ABA Supports Ratification of the Disability Rights Treaty

The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty intended to promote, protect, and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The CRPD is a vital framework for creating legislation and policies around the world that embrace the rights of all persons with disabilities. The Americans with Disabilities Act (ADA) was the model for the CRPD. As the world’s historic leader in disability policy, the United States has a duty 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 CRPD sets forth globally accepted legal standards on disability rights and clarifies the application of human rights principles to persons with disabilities. It also serves as an authoritative reference point for the development and refinement of relevant disability law and policy, and it is intended as an instrument that is cross-disability and applicable across economic sectors.

The CRPD should be ratified by the United States Senate because:

4 out of 10 American travelers are estimated to be persons with disabilities. While global implementation of the CRPD will benefit citizens of countries that have not previously ensured adequate protection of disability rights, Americans with disabilities traveling to or working within foreign countries will also benefit greatly.

Our 5.5 million American veterans with disabilities will have greater opportunities to work, study, and travel abroad as countries implement the CRPD with leadership from the United States. Nearly two dozen veterans service organizations including Veterans of Foreign Wars, the American Legion, Disabled American Veterans, and Wounded Warrior Project support ratification of the CRPD.

The U.S. business community, including The Chamber of Commerce, the U.S. Business Leadership Network, and the Information Technology Industry Council, support U.S. ratification of the CRPD. The treaty benefits American business interests abroad by providing greater access to the world’s population of 1 billion people with disabilities, who are in need of new accessible technologies manufactured and sold by U.S. corporations.

Ratification will NOT create opportunities for new lawsuits. The treaty package includes a traditional declaration that it is non self-executing, meaning that the treaty is not judicially enforceable and does not create a cause of action in courts in the United States. The United States Supreme Court in Medellin v. Texas held that a treaty is not binding domestic law unless Congress has enacted statutes implementing it or the treaty itself conveys an intention that it be “self-executing” and is ratified on that basis.

Ratification will NOT change the definition of “disability.” The treaty package presented to the Senate includes an understanding that the terms “disability” and “persons with disabilities” are to be defined under U.S. law. The treaty allows countries to apply their own definitions through domestic legislation and policies.

Ratification will NOT affect the rights of parents to home school their children. Ratification and adoption of the treaty package presented to the Senate will ensure that state and federal disability laws and protections are fully preserved, including laws providing the parental right to home school one’s child.

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