

## Bibliography

### A SELECTED BIBLIOGRAPHY OF HUMAN RIGHTS AND DISABILITY

*Aart Hendriks, LL.M., MA, Aldred H. Neufeldt, PhD,  
Ruth Mathieson, BSc*

#### **The human rights of disabled persons**

Bynoe, I., Oliver, M., Barnes, C., *Equal rights for disabled people* (London: Institute for Public Policy Research, 1990).

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

Degener, Th., Koster-Dreese, Y. (eds.), *European human rights and disability* (Utrecht: Gehandicaptenraad, 1994).

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

Degener, Th., Koster-Dreese, Y. (eds.), *Hand-neus-voetboek* [hand, nose and foot book] (Utrecht: Gehandicaptenraad, 1994) [in Dutch].

Introduction to the interrelationship between human rights and disability.

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*Aart Hendriks is NWO Research Fellow at the Health Law Section and Research Associate at the Institute of Social Medicine of the University of Amsterdam, Health Law Section, Faculty of Law, University of Amsterdam, PO Box 1030, NL-1000 BA Amsterdam, The Netherlands. Ruth Mathieson is a masters student at the University of Calgary. Aldred H. Neufeldt is Associate Professor of Rehabilitation Studies at the University of Calgary, Rehabilitation Studies Programme, EdT. 434, University of Calgary, 2500 University Avenue Calgary, AB, Canada T2N 1N4.*

Degener, Th. , Koster-Dreese, Y. (eds.), *Human rights and disabled persons* (Dordrecht: Martinus Nijhoff Publishers, 1995). 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.

Gostin, L.O., Beyer, H.A. (eds.), *Implementing the Americans with Disabilities Act—Rights and responsibilities of all Americans* (Baltimore: Paul H. Brookes Publ., 1993). Selection of articles on the Americans with Disabilities Act. The text of the ADA is included as an annex.

Hendriks, A., Degener, Th., "The evolution of a European perspective on disability discrimination," *European Journal of Health Law* 1 (4) (1994): 343-366  
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.

Human Rights and Equal Opportunity Commission, *Human rights & mental illness*. (Canberra: Australian Government Publishing Service, 1993).  
Report of a national inquiry into the human rights of people with mental illness conducted by the Australian Human Rights and Equal Opportunity Commission in the period June 1990 until September 1993.

Pinet, G. *Is the law fair to the disabled?* (Copenhagen: WHO, Regional Office for Europe, 1990) (European Studies Series No. 29).  
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### **The human rights of disabled persons and the UN**

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Daes, E.-I.A., *Study on principles, guidelines and guarantees for the protection of persons detained on grounds of mental illness or suffering from mental disorder*, UN Doc. E/CN.4/Sub.2/1983/17/Rev.1, UN Sales No. E.85.XIV.9.

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.

Despouy, L., *Human rights and disability*, UN Doc. E/CN.4/Sub.2/1991/31, 12 July 1991.

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).

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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 Office at Vienna, Centre for Social Development and Humanitarian Affairs, *Report on national legislation for the equalization of opportunities for people with disabilities: Examples from 22 countries and areas*, United Nations, New York, 1989, Sales No. E.89.IV.6.

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.

United Nations. *Self-help organizations of disabled persons*. Prepared by the Economic and Social Commission for Asia and the Pacific. Document ST/ESCAP/1087. Author: New York, 1991, 227 pp.

A guide to formation of self-help groups in low-income coun-

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**

Astor, H., Anti-discrimination legislation and physical disability: the lessons of experience, *The Australian Law Journal* 64 (3)(1990): 113-128.

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Barnes, C., *Disabled people in Britain and discrimination* (London: Hurst & Company, 1991).

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Bossuyt, M., *L'interdiction de la discrimination dans le droit international des droits de l'homme* [The prohibition of discrimination under international human rights law] (Brussels: Bruylant, 1976).

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

Burgdorf, R.L., Bell, Ch.G., "Eliminating discrimination against physically and mentally handicapped persons: a statutory blueprint," *Mental and Physical Disability Law Review* 8 (1)(1984):64-75.

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- Herr, S.S., Nondiscrimination and integration: international standards and national legislation, in: J.H. Hubben, H.D.C. Roscam Abbing (eds.), *Gezondheidsrecht in perspectief* (Utrecht: De Tijdstroom, 1993):131-145.
- McKean, W., The meaning of discrimination in international and municipal law, *British Yearbook of International Law*; (44) (1970): 177-192.  
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- Parmet, W.E., Discrimination and disability: the challenges of the ADA, *Law, Medicine & Health Care* 4 (1990): 331-344.
- Quinn, G., McDonagh, M., Kimber, C., *Disability discrimination law in the United States, Australia and Canada* (Dublin: Oak Tree Press, 1993).  
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J.F. Ravaud, Madiot, B., Ville, I., Discrimination towards disabled people seeking employment, *Social Science & Medicine* 35 (8)(1992):951-958.

Vierdag, E.W., *The concept of discrimination in international law*, (The Hague: Nijhoff, 1973).  
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### **Specific groups of disabled people**

Beal, F.M., Mayerson, A., *Race and disability*, typescript, (Berkeley: Disability Rights Education and Defense Fund, 1982).

Schmidbauer, B., *The social situation of handicapped women and women who look after the handicapped*, Report drawn up on behalf of the Committee on Women's Rights within the European Parliament, EP Doc. A 2 150/89 (1989).

Gorter, K.A., Winants, B.A.C., *Gehandicapt en vrouw* [Disabled and woman] (The Hague: NIMAWO, 1993) [in Dutch].

Lonsdale, S., *Women and disability; The experience of physical disability among women* (London: MacMillan, 1990).

### **Rights and the disability movement**

Driedger, D. *The last civil rights movement*. (London: Hurst & Co.; New York: St. Martin 's Press, 1989) 137 pp.

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.

Disabled Peoples' International. *Equalization of opportunities*. Proceedings of the 3rd World Congress of Disabled Peoples ' International, Vancouver, BC, Canada. Winnipeg, MN,

Canada: author, 1992, 87pp.

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.

Neufeldt, A.H. (Ed.), *Independent living: an agenda for the 90s*. (Ottawa: Canadian Assoc. of Independent Living Centres, 1993) 140 pp.

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**

Boylan, E. *Women and disability*. (London/New Jersey: Zed Books Ltd, 1991) 111 pp.

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.

Driedger, D. and Gray, S. *Imprinting our image: an international anthology by women with disabilities*. (Charlottetown, PEI: Gynergy Books, 1990) 160 pp.

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

Finkelstein, Victor. *Attitudes and disabled people* (New York: World Rehabilitation Fund, 1980) 92 pp.

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, M. *Madness and civilization*. (New York: Random House, Vintage Books Division, 1973) 299 pp.

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.

Wolfensberger, W. "The origin and nature of our institutional models." In, R.B.Kugel and W. Wolfensberger (eds.). *Changing patterns in residential services for the mentally retarded*. (Washington: President's Committee on Mental Retardation, 1969):59-172. A detailed analysis of the social models of "mental retardation" (sic) in nineteenth and twentieth century North America, their dehumanizing dimensions, and their impact on the development of residential institutions.

Wolfensberger, W. *The principle of normalization in human services* (Toronto: National Institute on Mental Retardation [now, the G. Allan Roeher Institute] 1972) 258 pp.

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**

Baladerian, N.J., "Sexual abuse of people with developmental disabilities." In *Sexuality and Disability*, 9 (4)(1991):323-335. A review of the prevalence and incidence of sexual abuse,

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

Sobsey, D. and Doe, T. "Patterns of sexual abuse and assault." In *Sexuality and Disability*, 9 (3)(1991): 243-259.

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**

Bickenbach, J. *Physical disability and public policy*. (Toronto: Univ. of Toronto Press, 1993) 327 pp.

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

Foley, C. and Pratin, S. *Access denied: human rights and disabled people*. Consultation with BCODP; (London: National Council for Civil Liberties, 1994) 68 pp.

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.

Hahn, H., "Towards a politics of disability: definitions, disciplines and politics," *The Social Science Journal* 22 (4) (1985): 87-105.

An examination of the various (approaches underlying) definitions of disability and its implications for policy making.

Haveman, R.R., V. Halberstadt and R.V. Burkhauser, *Public Policy Toward Disabled Workers: Cross-National Analyses of Economic Impacts* (Ithaca and London: Cornell University Press, 1984) 583 pp.

An analysis of economic approaches to public policy and disability in the USA and six European countries.

Neufeldt, A.H., C. Stoelting & B. Fraser. *Economic independence for persons with disabilities: a background paper*. Prepared for Employment and Industry Canada (Calgary: A. H. Neufeldt and Associates, 1991) 24 pp.

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Neufeldt, A.H. and S. Friio. *Rights, equity and employment of disabled persons in Canada*. Discussion paper prepared for Expert Meeting titled: "Mandatory Employment or Equal Opportunities? Employment Policies for People with Disabilities in the UN-European Region." Vienna: European Centre for Social Welfare Policy and Research, Dec. 1 -2, 1994, Paper No. 2, 14 pp.

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

Rioux, M. "Labelled disabled and wanting to work." In, Judge R. S. Abella, Commissioner (1984). *Equality in employment—a Royal Commission Report*; Research Studies Supplement (Ottawa: Supply and Services, 1984):613-614.

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.

Roehrer Institute. *On target? Canada's employment-related programs for persons with disabilities*. (North York: Author, 1992) 241 pp.

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

Sobsey, D. "Disability, discrimination and the law." In *Health Law Review*, University of Alberta, 2 (1):6-10.

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 Roehrer 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.

*International Journal of Rehabilitation Research* (since 1977).

*Journal of the Association for the Severely Handicapped*. Published by the Association for the Severely Handicapped, Se-

attle. 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.

*Journal of Social Issues.* Published by Plenum Publishing Corporation, New York (since 1945).

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.

*Mental and Physical Disability Law Review* (since 1986).

*Rehabilitation* (since 1961; in German).

*Scandinavian Journal of Rehabilitation Medicine* (since 1968).

*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

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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.