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The Right to Work:

The employment situation of persons with disabilities in Europe



Disability Rights In Europe Disability Rights In Europe

Delia Ferri, Eva S Krolla



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Disability Rights in Europe Anna Lawson, Caroline Gooding, 2005-05-15 Recoge 1 Human rights 2 Anti discrimination laws 3 Achieving equality through law *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 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

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

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

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

Disability, Rights Monitoring, and Social Change Marcia H. Rioux, Paula C. Pinto, Gillian Parekh, 2015 The 2006 United Nations Convention on the Rights of Persons with Disabilities has provided a significant catalyst and a legal mandate for disability rights monitoring and discussions on disability rights are breaking new ground across disciplines Disability Rights Monitoring and Social Change is an important and timely collection that explores and challenges the ways in which disability rights are monitored The contributors to this edited volume range from grassroots activists to international scholars and United Nations advisors The chapters address the current theoretical methodological and practical issues surrounding disability rights monitoring and offer a detailed look at law and policy reforms best practices and holistic methods This unique compilation crosses the divide between the global South and North and explores the complex issues of intersectionality that arise for women with disabilities Indigenous peoples with disabilities and people with diverse disabilities Its participatory methodology calling for the inclusion of people with disabilities in processes that involve them and its local and international perspective make this book a critical contribution to the fields of rights monitoring and disability studies Appropriate for courses on disability human rights social justice policy and advocacy this volume serves as a guide and learning tool for anyone interested in disability rights monitoring and more generally the effective practice of monitoring human rights

The Development of Disability Rights Under International Law Arlene S. Kanter, 2014-11-27 The adoption of the Convention on the Rights of People with Disabilities CRPD by the United Nations in 2006 is the first comprehensive and binding treaty on the rights of people with disabilities It establishes the right of people with disabilities to equality dignity autonomy full participation as well as the right to live in the community and the right to supported decision making and inclusive education Prior to the CRPD international law had provided only limited protections to people with disabilities This book analyses the development of disability rights as an international human rights movement Focusing on the United States and countries in Asia Africa the Middle East the book examines the status of people with disabilities under international law prior to the adoption of the CRPD and follows the development of human rights protections through the convention's drafting process Arlene Kanter argues that by including both new applications and entirely new approaches to human rights treaty enforcement the CRPD is significant not only to people with disabilities but also to the general development of international human rights by offering new human rights protections for all people Taking a comparative perspective the book explores how the success of the CRPD in achieving protections depends on the extent to which individual countries enforce domestic laws and policies and the changing public attitudes towards people with disabilities This book will be of excellent use and interest to researchers and students of human rights law discrimination and disability studies

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

International Human Rights and Mental Disability Law Michael L. Perlin, 2012 Examining the mistreatment of persons with mental disabilities around the world Michael Perlin identifies universal factors that contaminate mental disability law including lack of comprehensive legislation and of independent counsel inadequate care poor or nonexistent community programming and inhumane forensic systems

Critical Perspectives on Human Rights and Disability Law Marcia H. Rioux, Lee Ann Basser Marks, Lee Ann Basser, Melinda Jones, 2011-05-23 This book examines the changing relationship between disability and the law addressing the intersection of human rights principles human rights law domestic law and the experience of people with disabilities Drawn from the global experience of scholars and activists in a number of jurisdictions and legal systems the core human rights principles of dignity equality and inclusion and participation are analyzed within a framework of critical disability legal scholarship

Implementing International Disability Law in the European Union Ottavio Quirico, 2024 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

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

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

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

Inclusive Sustainability Ottavio Quirico, 2022-05-04 In light of the third generation concept of inclusive sustainability the volume explores the architecture of global disability governance and its degree of harmonisation The book integrates socio cultural economic political and legal analyses from an international and comparative perspective The first part of the volume outlines a tripartite systematisation of disability rights for States and non state persons In light of essential economic considerations the second part explores the relationship between disability and specific fundamental rights and regimes particularly the rights to life health education work and participation The third part takes an institutional approach and focuses on the way in which the UN and regional organisations regulate disability

African Disability Rights Yearbook Volume 1 2013 Charles Ngweni, Ilze Grobbelaar-du Plessis, Helene Combrinck, Serges Djouyou Kamga, 2014-01-01 African Disability Rights Yearbook Volume 1 2013 Edited by Charles Ngweni Ilze Grobbelaar du Plessis Helene Combrinck and Serges Djouyou Kamga 2014 ISSN 2311 8970 Pages 385 Print version Available Electronic version Free PDF available About the publication The African Disability Rights Yearbook breaks new ground in disability scholarship Coming in the wake of the United Nations Convention on the Rights of Persons with Disabilities it is the first peer reviewed journal to focus exclusively on disability as human rights on the African continent It provides an annual forum for scholarly analysis on issues pertaining to the human rights of persons with disabilities It is also a source for country based reports as well as commentaries on recent developments in the field of disability rights in the African region Preface This is the first issue of the African Disability Rights Yearbook ADRY Drawing inspiration from the European Yearbook on Disability Law it is the first publication of its kind that focuses on Africa It aims to bring into prominence an area traditionally neglected by both African governments and academics Following in the wake of the adoption of the United Nations Convention on the Rights of Persons with Disabilities it is the first peer reviewed journal to focus exclusively on disability as human rights on the African continent The Yearbook which is projected to appear annually is set out in three sections Section A contains academic articles Section B consists of country based research charting recent developments on disability rights legislation case law and policy developments in selected African states and Section C deals with relevant developments in the African Union AU and African sub regional organisations The 2013 Yearbook aims to set out the situation as at 31 December 2012 The publication of the Yearbook in 2013 is a milestone in the engagement on the

rights of persons with disabilities by the Centre for Human Rights Faculty of Law University of Pretoria under whose auspices this publication was conceived and is being produced. It marks a highlight in the efforts taken by the Centre over the last few years to bring more academic attention to the rights of persons with disabilities in Africa. These efforts have only been possible with the support of the Open Society foundations in particular Open Society Initiative for Southern Africa (OSISA). Over the last years OSISA has collaborated with the Centre for Human Rights University of Pretoria to strengthen the teaching and research in law faculties in the Southern Africa on disability rights. The collaboration consists of the following elements:

- a Efforts are made to assist in the building of capacity of law faculties in the region through the attendance of the LLM Human Rights and Democratisation in Africa with a focus on disability rights by staff members from these law faculties. The staff members subsequently return to their faculties to institute and develop teaching on disability rights and institutionalise faculty based activities and centres around disability rights. So far the following faculties have participated: Universidade Eduardo Mondlane Mozambique, Faculdade de Direito the University of Botswana, the University of Malawi, Chancellor College Faculty of Law University of Namibia, Midlands State University Zimbabwe, Faculty of Law University of Zambia and University of Dodoma Tanzania. These faculties/centres have the responsibility/mandate to research on disability rights, promote awareness and sensitise key stakeholders in the population about the rights of persons with disabilities and the existing legal framework, elaborate position papers and advocate for particular legal reforms, keep record of, identify and engage in litigation of selected cases pertaining to the violation of the rights of persons with disabilities and provide legal advice to persons with disabilities.
- b The Centre presents a one week intensive short course on disability rights to build capacity and to disseminate information on disability rights more broadly in Africa. This course is attended by participants from all over the continent.
- c Together the participating faculties are developing a curriculum for the teaching of an undergraduate course on disability rights at law schools in the region.
- d Academic work on and awareness about disability rights is stimulated in particular through the publication of this Yearbook, an academic conference and a first Southern African Disability Rights Moot Court Competition. This Yearbook is the accomplishment of many. It has been a project long in planning and preparation and time consuming in execution. The publication is the endproduct of collaborations between the Centre and numerous partners in particular UWC. A very sincere and profound word of thanks goes to the following: The four editors, the convening editor Prof Charles Ngwenya who joined the Centre for Human Rights last year, he worked with Dr Ilze Grobbelaar Du Plessis UP, Prof Helene Combrinck UWC and Dr Serges Djouyou Kamga UNISA as co editors. It is only their dedication and devotion that has made this publication possible. Prof Ngwenya was not only the convening editor but also the editor in charge of Part A. He bore the brunt of the responsibility to keep the project going and to inspire and lead all involved towards the ever approaching deadline. Drs Grobbelaar Du Plessis and Serges Djouyou Kamga took responsibility for Part B and Prof Combrinck for Part C. They each sacrificed enormously in terms of time and energy in

order to get to this end product Thanks to all contributors and all reviewers of contributions for dedicating themselves to this thankless task Kate Painting acted as a most appreciated editorial assistant She meticulously followed up references guaranteed consistency in style and ensured felicitous language use At the Centre Thuto Moratua Hlalele Yolanda Booyzen and Kevashinee Pillay also provided logistical and other support The Yearbook is published by Pretoria University Law Press PULP based at the Faculty of Law University of Pretoria The patient and professional contribution of Lizette Hermann is much appreciated We also thank the members of the advisory board who agreed to assist with the policy direction review of manuscripts and lending credibility and lustre to this Yearbook by associating themselves with this endeavour The Yearbook is very fortunate to have representation from all corners of the globe including individuals and institutions at the leading edge of disability rights research training and teaching Lastly to the Open Society Foundation and specifically OSISA and its staff Many thanks in particular to Louise Olivier for her confidence inspiration and consistent support which took the Centre and me personally along an exciting and challenging new road and to Louise Ehlers and Patricia Mwanyisa who came on board later Other Open Society staff also inspired and played important roles along the way In line with the right of access to information and knowledge this Yearbook is accessible freely as a free full downloadable document on the Centre's website www.chr.up.ac.za On behalf of all those involved and of the Centre I wish to express the hope that this Yearbook will soon come to be regarded as an indispensable tool to understand and chart legislative and policy developments on disability rights in Africa and that it will contribute to bridge the gap between the discourse of rights and its practical application and actual realisation Frans Viljoen Director Centre for Human Rights About the editors Charles Ngwenya is Professor Department of Constitutional Law and Legal Philosophy Faculty of Law University of the Free State South Africa Ilze Grobbelaar du Plessis is a senior lecturer and holds the degrees BJuris LLB LLM LLD from the University of Pretoria Helene Combrinck is Associate Professor at the Centre for Disability Law and Policy University of the Western Cape Serges Djouyou Kamgais is Senior Lecturer at TMALI UNISA Table of Contents PREFACE EDITORIAL SECTION A ARTICLES 1 The right to primary education of children with disabilities in Malawi A diagnosis of the conceptual approach and implementation Enoch MacDonnell Chilemba 2 Forgotten or included Disabled children's access to primary education in Cameroon Serges Djouyou Kamga 3 Choice support and inclusion Implementing article 19 of the CRPD in Kenya Elizabeth Kamundia 4 A critical analysis of the legal and institutional frameworks for the realisation of the rights of persons with disabilities in Zimbabwe Esau Mandipa 5 Prospects and practices for CRPD implementation in Africa Janet Lord and Michael Ashley Stein 6 Nothing about CRPD monitoring without us A case study on the involvement of the disability movement in policy making in Zambia Magdolna Birta 7 Western Cape Forum For Intellectual Disability v Government of the Republic of South Africa A case study of contradictions in inclusive education Charles Ngwenya 8 Towards an effective litigation strategy of disability rights The Zambian experience Likando Kalaluka SECTION B COUNTRY REPORTS Cameroon Ma tre Christophe Tchudjo and Joseph

Ombe C te d Ivoire Pierre Olivier Lobe Ghana Esther A Gyamfi Mozambique Emerson Casimiro Uassuzo Lopes Namibia Ruusa Ntinda Nigeria Ngozi C Umeh and Ramola Adeola Republique Democratique du Congo RDC Pierre Olivier Lobe South Africa Ilze Grobbelaar du Plessis and Chazanne Grobler Tanzania Peter Josiah Shughuru SECTION C REGIONAL DEVELOPMENTS Disability rights in the African regional human rights system during 2011 and 2012 Helene Combrinck Making progress The African Committee of Experts on the Rights and Welfare of the Child and the rights of children with disabilities Lorenzo Wakefield Disability rights in the sub regional economic communities during 2011 and 2012 Lucyline N Murungi Aquinaldo Mandlate and Benedicta Armah 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

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Disability Rights In Europe Disability Rights In Europe Introduction

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