

Lawson A. and Gooding C. (eds), DISABILITY RIGHTS IN EUROPE: FROM THEORY TO PRACTICE (Hart, Oxford, 2005, xxxv + 323 pp., £35) ISBN 1841134864

A number of the articles in this lively and diverse volume refer to the 'growing maturity' of disability rights, and of the movement which has lobbied for their recognition. With the adoption of the UN Convention on the Rights of Persons with Disabilities in December 2006,¹ the movement can be considered to have officially come of age. This treaty recognises that disabled people suffer distinct forms of human rights abuse, and have needs which may only be met through specific interventions on the part of the state. It is therefore ironic, that the issue of mainstreaming disability rights has already become central to debates about the future of the movement in Europe.

Bert Massie, the Chair of the Disability Rights Commission (DRC), observed in his foreword to this volume that the DRC, which exists to protect and promote the rights of disabled people in England and Wales and was only created in 2000, was already scheduled for demolition, to make way for a new unified Commission for Equality and Human Rights (CEHR). Since the publication of this book, the Equality Act 2006 has been enacted and the CEHR is due to take over the functions of the DRC, the Commission for Racial Equality and the Equal Opportunities Commission in October 2007. Whilst the CEHR will appoint a Disability Committee to advise it on issues relating to the human rights of disabled people, many fear that the distinct face of disability rights may be compromised by the creation of the unified body. The European Union has now entered '2007: the Year of Equal Opportunity for All'. The year is intended to build on the framework directive on employment and discrimination,² and lead to the drafting of a framework strategy on equal opportunities,³ which indicates how disability discrimination is now widely addressed under the banner of equality, and not as a distinct theme in its own right. And yet, as the contribution by Richard Light to this book makes clear, the human rights of disabled people are not only compromised through discrimination, but also through active persecution. And it is the focus on the latter which is in danger of being lost as we congratulate ourselves (perhaps rightly) on how much has been achieved in improving the status of disabled people in civil society in Europe.

This is a useful and informative book. It is based on the papers given at a conference to mark the European Year of Disabled People in 2003 and as indicated there has already been considerable change in the field since its publication but this is nonetheless a book which deserves close reading. Given the breadth of the subject addressed, achieving a balance with in-depth analysis was always going to be a difficult task to achieve, but several of the contributions, particularly those by Olivier de Schutter, Sandra Fredman and Anna Lawson, take their commentary beyond close description, to a much wider analysis of the issues raised. The breadth of topics addressed also means that this book could be used as a useful primer for those new to the field of disability rights. The articles are grouped under three headings: Human Rights, Anti-Discrimination Laws and Achieving Equality through Law. In each section, there are contributions ranging from the description of legal measures; the analysis of proposed measures of legal reform; comparison across states and between national and supranational regimes of existing law and close analysis on the social status of disabled people. Close reading across these texts enables a number of other significant themes to emerge as well.

These themes include the importance of self-advocacy by disabled people, and the distinct contribution disabled people have to make about the policy decisions which affect

¹ Adopted by General Assembly Res. 61/106, 13 December 2006, A/RES/61/106.

² Framework Employment Directive 2000/78/EC [2000] OJL 303.

³ Non-Discrimination and Equal Opportunities for All - A Framework Strategy, 1 June 2005, COM(2005) 224 final.

their lives. Disabled people are widely excluded from participation in civil society, not only through the existence of practical barriers to their inclusion, but also indirectly, as a result of their weak socio-economic status. This is explicitly discussed in the papers by Bert Massie and Richard Light discussed above, but it is also implicit in almost all of the other articles as they relate to future policy making. De Schutter's article, for example, draws attention to the limited use disabled people have made or been able to make of the European Convention on Human Rights. He argues that placing positive obligations on states, to require that reasonable adjustments be made for example, will not address the harm caused by indirect discrimination. Reasonable adjustments make it easy for non-disabled actors to tinker at the edges of policy making without addressing the prevailing discriminatory attitudes which have created an environment within which such adjustments are necessary.

Another key theme, which perhaps deserves more attention than it is given here is the relationship between the disability rights movement and movements to combat racism and promote the rights of women. Is the disability rights movement just the newest civil rights movement to come on the scene? How closely linked are these movements in terms of cause? Do the conditions which enable racism and sexism to flourish also perpetuating ablism? And how well can efforts aimed at securing the elimination of all types of discrimination, meet the specific needs of disabled people? As a number of the contributors note, these issues take on a new significance now that the objective of equality for all is replacing the use of specific legislation and institutions at both the national level in the United Kingdom and in the European Union as a whole. If, as most commentators in this book agree, disabled people need specific interventions to help them enjoy full access to both the physical environment and also to civil society, then they may be poorly served by bodies, which limited by the poverty of equality, lack the imagination to pursue the potentially expensive reforms needed to achieve emancipation. Fredman argues persuasively, in her contribution, that the provision of social rights, and a definition of disability that recognises that impairment is a universal experience, may go some way to challenging this reductive model of disability rights.

Finally, 'Disablement through Law' is the title of Lawson's concluding contribution, and she outlines a number of ways in which branches of the law besides those explicitly directed at the rights of disabled people, exhibit discriminatory attitudes and perpetuate the exclusion of disabled people. As a concluding piece, it acts as a timely reminder that recognising the rights of disabled people is only the beginning of an uphill struggle to ensure that society consistently treats disabled people, 'as ordinary people trying to lead ordinary lives' (p. 282).

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