**Note for the facilitator**

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| Module/topic | **Module 5: Discrimination on the basis of disability** |
| Session sequence | * Introduction * Power walk * Presentation |
| Total duration | 1 hour 40 minutes   * 1 h: power walk * 40 min: presentation |
| Training material | * Computer slide presentation on discrimination on the basis of disability * Note for facilitator (this note) * Group activity |
| Background reading for the facilitator  **HUMAN RIGHTS TODAY**  **TRAINING ON DISABILITY**  **TRAINING** | * *Convention on the Rights of Persons with Disabilities* * *Equality and non-discrimination under article 5 of the Convention on the Rights of Persons with Disabilities; Report of the Office of the United Nations High Commissioner for Human Rights (2016)* * *Promoting diversity and inclusion through workplace adjustments: A practical guide; ILO (2016)* * *Committee on the Rights of Persons with Disabilities, General Comment on article 5 on equality and non-discrimination (draft)* * *Committee on the Rights of Persons with Disabilities, General Comment on article 6 on women and girls with disabilities* |
| Handouts for participants  **Checklist**  Hdbbkdbjkjbdkjvbkkbvvjkbkjjv fffjfjjfjfvfnvnfjvkfdvnffnfnffbvkbvdbvbkvkbvjjbvkjddkvbddvkjbvjvvvndvvndvnnkvndvvndknvnvvkdnvdnvvndvvndnvvdvvdvdnvdnvdnvvjjoerjpekejgpjgpjepfjeeeoeoo  **CRPD**  Hdbbkdbjkjbdkjvbkkbvvjkbkjjv fffjfjjfjfvfnvnfjvkfdvnffnfnffbvkbvdbvbkvkbvjjbvkjddkvbddvkjbvjvvvndvvndvnnkvndvvndknvnvvkdnvdnvvndvvndnvvdvvdvdnvdnvdnvvjjoerjpekejgpjgpjepfjeeeoeoo  Hdbbkdbjkjbdkjvbkkbvvjkbkjjv fffjfjjfjfvfnvnfjvkfdvnffnfnffbvkbvdbvbkvkbvjjbvkjddkvbddvkjbvjvvvndvvndvnnkvndvvndknvnvvkdnvdnvvndvvndnvvdvvdvdnvdnvdnvvjjoerjpekejgpjgpjepfjeeeoeoo  Hdbbkdbjkjbdkjvbkkbvvjkbkjjv fffjfjjfjfvfnvnfjvkfdvnffnfnffbvkbvdbvbkvkbvjjbvkjddkvbddvkjbvjvvvndvvndvnnkvndvvndknvnvvkdnvdnvvndvvndnvvdvvdvdnvdnvdnvvjjoerjpekejgpjgpjepfjeeeoeoo | * Computer slide presentation (print 4 slides per page) |
| Reading material for participants | * Convention on the Rights of Persons with Disabilities * General comments on non-discrimination issued by the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the Committee on the Elimination of Discrimination against Women |

**Learning objectives (skills, knowledge, attitudes)**

* Discuss how discrimination on the basis of disability manifests itself
* Recognize different forms of discrimination against persons with disabilities
* Define how promoting equality fits in with combating discrimination
* Identify specific responsibilities and appropriate measures to tackle discrimination and ensure the full participation of persons with disabilities

**Approach to module 5**

Module 5 focuses on discrimination on the basis of disability. One of the characteristics of the Convention on the Rights of Persons with Disabilities is that it is a “non-discrimination” Convention that seeks to ensure that persons with disabilities enjoy their rights on an equal basis with others. In other words, non-discrimination is not only a principle underlying the Convention, it is relevant to each human rights provision.

Module 5 seeks to introduce the principle of non-discrimination—both as a practical concept and as a legal principle. Consequently, the facilitator will have to be careful to assess in advance the participants’ knowledge and background so as not to confuse them with complicated legal concepts such as *indirect discrimination* or *justified differential treatment*. The facilitator should, in any case, ensure that he or she has sufficient examples on hand so that the participants gain a practical understanding of these concepts.

**General tips**

* It is expected that the facilitator will adapt the materials to the audience and to the national or regional context. The computer slide presentation and the notes are provided as a basis upon which the facilitator can build a training course that suits the participants’ requirements and specificities. There is no need to follow the presentation and notes slavishly!
* Some practical examples are contained in the notes; however, when preparing the presentation the facilitator should have some additional examples on hand, based on his/her own experience and research that take into account domestic and regional situations and information sources.
* The facilitator should encourage as much discussion and interaction as possible. The power walk at the beginning of the session should help to relax participants while also getting them to think about discrimination on the basis of disability. However, participants will also have to do some work, particularly in order to come to grips with quite difficult concepts related to non-discrimination. Participants might not understand all parts of the module, but it will introduce or revise concepts which will become increasingly familiar over time.

**Specific slides**

* Slide 1 – title
* Slide 2 – sets out the objective and flow of the module
* Slide 3 – the power walk (see group activity handout)
* Slide 4 – introduces various legal concepts that relate to the principle of non-discrimination and to anti-discrimination law, such as de factoand de jurediscrimination, direct and indirect discrimination, justified differential treatment and so on. These concepts are important for participants to understand as they illustrate that discrimination can occur in many different ways. The facilitator should try to illustrate each term with examples of discrimination on the basis of disability. The facilitator might wish to dwell on some of these basic issues and encourage discussion among participants.
* Slides 5 – introduces the principle of non-discrimination in the Convention. The facilitator should dwell on these issues:
  + Discriminatory acts: “distinctions, exclusions or restrictions”
  + Intention or not: “purpose or effect”
  + Result: “of impairing or nullifying the recognition, enjoyment or exercise of rights”
  + No new rights for persons with disabilities: “on an equal basis with others”
  + Reasonable accommodation (see below)

The facilitator should have a set of examples of discrimination on the basis of disability ready to illustrate the different manifestations of disability (slide 7 will also build on this)

* Slide 6 – discusses denial of reasonable accommodation as a form of discrimination. “Reasonable accommodation” is an important concept in disability discrimination law and a novelty in United Nations human rights conventions. Nevertheless, many people, including human rights practitioners, might not be familiar with it and so it deserves close attention
* Slide 7 – Provides the scope of reasonable accommodation
* Slide 8 - Provides the elements of the objective reasonableness/proportionality test
* Slide 9 - Provides the elements on confidentiality
* Slide 10 - Provides the basic steps of the interactive dialogue. Examples and role playing serve well to present this element.
* Slide 11 - Provides the elements of the objective justification process. The focus of this presentation should be on differentiating feasible, relevant and proportional.
* Slide 12 - Provides the characteristics of a feasible accommodation
* Slide 13 - Provides the characteristics of a relevant accommodation
* Slide 14 - Provides the characteristics of a proportional accommodation
* Slide 15 - Provides a graphic description of the reasonable accommodation process
* Slide 16 - provides examples of discrimination that are prohibited under the Convention. These discriminatory acts have arisen in the past and often still do today. The facilitator should take each of the examples of discrimination in the slide and consider whether and how it satisfies the criteria set out in slide 5 (e.g., is this a distinction, an exclusion or a restriction? Was there an intention to discriminate?). The facilitator might wish to see which manifestations of discrimination participants are familiar with and discuss some of these in greater depth
* Slide 17 – makes the link between non-discrimination and equality, which are often expressed as two sides of the same coin. International human rights law is not simply about combating direct discrimination. It is also about promoting equality as a means of preventing and remedying discrimination. Often, prohibiting discrimination alone is not enough. Instead, specific measures are needed to promote equality—even if this might result in unequal treatment that favours persons with disabilities in the short and also long term. When two people start from different positions, unequal treatment might be needed to ensure that they have equal opportunities. *The facilitator should take time to discuss some of the specific measures identified in the Convention, such as affirmative measures in employment*
* Slide 18 – discusses who is responsible for combating discrimination. The facilitator can use this slide to reintroduce some of the implementation measures discussed in module 4. By individuals taking action to protect their rights and States and others respecting, protecting and fulfilling rights, it is possible to combat discrimination and achieve greater equality in society
* Slide 10 – identifies some additional resources.