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*Cosponsored with the Center for Korean Studies &
the Robert and Colleen Haas Distinguished Chair in Disability Studies*

Monday, October 22, 2018

CELESTE ARRINGTON

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George Washington University

“Rights Refracted: Disability Rights Diffusion and Evolving Legal Opportunity Structures in South Korea and Japan”

Disability rights have expanded worldwide, including in East Asia. South Korea and Japan recently enacted legislation banning disability-based discrimination. Although both governments supported and signed the 2006 UN Convention on the Rights of Persons with Disabilities (CRPD) and included disability activists in the process of drafting domestic anti-discrimination legislation, the Japanese law defined discrimination less clearly and provided weaker remedies and enforcement mechanisms. What accounts for these divergent outcomes, which opened the legal opportunity structure for rights claiming more in Korea than in Japan? International law and transnational activism helped empower domestic actors and catalyze reform in both countries, but this paper highlights domestic factors that mediated rights diffusion. Korea and Japan exhibit similarities in domestic activists' understanding of diffused rights, the level of domestic mobilization, domestic political and discursive opportunities, and accessibility of policy-making, which prior studies have emphasized in explaining differences in rights diffusion. The comparison of disability discrimination legislation in Japan and Korea draws attention to a hitherto overlooked domestic factor: the size or breadth of advocacy groups' reform agenda. A narrow reform agenda keeps pressure on decision-makers focused, facilitates coordination among disabilities groups, and minimizes potential conflicts with existing statutes. Most scholarship takes as given the structure of legal opportunities, including rules governing access to courts, the costs and rewards of litigation, existing statutes and judicial precedents, and the presence of allies for legal mobilization. Yet by comparing policy advocacy and outcomes and their implications for rights claiming, this paper presents a framework for analyzing change in legal opportunity structures.

PLACE Selznick Seminar Room, 2240 Piedmont Avenue
TIME **12:45 – 2:00pm.** Coffee and water provided. Bag lunches welcome.
INFO <https://www.law.berkeley.edu/centers/center-for-the-study-of-law-society/>
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