

## **FAIR 334C – INTERNATIONAL HUMAN RIGHTS CLASS QUESTIONS**

### **The Rights of Persons with Disabilities**

Cher Weixia Chen, & Alison Dundes Rentlen, *International Human Rights: A Survey* (2023), Chapter 10, *The Rights of Persons with Disabilities*, pp. 337-371.

1. Why is disability an important subject for international human rights? Why is the medical field associated with abuses of persons with disabilities? What are the differences between the medical model and the socio-political model/minority rights model understandings of disabilities? Why the urge to avoid the “politics of pity”? What is the field of disability rights/the scope of the field? (337-340)
2. How do you define disability? How does the UN Convention on the Rights of Persons with Disabilities (CRPD) define the term? In what ways is the CRPD definition a departure from prior definitions? Why, despite its broad support, is the US not a party to the CRPD? How does the Americans with Disabilities Act (ADA) define disability? What are the differences between the CRPD and the ADA definitions? Why is there a growing consensus, regionally, and internationally, in the recognition and affirmation of disability rights? Why is this consensus important? (340-343)
3. Is it possible to develop a cross-cultural understanding of disabilities (given the agreed-upon definitions)? Why are there widely different attitudes towards people with a wide range of disabilities? (see the example from Australia). Why is there continued focus on specific impairments in ethnographic studies, despite the paradigm shift from the medical/functional limitations model to a minority rights model? What are some of the methodological challenges to cross-cultural studies of disabilities? Consider word-choice issues, definitions (including self-definition), translation, insider/outsider participation in research, cultural conceptions of disabilities, measuring intelligence and competence, etc. (343-348). What are the interpretive challenges that the authors identify? (348-349)
4. What are the controversies and challenges that the author identifies – relating to barriers to full participation in the workplace? What are the human rights issues associated with these controversies? How should legal capacity be determined, and does the CRPD help in resolving this issue? It is possible to adopt and implement decision-making models that empower persons with disabilities? (349-353). How should the issue of mainstreaming versus segregation be addressed? What would a disability-inclusive education look like? How do we address resource constraint issues on the part of the State/authorities? (353-356).
5. How should tension/conflicts between disability rights and other human rights, including religious freedom, be resolved? Should the State intervene to protect the human dignity of persons with disabilities when the notion of human dignity is at stake? What are the best ways to handle divergent cultural views of disabilities? Should courts defer to cultural understanding of disabilities in disputes involving culture-bound syndromes? How does the human rights system deal with the false labeling of cultural minorities as disabled to institutionalize them? (356-365).

6. What strategies do the authors advocate for combating disability discrimination? Why are the principles of equality and non-discrimination with human rights treaties insufficient? What is “existential anxiety” and “aesthetic anxiety”? How should society promote positive images of persons with disabilities, while combating the negative role of eugenics and political ideology? What is an “intersectional approach” in/to disability rights, and how do we ensure this? Why lessons are derivable from *Y v. United Republic of Tanzania* (2014) (365-371)?