



**Global PhD & Researchers Colloquium on Disability
Law and Policy**

Carlton Hotel Galway

26-27 April 2010

Initial Colloquium

Centre for Disability Law and Policy

National University of Ireland, Galway Republic of
Ireland

In Association With:

The **Burton Blatt Institute** (Syracuse University),
The **Richard Crossman Chair of Social Welfare &
Social Planning** (University of Haifa).

disabilitycolloquium@nuigalway.ie

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Programme: Monday 26 April 2010

Time	Panels
8:00-9:00	Registration
9:00-9:05	Welcome: Dr. Pat Morgan Dean of Postgraduate Studies, NUI Galway
9:05-9:10	Colloquium Open: Professor Gerard Quinn Centre for Disability Law & Policy, NUI Galway
9:10-9:30	Keynote: Caroline Casey Kanchi
9:30-10:45	Roundtable on Disability Research
10:45-11:15	Tea & Coffee Break
11:15-1:00	The Right to Legal Capacity
1:00-2:00	Lunch Carlton Restaurant
2:00-3:45	The Right to Independent Living
3:45-4:15	Tea & Coffee Break
4:15-5:45	Towards Effective National Strategies for the Implementation of the UNCRPD (1)
4:15-5:45	Definitions of Disability
7:30	Colloquium Dinner Followed by Traditional Irish Music

Programme: Tuesday 27 April 2010

Stream 1		Stream 2	
8:30-10:30	Intersectionality of Disability: Gender, Indigenous Peoples, Age	8:30-9:30	Towards Effective National Strategies for the Implementation of the UNCRPD (2)
		9:30-10:30	Civil Society – Nothing About Us Without Us
10:30-11:00	Tea & Coffee Break	10:30-11:00	Tea & Coffee Break
11:00-12:30	The Right to Inclusive Education (1)	11:00-12:30	Employment Law & Policy
12:30-1:30	Lunch Carlton Restaurant	12:30-1:30	Lunch Carlton Restaurant
1:30-3:00	The Right to Inclusive Education (2)	1:30-3:00	Regional & Comparative Disability Law (1)
3:00-3:30	Tea & Coffee Break	3:00-3:30	Tea & Coffee Break
3:30-5:15	Mental Health Law & Disability	3:30-5:15	Regional & Comparative Disability Law (2)
5:15-6:30	Development Aid, Humanitarian Intervention & Disability	5:15-5:50	Bioethics & Disability
		5:50-6:30	The Right to Accessibility
6:30-6:35	Concluding Comments Charles O'Mahony CDLP, NUI Galway Colloquium Close Professor Gerard Quinn CDLP, NUI Galway	6:30-6:35	Concluding Comments Charles O'Mahony CDLP, NUI Galway Colloquium Close Professor Gerard Quinn CDLP, NUI Galway

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6:30-6:35	<p>Concluding Comments Charles O'Mahony CDLP, NUI Galway</p> <p>Colloquium Close Professor Gerard Quinn CDLP, NUI Galway</p>

Roundtable on Disability Research

A group of leading researchers in the field of disability law and policy will discuss their research records, their involvement in policy entrepreneurship (putting research to work) and their advice for the next generation of disability law and policy researchers.

Chair: **Professor Gerard Quinn** (Director Centre for Disability Law & Policy, NUI Galway)

Panel: **Professor Aarie Rimmerman** (Richard Crossman Chair of Social Welfare & Social Planning, University of Haifa, Israel).

Professor Peter Blanck (Chairman Burton Blatt Institute, Syracuse University and Adjunct Professor Centre for Disability Law & Policy, NUI Galway)

Professor Patricia Noonan-Walsh (University College Dublin, Adjunct Professor Centre for Disability Law & Policy, NUI Galway)

Dr. Maya Sabatello (Center for Global Affairs, New York University)

Professor Phil Fennell (Cardiff Law School, University of Wales)

Professor Mark Priestley (School of Sociology and Social Policy, University of Leeds)

Dr. Suzanne Guerin (Director of Centre for Disabilities, University College Dublin)

Panel Division

A: The Right to Legal Capacity

- Chair:** Professor Phil Fennell (Cardiff Law School, University of Wales)
1. Tina Minkowitz (United States)
Center for the Human Rights of Users and Survivors of Psychiatry

"Alternatives to "Functional Capacity": How to Operationalize the Right of Persons with Disabilities to Make Their Own Decisions"
 2. Edurne García Iriarte (Ireland)
Trinity College Dublin

"People with intellectual disabilities' own decisions?: Examination of challenges to the implementation of the UN Convention on the Rights of Persons with Disabilities"
 3. Maria Walls (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"In search of personhood – the potential impact of the Convention on the Rights of Persons with Disabilities"
 4. Jitka Sinecká
Mental Disability Advocacy Center, Budapest, Hungary

Czech Republic: The right to vote and people deprived of legal capacity
 5. Jan Fiala (United States) (unable to attend)
Harvard Law School (LL.M. candidate)

"The UNCRPD and legal capacity reform in Hungary – successes and failures"
 6. Sándor Gurbai (Hungary) (unable to attend)
Pázmány Péter Catholic University, Faculty of Law and Political Sciences

"From Civil Death to Visible Citizens - Legal capacity law reform in Hungary"
 7. Catriona Moloney (Ireland) (unable to attend)
Legal Researcher, Law Reform Commission of Ireland

"Paternalism versus Autonomy: How to achieve a balance?"

B: The Right to Independent Living

Chair: Madeline Clarke (Executive Director, the Person Centre)

1. Tirza Leibowitz (United States)
Director of Advocacy Survivor Corps

"Living in the Community –Disentangling and Materializing the Core Right"
2. Noeline Fox (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"Independent Living – the Potential of the European Court of Human Rights"
3. Elham Youssefian (United Kingdom)
London School of Economics

"Implementation of the right to privacy of people with disabilities in developing countries"
4. Andrew Power (Ireland)
Researcher, Centre for Disability Law & Policy, NUI Galway

"Self-Determining Options: Comparative Perspectives in Independent Living Law & Policy"
5. Sinead O'Donnell (Ireland)
LL.M Research Candidate, Centre for Disability Law & Policy, NUI Galway

"Article 19 Comparisons of those living independently and those not: The effect of care provision"

C: Towards Effective National Strategies for the Implementation of the UNCRPD (1)

Chair: Professor Gerard Quinn (Centre for Disability Law & Policy, NUI, Galway)

1. Eilionóir Flynn (Ireland)
Researcher, Centre for Disability Law & Policy, NUI Galway

"Taking the Convention on the Rights of Persons with Disabilities to the Next Level: Domestic Implementation and National Disability Strategies"

2. Anna Bruce (Sweden)
Faculty of Law, Lund University and Raoul Wallenberg
Institute of Human Rights and Humanitarian Law

"The Potential of Legal Standards of Equality and Non-discrimination in CRPD – Friend, Foe or Largely Superfluous?"
3. Maria Walls (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"Comparative analysis on the implementation of the United Nations Convention on the Rights of Persons with Disabilities across diverse jurisdictions – initial reflections"
4. Mona M. Abdeljawad (Jordan)
Assistant Secretary General for Technical Affairs, Higher
Council for the Affairs of Persons with Disabilities, Amman,
Jordan

"Effective Implementation Mechanisms – A Case Study from Jordan."

C: Towards Effective National Strategies for the Implementation of the UNCRPD (2)

Chair: Professor Gerard Quinn (Centre for Disability Law & Policy, NUI, Galway)

1. Heather Aldersey (United States)
The University of Kansas, Beach Center on Family and
Disability

"Frameworks and Taxonomies: Identifying Opportunities in Policy Improvement: The United States' Individuals with Disabilities. Education Act and the United Republic of Tanzania's National Policy on Disability
2. Valerie Karr (United States)
Adelphi University & The Victor Pineda Foundation

"International Perspectives of Persons with Disabilities on Human Rights, Self-Determination, and Quality of Life: Implications for Monitoring the UNCRPD and Policy Reform"
3. David Shannon (United Kingdom)
Faculty of Law, University of Leeds

"Meeting a Best Judicial Practices Model: Does Ontario Meet the World Standard?"

D: Definitions of Disability

Chair: Professor Mark Priestly (School of Sociology and Social Policy, University of Leeds)

1. Lisa Vanhala (United Kingdom)
British Academy Post-Doctoral Fellow, Centre for Socio-legal Studies, University of Oxford

“Twenty-five Years of Disability Equality? Interpreting Disability Rights in the Supreme Court of Canada”

2. Riddhi Dasgupta (United Kingdom)
University of Cambridge

“Redefining “Disability” in HIV Cases under the Americans with Disabilities Act: Constitutional Power to Remedy Discrimination Pegged to “Disability” Itself”

3. Satoshi Kawashima (Japan)
Project Researcher, Graduate School of Economics, University of Tokyo

“Coexistence of the minority and universal models of disability: Is it possible in UNCRPD?”

E: Civil Society – Nothing About Us Without Us

Chair: Dr. Maya Sabatello (Center for Global Affairs, New York University)

1. Iris Elliott (Ireland)
Ph.d Candidate, National University of Ireland, Galway

“Civil Society Engagement with UN Treaties: inter sectoral learning from women human rights activists in Ireland”

2. Valerie Karr (United States)
Adelphi University & The Victor Pineda Foundation

“It’s About Ability: Engaging youth in human rights education and advocacy”

F: Intersectionality of Disability: Gender, Indigenous Peoples, Age

Chair: Dr. Nata Duvvury (Co-Director, Global Women's Studies Programme, NUI Galway)

1. Mary Keogh (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"Can an intersectional approach free disability from its traditional confines? The potential of using intersectionality to analyse the needs of disabled women in a development context"
2. Barbara Claudia Phillips (Switzerland)
Swiss Paraplegic Research

"Raising awareness about awareness: insights from the feminist movement on interpreting Article 8 CRPD"
3. Vered Shenaar Golan (Israel)
University of Haifa, Faculty of Social Welfare & Health Science, School of Social Work

"The Well-Being of Women with Disabilities Participating in Vocational Programs"
4. Darren Lillington, David Shannon (Canada, United Kingdom)
Queens University, Kingston, Ontario and Faculty of Law, University of Leeds

"Can The UNCRPD Reverse The Denial Of Disability Rights To Aboriginal People In Ontario?"
5. Darragh McCausland (Ireland)
University College Dublin

"A study of the needs of older adults with Intellectual Disability and its implications for Irish policy"
6. Janet Swinburne (Ireland)
Ph.d Candidate, School of Nursing & Midwifery, Trinity College Dublin

"Advancing the Inclusion of People with Intellectual Disability in National Research: An Overview of the Intellectual Disability Supplement to The Irish Longitudinal Study on Ageing (IDS-TILDA)"

G: Employment Law & Policy

Chair: Dr. Barbara Murray (Senior Disability Specialist, International Labour Organization)

1. Claire Bruton BL (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"The relationship between reasonable accommodation and non-discrimination-has Ireland got it wrong?"
2. Gemma Carney and Camille Loftus (Ireland)
Irish Centre for Social Gerontology, NUI Galway and University College Dublin

"Linking Civic Participation and Economic Independence: Institutional structures and employment policies for people with disabilities in the Republic of Ireland"
3. Xiao Junyong, Wang Jing, Chen Jiali (China) (unable to attend)
University of International Relations

"Employment Status and Legal Protection of Persons with Disabilities in China"
4. Ruth Tindley (United Kingdom)
University of Leicester

"Assessment of Incapacity for Work for People with Mental Health Problems: Is it Justiciable?"
5. Susan Barak (Canada)
PhD Candidate, York University, Toronto

"Of Tort and Trauma: The Vital Nature of Legal Remedies to Address and Redress Disability Harassment in the Workplace, with a Focus on Ontario"

H: Mental Health Law & Disability

Chair: Dr. Mary Keys (Lecturer in Law, School of Law, NUI Galway)

1. Phil Fennell (United Kingdom)
Professor of Law, School of Law, University of Cardiff

"Disability Rights and Mental Disorder"

2. Vaneesha Jain, Deepaloke Chatterjee (India)
West Bengal National University of Juridical sciences,
Kolkata, India

"Between Legal Romanticism and the Rule of Law -
Reviewing the 'Insanity Defence' of the Indian Penal Code in
light of the equal capacity approach proposed by the
UNCRPD"
3. Suzanne Doyle (Ireland)
Ph.d Candidate, University College Cork

"Does the UN Convention on the Rights of Persons with
Disabilities permit the Involuntary Detention of Persons with
Mental Illnesses?"
4. Liz Brosnan (Ireland)
University of Limerick

"Why We Need To Learn Legalese: Human Rights Based
Approach and the Principle of Mental Health Service User
Involvement"
5. Charles O'Mahony (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway
"Mental Illness and the Criminal Justice System in Ireland"
6. Ms. Bríd Nic Suibhne (Ireland)
Legal Researcher, Law Reform Commission of Ireland

"Under 18's under the Mental Health Act: Voluntary
Patients?"

I: The Right to Inclusive Education (1)

Chair: Dr. Andrew Power (Centre for Disability Law & Policy, NUI,
Galway)

1. Bronagh Byrne (United Kingdom)
Queens University Belfast

"Snakes and Ladders or New Beginnings? Assessing the
effectiveness of the UNCRPD in protecting the equality rights
of children with disabilities"
2. Joyce Mortimer (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"Inclusive Education – Beyond Ideology"

3. Elizabeth S. Mathews (Ireland)
NIRSA, NUI Maynooth

"Mainstreaming of Deaf Education in Ireland"
4. Sheelah Flatman Watson (Ireland)
NDA Scholar/NIRSA Affiliate, Department of Geography, NUI
Maynooth

"Implementation of equitable enrolment processes and
equality of opportunity in primary education environments:
the case of pupils with a diagnosis of an intellectual and/or a
pervasive developmental disability"

I: The Right to Inclusive Education (2)

Chair: Senator Fidelma Healy Eames

1. Jean Daly, Clare Daly (Ireland)
University College Dublin, Irish Wheelchair Association,
Disability Sport Northern Ireland and University College Cork

"Who gets to play?- An Examination of the Inclusivity of
Physical Education in Primary School Education in Ireland
with a Focus on Children with Physical Disabilities"
2. Shivaun Quinlivan (Ireland)
Lecturer, School of Law, NUI Galway

"The efficacy of public interest litigation with regard to the
right to education for children with disabilities"
3. Paul Emong (United Kingdom)
School of Law, University of Leeds

"Implementation, Impact and Further Development of the
Ugandan Disability Law at Higher Education"
4. Breda Casey, Edel Tierney (Ireland)
NUI Galway, National Federation of Voluntary Bodies
Providing Services to Persons with Intellectual Disability

"Supporting civic engagement of persons with
intellectual disabilities through access to inclusive 3rd
level education"

J: Regional & Comparative Disability Law (1)

Chair: Professor Patricia Noonan Walsh (Adjunct Professor Centre for Disability Law and Policy, NUI Galway)

1. **European Union:** David Hosking
University of Leicester

"The UN Convention on the Rights of People with Disabilities and the European Union"
2. **Africa:** Benyam D. Mezmur
Community Law Centre, University of the Western Cape

"An Africa enabled: The rights of persons with disabilities and the African human rights system"
3. **Northern Ireland:** Colin Harper
Disability Action

"One Peace (Dis-)agreement and two single bills: Challenges in the legal implementation of the UN Convention on the Rights of Persons with Disabilities within Northern Ireland"
4. **United Kingdom:** Tabitha Collingbourne
School of Law, University of Sheffield

"Contradiction in Terms? The UK, socio-economic rights and Article 19 CRPD"

J: Regional & Comparative Disability Law (2)

Chair: Professor Patricia Noonan Walsh (Adjunct Professor Centre for Disability Law and Policy, NUI Galway)

1. **Iceland:** Helga Baldvins Bjargardóttir
Centre for Disability Studies, University of Iceland

"Implementing the CRPD in Iceland: Critical questions about legal capacity and the use of aversive intervention"
2. **Portugal:** Paula Campos Pinto
Post-Doctoral Fellow, DRPI Canada, York University, Toronto, Canada

"Between the lines: A critical reading of disability policy in Portugal"

3. **Serbia:** Damjan Tatic
Disability consultant at UNDP CO Serbia

"Law on Prevention of Discrimination against Persons with Disabilities in Serbia"
4. **Russia:** Michael Rasell
School of Health and Social Care, University of Lincoln

"Scarred citizenship: disability law and policy in contemporary Russia"
5. **Nigeria:** Omolara Funmilola Akinpelu
Postdoctoral researcher, Burton Blatt Institute, University of Syracuse

"Human Rights and Persons with Disabilities in Nigeria: Beyond Policy Formulation"

K: Bioethics & Disability

Chair: Dr. Richard Hull (Philosophy, College of Arts, Social Sciences, & Celtic Studies)

1. Aisling de Paor (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI, Galway

"Genetic Discrimination in the Insurance and Employment Fields"
2. Carla van Os (Netherlands) (unable to attend)
University of Leiden, Law Faculty

"Prenatal testing on disabilities in the human rights perspective"
3. Ciara Staunton (Ireland)
School of Law, NUI Galway

"A Superhuman Race?: Pre-implantation genetic diagnosis and disability detection"

L: Development Aid, Humanitarian Intervention & Disability

Chair: Professor Nora Groce (TBC)

1. Jukka Kumpuvuori, Riku Virtanen (Finland)
Åbo Akademi University, The Institute for Human Rights (Kumpuvuori) and University of Turku, Faculty of Law (Virtanen)

"Human Rights, Disability and Development - Role of Various Actors in the Era of UNCRPD"
2. Kristy Crabtree (United States)
Episcopal Migration Ministries

"The Economic Coping Mechanisms of Refugees in Protracted Displacement: Case Study of the Rohingya"
3. Graziella Van den Bergh (Norway)
Bergen University College

"Disability, health services and international collaboration: comparing comprehensive and community based rehabilitation approaches in Tanzania and the Sudan"
4. Mansha Mirza (United States)
University of Illinois at Chicago

"Access to humanitarian aid and resettlement opportunities for refugees with disabilities. Comparing experiences of Cambodian and Somali disabled refugees"

M: The Right to Accessibility

Chair: Rónán Kennedy (School of Law, NUI Galway)

1. Donal Rice (Ireland)
Ph.d Fellow, Centre for Disability Law & Policy, NUI Galway

"Legislating for Web 2.0 – implications for the revamp of the Irish Disability Act (2005)"
2. Martha Banda-Chalwe (Australia)
PhD Candidate in the School of Health and Rehabilitation Sciences, University of Queensland

"Structures for promoting accessibility to enable participation by persons with disability in developing countries"

Concluding Remarks

Charles O'Mahony

Centre for Disability
Law & Policy
NUI Galway
Ireland

Colloquium Close

Professor Gerard Quinn

Director Centre for Disability
Law & Policy
NUI Galway
Ireland