

For more information on MDAC's Optional Protocol litigation project please contact MDAC Legal Officer, Ngila Bevan at mdac@mdac.info.

Financial support for this pamphlet and for the project on strategic litigation under the CRPD Optional Protocol has been kindly provided by the Disability Rights Initiative of the Open Society Institute.



The Mental Disability Advocacy Center is an international human rights organisation which advances the rights of children and adults with intellectual disabilities and psycho-social disabilities.

MDAC uses law to promote equality and social inclusion through strategic litigation, advocacy, capacity-building and research.


Address: Hercegprímás utca 11, H-1054 Budapest, Hungary
Tel: +36 1 413 2730 | Fax: +36 1 413 2739
Email: mdac@mdac.info | Website: www.mdac.info



**Strategic
Litigation
under the
CRPD Optional
Protocol**

**Prepared for the Third Conference of States Parties
to the Convention on the Rights of Persons with Disabilities
1-3 September 2010**

Strategic Litigation under the CRPD Optional Protocol



Through Article 1 of the Optional Protocol, States Parties recognize the competence of the CRPD Committee to 'receive and consider communications from or on behalf of individuals or groups of individuals [...] who claim to be victims of a violation.'

The right to individual petition before the CRPD Committee plays a vital role in promoting respect for the rights of persons with disabilities and advancing a global body of progressive jurisprudence. When domestic mechanisms fail to provide an effective remedy to an individual with disabilities, or where such remedies do not exist, victims can seek redress beyond the State. At the same time, the availability of remedies at the international level encourages the development of more effective domestic and regional systems for remedy and redress.

Ratifications of the CRPD Optional Protocol

(at 23 August 2010)

Europe: Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Croatia, France, Germany, Hungary, Italy, Lithuania, Montenegro, Portugal, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Ukraine, United Kingdom

Africa: Burkina Faso, Guinea, Mali, Morocco, Namibia, Niger, Rwanda, South Africa, Sudan, Tunisia, Uganda, United Republic of Tanzania

South America: Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru

Rest of the World: Australia, Bangladesh, Cook Islands, Dominican Republic, Haiti, Mongolia, Nepal, Saudi Arabia, Syria Arab Republic, Yemen

MDAC Optional Protocol Litigation

In 2010 MDAC launched a project aimed at conducting litigation using the CRPD in domestic courts, and taking cases to the CRPD Committee. The project involves research into effective ways of litigating the CRPD with a specific focus on:

- **Article 12 (Equal recognition before the law and right to legal capacity)**
- **Article 19 (Living independently and being included in the community)**
- **Article 24 (Education)**

MDAC is partnering with lawyers and NGOs to litigate cases in European States that have ratified the Optional Protocol.

Litigation Workshop in Budapest

MDAC is keen to ensure that the Optional Protocol mechanism is exercised to full effect and is running a litigation workshop in Budapest, Hungary, 23-25 September 2010. The workshop is designed to equip lawyers with the specific skills and knowledge necessary to conduct successful CRPD litigation.

The workshop is being run by internationally renowned academics and practitioners in the field of mental health and disability law. Training in the fundamentals of strategic litigation and the CRPD will be complemented by specific sessions on how to argue CRPD provisions in domestic courts, recent trends in jurisprudence, and developing advocacy strategies following litigation outcomes.

