July 22, 2014

The Honorable Robert Menendez
Chairman
Committee on Foreign Relations
United State Senate
Washington, D.C. 20510

The Honorable Bob Corker
Ranking Member
Committee on Foreign Relations
United State Senate
Washington, D.C. 20510

Dear Chairman Menendez and Ranking Member Corker:

On behalf of the American Bar Association (ABA) and its nearly 400,000 members, I write to express our strong support for the Convention on the Rights of Persons with Disabilities (CRPD). We urge that your committee favorably report the CRPD to the full Senate and send a clear message to the world of our support for the human rights principles of the treaty, as well as our role as a world leader for the rights of people with disabilities.

The CRPD sets forth globally accepted standards on disability rights and clarifies the application of human rights principles to persons with disabilities. Approximately 15% of the global population is living with disabilities, a vast majority of whom face discrimination in education, employment, housing, health care and other areas. The United States has a responsibility to join the international effort to combat such discrimination and promote, protect and ensure the full and equal enjoyment of human rights and fundamental freedoms by persons with disabilities around the world.

Ratification of the CRPD will not require changes in domestic law or create opportunities for new lawsuits. As with other human rights treaties ratified by the Senate, the proposed resolution of ratification for the CRPD includes a package of “reservations, understandings and declarations” (“RUD”), among which is a declaration that the provisions of the CRPD are “non-self-executing.” Accordingly, the treaty will not be judicially enforceable and will not create a private right of action in U.S. courts. In addition to ensuring that changes to domestic law are not necessary, the proposed RUD package includes an understanding that the terms “disability” and “persons with disabilities” are to be defined under U.S. law. These terms have already been defined in a robust body of existing U.S. law, and ratification of the CRPD would neither alter
nor supersede those definitions. Furthermore, the text of the treaty makes clear that any recommendations from the UN Committee on the Rights of Persons with Disabilities would not be binding, and it would have no authority to require or compel action by the United States under the CRPD. Just last month, the Supreme Court issued a ruling in *Bond v. United States*, which clearly demonstrates how a treaty can be ratified while preserving existing states’ rights. The CRPD RUD package contains similar declarations that ensure the protection of U.S. sovereignty and existing U.S. law, including parental rights law.

As the world’s historic leader in disability policy, the United States has an obligation to share its knowledge and protect the interests of American citizens abroad by joining in the international dialogue on civil rights for individuals with disabilities. The treaty enjoys broad bipartisan support and has been endorsed by a broad coalition of human rights organizations, religious groups, professional associations, military and veterans organizations, and the business community.

For all of these reasons, the ABA strongly urges you to support prompt ratification of the CRPD.

Sincerely,

James R. Silkenat

cc: Members of the Senate Foreign Relations Committee