures into the area where law and disability intersect. Drawing on developments in the emerging field of disability studies and on a new-found human rights perspective on disability, the contributions traverse topics as wide-ranging as citizenship, feminism, eugenics, euthanasia, and sexual abuse of people with disabilities and analyze disability law at both a domestic and international level. Informed by the social model of disability, this work brings together academics and disability activists from Australia, Europe, and North America. The book is interdisciplinary in nature, with contributors coming from sociology, education, law, geography, philosophy, and cultural studies. Disability Rights Law and Policy Mary Lou Breslin, Silvia Yee, 2002. Papers conceived and commissioned by the Disability Rights Education and Defense Fund (DREDF). T p



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