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Book Review of Disability Rights in Europe: From Theory to Practice

Michael Ashley Stein

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Reviewed by Professor Michael Ashley Stein.

This is a quality collection of papers that originally were presented at a European disability rights conference. The authors include academics, legal academics, equality commissioners, and advocates. The essays are organized into three thematic parts that at times necessarily overlap: human rights, anti-discrimination, and achieving equality. Collectively, the contributors provide a broad overview of major legal frameworks affecting persons with disabilities. Although special emphasis is placed on European (and especially, British) instruments, the scope is global, and other examples are given. The
volume’s strengths are the diversity of disability rights advocates that it draws upon, and the nice overview they provide on the topic; its drawback is a lack of analytical depth. Taken as a whole, this is an informative and worthwhile collection.


Two notable theoretical contributions are by Olivier De Schutter and Sandra Fredman, respectively. *Reasonable Accommodations and Positive Obligations in the European Convention on Human Rights*, written by De Schutter, examines the role played by the European Court of Human Rights in requiring Members and private parties to provide positive obligations in the form of reasonable disability-related accommodations. After criticizing the existing jurisprudence, De Schutter offers strategies for future litigation brought under the European Convention on Human Rights that would make reasonable accommodation claims subsidiary to prohibitions on indirect discrimination. In *Disability Equality: A Challenge to the Existing Anti-Discrimination Paradigm?*, Sandra Fredman compares the divergent path taken by disability anti-discrimination law from that of race and gender protections in Britain. After sifting through the prevailing models that may at times be at odds with each other -- for example, difference/equality, individual/group, and minority rights/universalism -- she proffers a paradigm based on social rights and substantive equality. For disability, this requires altering what constitutes the social norm so as to comprise the “wide range of impairments which might
affect anyone during their normal life cycle, whether as a subject or a carer.”