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## ***Canadian Journal of Disability Studies***

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**Review:** Rioux, Marcia H., Lee Ann Basser and Melinda Jones, Eds., *Critical Perspectives on Human Rights and Disability Law*. Boston: Martinus Nijhoff Publishers, 2011.

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Clearly inspired, in its execution if not in original conception, by the adoption of the *United Nations Convention on the Rights of Persons with Disabilities (CRPD)*, this collection of essays considers the ways in which broad human rights principles become integrated, or fail to become integrated, into the domestic laws that both protect the rights of and regulate the lives of people with disabilities. By taking a strong social model perspective, this volume adds to the growing body of disability rights literature which examines laws not only for their direct, practical effects but for how they contribute to societally-constructed understandings of disability.

The editors and authors take an interesting approach to this fairly well-trod area of disability rights scholarship, however, by structuring the collection around three principles which the editors argue are interwoven in the lives of people with disabilities and essential for the protection of disability rights: dignity, equality, and inclusion/participation. After using the first section of the book to expand upon these concepts, delving into their histories and theoretical development over time to trace how they have each become key components of human rights, each subsequent part of the book groups the various essays in relation to the principle that is promoted or harmed by the particular set of laws or case decisions under consideration. These individual chapters thus provide practical examples of the different principles in action. The collection concludes by considering how the *CRPD* specifically may help to shape future laws and legal decisions in ways which promote dignity, equality, and inclusion/participation.

Perhaps one of the greatest strengths of this approach to the subject of disability rights is the sheer variety of subjects it allows the different authors to cover. While a large number of essays concentrate on medico-legal subjects – such as sterilization, “wrongful” life and death cases, and the reporting of clinical drug trials – others examine areas such as support services, political participation, reasonable accommodation in a variety of spheres, and rights for prisoners with disabilities. The guiding concepts of the three principles provide a good uniting framework for such a potentially disparate group of essays. Without it, the point that Rioux, Bassier, and Jones wish to make regarding the interconnectedness of human rights principles and their potential impact on every facet of the lives of people with disabilities could easily have become lost. With it, however, these essays provide a fairly rich body of examples, demonstrating precisely this point. By applying a strongly structured theoretical focus to a broad and wide-ranging practical one, the collection puts forward a strong argument that the failure of the laws of many different countries to fully acknowledge and protect the rights to dignity, equality, and inclusion/participation of people with disability contributes to the view that people with disabilities are also not worthy of this acknowledgement or protection, creating a cycle in which human rights are consistently ignored.

Within this context, most essays in the book paint international human rights policies and laws, such as the *CRPD*, as having the potential to disrupt this cycle and to establish laws and legal practices that respect the rights of dignity, equality, and inclusion/participation. In this sense, international human rights law becomes a fourth thread which connects the various essay subject matters, making this book of potential particular interest to individuals seeking perspectives on how international law may impact a wide range of different issues facing people with disabilities. This is a welcome addition in a book that adopts a somewhat-international

focus, examining laws in Europe and North America predominantly with a handful of articles focusing on other areas such as Kenya and Latin America. It also further contributes to the collection's desire to illuminate the core ideas that the authors argue should inform human rights rather than simply detailing the ways in which laws around the globe continue to fail people with disabilities.

At the same time, however, this use of international law is one area which could have been expanded upon. While the authors rightly laud the principles and rights enshrined in the *CRPD*, the prominence it is given and the prognostication made for its future impact on domestic law sometimes feels ungrounded within the analysis present. This is particularly so given the documented difficulties in translating the *CRPD* goals into practical national policies and laws.<sup>1</sup> Strongly to their credit, some of the authors, including the editors themselves, do draw attention to this issue. As María Soledad Cisternas Reyes notes in her chapter, "Standard Rules on Equality of Opportunity: Legal View of Provisions on Support Services, Auxiliary Resources and Training / View from Latin America," for instance, the ratification of other treaties which touched on issues of disability rights did not lead to the sorts of concrete, domestic changes that many hoped they would, and whether the impact of the *CRPD* will be different remains uncertain. These moments suggest that the authors would have interesting insights into how to bridge the gulf between their aspirations for the *CRPD* and what is necessary to achieve them, and it would have added greatly to the analysis if they had been more fully followed up on.

Nonetheless, the book remains an interesting and well-written addition to social model analysis of laws and legal decision-making. The authors do valuable work by implicating legal systems for their role in perpetuating stereotypes and the perception of people with disabilities as

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<sup>1</sup> Raymond Lang *et al.*, "Implementing the United Nations Convention on the rights of persons with disabilities: principles, implications, practice and limitations." *Alter-European Journal of Disability Research* (2011): 207-208.

less worthy of consideration and respect. As a whole, the collection has a great deal to offer individuals interested in the study of disability rights at many different levels of familiarity. By starting from the core concepts of dignity, equality, and inclusion/participation and building them up theoretically before moving on to more practical considerations, this book would make a good introduction for individuals just beginning to turn their attention to this area of the law. At the same time, it remains a relevant and thoughtful read for individuals more experienced in the area for its consideration of how the *CRPD* may fit into the global legal scheme of disability rights and for its detailed and well-structured analysis of such a broad range of issues in the everyday lives of people with disabilities.