

THE U.S. RATIFICATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

FACT SHEET

On July 30, 2009, the United States signed the Convention on the Rights of Persons with Disabilities (CRPD). The CRPD is the first human rights convention of the 21st century and the first international treaty to address disability rights globally. While the Convention does not establish new human rights, it does set out greater clarity of the obligations on States to promote, protect and ensure the rights of persons with disabilities.

Article 3 of the CRPD sets out the General Principles that apply to the enjoyment of the rights of persons with disabilities:

- Respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons
- Non-discrimination
- Full and effective participation and inclusion in society
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity
- Equality of opportunity
- Accessibility
- Equality between men and women
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities

As of April 1, 2011, the Convention has 147 signatories and 99 countries have ratified the Convention. Key U.S. allies such as Australia, Canada, Mexico, New Zealand, South Korea, and many countries in Europe have already ratified the Convention.

STATUS OF THE CRPD IN THE UNITED STATES

Following the signing of the treaty, the Administration is now conducting an inter-agency review process to prepare a CRPD transmission package for Senate consideration. The Administration's review includes an assessment of whether existing U.S. law is consistent with the requirements of the CRPD. The United States has already established strong support for the rights of people with disabilities through the Americans with Disabilities Act (ADA) and its 2008 amendments. Once the Administration completes their review, they will transmit the CRPD package to Senate for consideration. U.S. ratification of the Convention requires a "resolution of ratification" achieved by 2/3 support (67 supermajority vote) in Senate.

DISABILITY RIGHTS IN THE UNITED STATES

The CRPD was created out of the U.S. leadership in adopting the Americans with Disabilities Act (ADA) and its vision of empowering individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society. The comprehensive ADA along with the Individuals with Disabilities Education Act (IDEA), the Rehabilitation Act, and other U.S. disability legislation mean that existing U.S. law provides the basic protections in the Convention. U.S. ratification of the Convention would not only reaffirm our unequivocal commitment to the promotion of disability rights abroad but would invigorate the implementation of our own robust laws domestically. Disability rights issues have strong bipartisan support in the United States Senate, in the private sector, and within the broader public. For example, when the U. S. adopted several amendments to the ADA in 2008, the Senate was able to pass them by Unanimous Consent.

HISTORY & TIMELINE

1980s: Countries began discussions about a human rights treaty for people with disabilities.

2001: Mexico proposed in the U.N. General Assembly to establish an *Ad Hoc* Committee to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities.

2002-2004: The Convention was negotiated during eight sessions of the Ad Hoc Committee of the General Assembly, making it the fastest negotiated human rights treaty. States negotiated the Convention with the active participation of the disability community through civil society organizations, national human rights institutions and inter-governmental organizations.

2004: A draft treaty was completed.

2006: United Nations General Assembly adopted the Convention on December 13, 2006.

2007: The CRPD was opened for signature on March 30, 2007. Over 80 countries became signatories during the opening ceremony and Jamaica became the first country to ratify.

2008: The CRPD entered into force May 3 after receiving its 20th ratification. "Entry into force" means that the treaty became law for countries that have ratified.

2008-Present: Countries around the globe, including the United States, evaluate their existing laws on disability and human rights, and join their counterparts in the international community by becoming signatories to or ratifiers of the CRPD in unprecedented numbers.

Current Status: 147 Signatories and 99 Ratifications

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FREQUENTLY ASKED QUESTIONS

WHAT IS THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES?

The Convention on the Rights of Persons with Disabilities (CRPD) is a human rights treaty that sets out the obligations of countries that ratify it to promote, protect, fulfill, and ensure the rights of persons with disabilities.

WHAT IS THE HISTORY OF THE CRPD?

The United Nations adopted the CRPD in 2006. It was officially open for countries to sign on March 30, 2007. The CRPD “entered into force,” meaning that that the treaty became law for countries that have ratified it, on May 3, 2008. The U.S. signed the CRPD on July 30, 2009, joining the 141 countries that had already signed it. Signing a treaty creates the obligation to not violate the object and purpose of a treaty; however, State Parties are not bound to uphold the specific obligations of a treaty until they ratify. As of April 1, 2011, 99 countries have ratified the treaty and 147 countries have signed it. As of this writing, the U.S. has not ratified the CRPD.

WHAT DOES THE CRPD SEEK TO ACHIEVE?

The CRPD seeks to ensure that persons across the globe with disabilities are provided with the same rights as everyone else thereby ensuring that they can live full, satisfying and productive lives. Similar to the Americans with Disabilities Act (ADA), the principles of CRPD are equal treatment and non-discrimination in politics and access to justice, health, education, employment, and rehabilitation. Through the ADA, the U.S. has made progress toward the goals of inclusion, equal opportunity, full participation, independent living, and economic self-sufficiency for Americans with disabilities. By signing CPRD, the U.S. continues its global leadership in advancing disability rights.

WHAT IS THE PROCESS FOR RATIFYING THE CRPD?

The U.S. signed the CRPD on July 30, 2009. The next step is for President Obama and his staff to prepare a treaty transmittal package. The Administration then sends the treaty transmittal package to the Senate. In the U.S. Congress, the Senate is responsible for ratifying treaties. For a treaty to be ratified by the U.S. Senate, it requires a “super-majority” vote, or a vote of two-thirds of Senate (67 votes). Should the treaty pass, the CRPD is returned to the President, who signs it. After the ratification process is complete, the treaty then “enters into force” meaning that the treaty becomes law.

IF RATIFIED, WHAT WILL THE CRPD REQUIRE OF THE U.S.?

Once a treaty is ratified and enters into force, the U.S. is required to implement all provisions. The CRPD does not create new rights, but rather seeks to strengthen existing rights and principles. The CRPD contains 33 provisions or substantive articles detailing how disability rights should be interpreted and applied to prevent discrimination. The treaty adopts a broad and flexible approach that allows for the legal particularities of each country to be taken into consideration.

WILL THE CRPD REQUIRE CHANGES TO FEDERAL LAW IN THE U.S.?

No. Current U.S. law includes a vast array of provisions and programs to fight discrimination against persons with disabilities. These laws include the Rehabilitation Act of 1973 (as amended), the Americans with Disabilities Act of 1990 (as amended), and the Individuals with Disabilities Education Act, among others. The treaty works with this legislation to ensure the rights of people with disabilities. Most provisions of the treaty are consistent with current U.S. legislation.

In a case where existing U.S. law is not consistent with the CRPD, the U.S. can ratify the treaty subject to Reservations, Understandings, or Declarations (RUDs). For example, where U.S. law, such as the ADA, is different from a treaty provision, the U.S. may decide to take a Reservation with respect to this particular provision. Using this clause, ratifying the treaty would **not** require changes to the law.

WILL THE CRPD HAVE AN EFFECT ON STATE AND D.C. LAW?

No. To the extent that it is not clear that the laws of the 50 states and the District of Columbia are consistent with the Convention's obligations, any gaps may be addressed by using RUDs.

WHY SHOULD THE U.S. RATIFY THE CRPD WHEN WE HAVE THE ADA?

Similar to the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA), the principles of CRPD are equal treatment and non-discrimination in politics and access to justice, health, education, employment, and rehabilitation. The CRPD seeks to ensure that persons across the globe with disabilities are provided with the same rights as everyone else thereby ensuring that they can live full, satisfying and productive lives. In doing so, the CRPD establishes an international monitoring body called the Committee on the Rights of Persons with Disabilities that makes recommendations for how to best implement the treaty's vision. The U.S. must ratify the treaty in order to sit on this Committee and guide other countries in developing disability laws that can achieve similar successes to those in the United States.

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