**Group activity**

|  |  |
| --- | --- |
| **Type/title of activity** | Bringing a case before the Committee on the Rights of Persons with Disabilities |
| **Total duration** | 45 minutes |
| **Venue(s) requirements** | 2 breakout rooms |
| **Equipment needed** | 2 flip charts and markers |

**Activity objective**

Become more familiar with the use of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, including admissibility criteria and issues related to the merits of a case.

**Dynamic**

Facilitator gives instructions to all participants (3–5 min).

Each break out group discusses the exercise (30 min).

One rapporteur per group presents the findings in plenary (5 min each—i.e., 10 min in all).

**Task**

The participants are divided into two groups: one group is the DPO representative, the other is the Government. Discuss the case below in groups and address the issues identified, according to whether you are the DPO representative or the Government representative.

Sovanna is a shop manager in a family-run business in the capital city. She is travelling home in her car and has a collision with another car, which leaves her paralysed from the waist down. She is now in a wheelchair, but is ready to return to work at the shop.

The shop she worked in is not very accessible for her, because it has a large staircase at the entrance, no wheelchair accessible toilets, and the counter is too high. She writes to the owners and asks for her job back, but they refuse because they say she can no longer do her job. They give no reasons for this claim.

Sovanna comes to you to complain, because she knows your NGO is run by persons with disabilities and she trusts you. She wants to do something, but does not know what.

You speak to the shop owner, and they say that Sovanna’s demands are too expensive to accommodate and that, in any case, she would have been likely to leave and start a family soon, because she is newly married. They say they have no responsibilities under her contract to reinstate her. You also speak to a civil servant at the Ministry of Labour, who says that it is a private/contractual issue and the State should not get involved. He notes that there is nothing in the law that says the shop owner has to take her back. He also notes that Sovanna is not a citizen and therefore not the Government’s responsibility. Sovanna explains that this is the case, but that she is a legal resident and has lived in the country for 15 years.

Sovanna decides to commence proceedings in the District Court. She wins the case but the shop owner appeals and wins. Neither court provides detailed reasons for the decision. There is a backlog of cases before the Constitutional Court as well as controversy over recent appointments to the Court, all of whom come from the north-east of the country, which is aligned to the current President. Sovanna thinks it is useless to pursue legal proceedings any further.

You decide to write to the Committee on the Rights of Persons with Disabilities. The Government has just ratified the Optional Protocol and you are eager to use this as a test case.

DPO representative:

* Citing the relevant international law, build the Convention/international law arguments for her case.
* Formulate the advocacy position as to what actions the authorities should take.
* Identify alternative strategies to bringing a case before the Committee.

Government:

* Consider whether the case is admissible before the Committee: identify arguments for and against admissibility and identify any additional information you might need to substantiate inadmissibility.
* Citing international law (in particular the Convention), argue that her case is not a matter of discrimination against persons with disabilities, and that the Convention is not relevant to the case.