A Selected Bibliography of Human Rights and Disability

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The human rights of disabled persons

Outline for a comprehensive policy to respect and promote the equal rights of disabled persons.

Proceedings of an expert meeting on human rights and disability (Utrecht, 13 June 1994)

Introduction to the interrelationship between human rights and disability.

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An excellent reference book composed of a selected number of essays on the interrelationship between human rights and disability, followed by an extensive compilation of international and regional human rights instruments.


Selection of articles on the Americans with Disabilities Act. The text of the ADA is included as an annex.


Examination of various disability theories and their impact on disability and health laws in European countries. Reference is made to standard setting process at the U.N. and the European level.


Pinet, G. Is the law fair to the disabled? (Copenhagen: WHO, Regional Office for Europe, 1990) [European Studies Series No. 29].

Overview of European legislation concerning disabled persons. The survey is based on a questionnaire sent to government representatives.

The human rights of disabled persons and the UN

General Comment issued by the UN Committee on Economic, Social and Cultural Rights on the rights of disabled people under the International Covenant on Economic, Social and Cultural Rights.


Report by the special rapporteur of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities on the rights of persons with a mental illness.


Final report by the special rapporteur of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities on the interrelationship between human rights and disability.

Division of Economic and Social Information and the Centre for Social Development and Humanitarian Affairs, World Programme of Action concerning Disabled Persons (New York: United Nations, Division for Economic and Social Information, 1983).

This program lays out an overall strategy to enhance the equal opportunities and full societal participation of disabled persons. The program was adopted by the UN General Assembly on 3 December 1982 [Resolution 37/52 concerning Disabled Persons]. See also Resolution 37/53 on the implementation of the World Programme of Action concerning disabled persons (3 December 1982) and the report of the UN Secretary-General on the implementation of the World Programme and the United Nations Decade of Disabled Persons, UN. Doc. A/43/634 (28 September 1988).

General Assembly of the United Nations, Resolution 2856/XVI, Declaration on the rights of mentally retarded persons (20 December 1971)
General Assembly of the United Nations, Resolution 3447/XXX, Declaration on the rights of the disabled persons, [9 December 1975]

General Assembly of the United Nations, Resolution 46/119, annex., The principles for the protection of persons with mental illness and for the improvement of mental health care [17 December 1991].

General Assembly of the United Nations, Resolution 48/95, Standard rules on the equalization of opportunities for persons with disabilities [20 December 1993]. A comprehensive set of rules articulating the duties of States to enhance the equal rights and the full integration of disabled persons in society.


United Nations. Disability Statistics Compendium Statistics on Special Population Groups, Series Y, No. 4. Author, Department of International Economic and Social Affairs Statistical Office: New York, 1990, 342 pp. A compilation of statistics on the prevalence of disability in 55 countries as made available to the United Nations, analyzed according to age, geographic areas of residence, education, employment and marital status. This is the most complete source of comparative data currently available. A significant limitation of the data are the differences in definition used from country to country, and the relative unreliability of determination in many.

tries that also will be of interest in high-income countries. Though many of the examples used are from low-income countries, the principles outlined along with strategies of development and organizational considerations are universal.

Disability and discrimination

Analysis of the Australian anti-discrimination legislation as concerning persons with a physical disability.

Well documented study on the occurrence of discrimination against disabled persons in various societal sectors in the United Kingdom

Important study on the meaning of the non-discrimination concept under international law; not specifically targeted on disabled persons.

Examination of the legal position of disabled persons in the US, followed by the appeal for an anti-discrimination law.

Excellent scholarly paper on the potential of U.S. anti-discrimination laws to protect people predisposed to diseases and disabilities against adverse treatment on the basis of genotype.

McKean, W., The meaning of discrimination in international and municipal law, British Yearbook of International Law; (44) (1970): 177-192.
Authoritative article on the meaning of the principle of non-discrimination under international and national law.

Analysis of the meaning of equality and non-discrimination in the context of access to public transport for disabled people.
General Comment No. 18, Non-Discrimination, UN Official Records, Supple. No. 40 [A/45/40], p. 173-175.
General Comment issued by the UN Committee on Human Rights articulating the meaning and scope of the non-discrimination provision in the International Covenant on Civil and Political Rights.

A critique on current thinking on discrimination issues from the perspective of disabled people.


Quinn, G., McDonagh, M., Kimber, C., Disability discrimination law in the United States, Australia and Canada (Dublin: Oak Tree Press, 1993).
Analysis of the U.S., Australian and Canadian anti-discrimination laws with respect to disabled persons.

Study on the genesis of the non-discrimination provisions in international human rights instruments; not specifically focused on the position of disabled persons.


Indepth analysis of the concept of discrimination; not specifically focused on the position of disabled persons.

**Specific groups of disabled people**


**Rights and the disability movement**

A history of the formation of Disabled Peoples ‘International [DPI] presented from the framework of a rights movement. This history describes the antecedents to DPI ‘s formation, and the organization’s growing pains as well as accomplishments during its first five years.

This report presents 13 abbreviated papers, 12 statements of personal perspective, and 6 reports from the 3rd World Congress of DPI. Presentations are from a broad cross-section of the world within the disability movement including Henry Enns, Fatima Shah, Joshua Malinga, Rachel Hurst, Huntley Forrester, Justin Dart and others, and cover a wide range of issues related to achieving equal opportunities.

Twelve papers addressing key issues in the independent living movement such as: advocacy, consumer control, future trends impacting the independent living movement, and an agenda for the ’90s focussing on disability rights.

Attitude, discrimination and rights

Part of the “Women and World Development” Series which focuses on issues pertinent to women with disabilities in developing countries. Particular areas of concern addressed are stigma, the influence of traditional practices on disability, education, employment, human rights, aging and disabled, and innovative rehabilitation programmes in various countries.

A collection of essays, poems and commentary on the experience of disabled women as the subjects of discrimination. Contributions come from Africa, Asia, Europe, North America, Central and South America and the Caribbean.

The first half of the monograph sets out one of the first detailed critiques of the construct of “disability”. While the
analysis of history provided is open to criticism, the strength of the monograph is in its logical argumentation on the role of social attitudes in defining disability. The second half of the monograph provides four commentaries from U.S. authors. Though somewhat dated now, this monograph still is a useful resource in examining disability as a social construct.


Foucault traces the history of perceptions of insanity from the Middle Ages to the nineteenth century, and the social forces which led to the creation of places of confinement.


The normalization principle is presented as a guiding construct to counter the prevailing negative social perceptions of disabled people as reflected in human services. This principle was first transformed into social policy in Sweden and Denmark, and subsequently in Canada and the USA. The normalization principle continues to have an impact on social policy, though Wolfensberger himself has reconceptualized the construct into “social role valorization.”

**Physical abuses and persons with disabilities**

with an analysis of current data collection methodology, treatment and recommendations.

A comprehensive analysis of 162 reports regarding the sexual abuse of people with disabilities. Incidence, prevalence and treatment programs are outlined, as well as implications relating to the low conviction rate of offenders. Included in the report is a multifactorial, ecological model of abuse and recommendations for possible prevention strategies.

Sobsey, D. “The research that shattered the myths: understanding the incidence and nature of abuse and abusers.” In the *NADD Newsletter*, 11, (3):1-4.
An examination of the erroneous myths attached to the sexual abuse of people with disabilities.

**Rights of disabled people and public policy**

An examination of various models of disability (biomedical, economic, social, political), normative bases of disablement theory, and discussion of equality approaches to public policy.

A joint publication between Liberty and the BCODP examining the lack of human rights for disabled people in the United Kingdom. Attention is given to the government’s record of human rights, the International Covenant on Civil and Political Rights, access, media and employment discrimination.

An examination of the various (approaches underlying) definitions of disability and its implications for policy making.
An analysis of economic approaches to public policy and disability in the USA and six European countries.

Analysis of the discriminating effect of current policies on disabled persons in Canada as it effects their participation in the labour force. Based on secondary analysis of Statistics Canada data.

Analysis of progress in employment of disabled persons in Canada in the context of the Canadian Charter of Rights and employment equity legislation.

The Abella Report established the basis for employment equity legislation in Canada, taking its direction from the Canadian Charter of Rights and Freedoms adopted in 1982. The Charter is the highest law in the land in that all federal and provincial laws are subject to interpretation under it. The Charter includes disabled people as a designated group not to be discriminated against. A supplement to the Abella Report includes this contribution by Rioux which sets out the argument that disabled Canadians are discriminated against in the labor force.

An analysis of Canada’s employment related programs for disabled persons and discriminatory features.


An article from a session on disability and the law which discusses the legal issues that surround disability law.

**Journals, newsletters and magazines**

*Canadian Journal on Special Education.* Published by Centre for Human Development and Research, Vancouver, British Columbia (since 1985).

A journal devoted to issues concerning exceptional children in education. A number of articles relate to rights to education and integration within the classroom.

*Disability & Society* (since 1985; started as Disability, Handicap & Society)

Critical, interdisciplinary journal on the position of disabled persons in society.

*Disability International* (formerly, *Vox Nostra*). Published by Disabled Peoples’ International (since 1994).

Strong emphasis on issues pertaining to the rights of disabled people. A cross-disability orientation.

*Entourage.* Published by Roeher Institute, Ontario (since 1986).

(A merger of *La Revue Canadienne de la Deficience Mentale*, and *Canadian Journal on Mental Retardation.*) English and French.

This journal focuses on social action pertinent to disabled people in a time of political and economic change.


*Journal of the Association for the Severely Handicapped.* Published by the Association for the Severely Handicapped, Se-
Battle. The rights of mentally handicapped children within the U.S. education system are a central focus of concern in this journal.

*Journal of Practical Approaches to Developmental Handicap.* Published by Vocational and Rehabilitation Research Institute, Calgary, Alberta and the Rehabilitation Studies Program, University of Calgary, Calgary Alberta. (since 1977).

A publication concerning disability, practice and applied research in the field of Rehabilitation. Concern has focused on a broad spectrum of rights for disabled people.


A quarterly publication which includes articles relating to the rights of disabled people.

Mental and Physical Disability Law Reporter. (continues *Mental Disability Law Reporter*). Published by American Bar Association, Committee on the Mentally Disabled, Washington.

A law journal pertinent to the legal aspects of insanity, jurisprudence, mental health law, physical handicap and the legal rights of disabled people.


*Rehabilitation* (since 1961; in German).


*Sexuality and Disability.* Published by Human Sciences Press Inc., New York (since 1978).

Devoted to the study of sexuality in physical and mental illness, with coverage of issues relating to sexual abuse and human rights.

*Social Science & Medicine* (since 1957)

This journal does not exclusively focus on disability issues, but frequently covers related questions.
Other issues


Facts about the members of the International Council on Disability and related agencies of the United Nations system.

West, J. (ed), The Americans with Disabilities Act; From policy to practice, The Milbank Quarterly 69 (1991)(Suppl. 1/2)

Proceedings of the first European conference of people with a disability (Maastricht, 2-4 August 1994).

Waddington, L., More disabled than others. The employment of disabled people within the European Community (Antwerpen/Apeldoorn: Maklu, 1995).
Analysis of existing European Union measures to enhance the employment opportunities of disabled persons within the European Union (EU) and proposals for the development of a comprehensive EU policy.