
United Nations Convention on the Rights of Persons with Disabilities

Background

For the 650 million people with disabilities worldwide, the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD) on December 13, 2006 is a landmark treaty. People with disabilities are the world's largest minority; approximately 10 percent of the world's population has been identified with a disability. This population has been discriminated against for centuries, lives in poverty and is the most disadvantaged, among all minorities, experiencing the most extreme lack of access to education, independent living, and employment.

According to UNESCO, 90 percent of children with disabilities in developing countries have no access to school, and the International Labour Organization reports that in some countries, the unemployment rate is as high as 80 percent. Furthermore, it is unclear how many people with disabilities still live in institutions. But evidence demonstrates that hundreds of thousands continue to live in unacceptable sub-standard conditions. There is an absence of therapeutic and rehabilitative services, and instances of physical and sexual abuse and physical restraints. Many residents are held against their will with no hope for due process and living freely as contributing members of society.

In the face of this despair, the Convention is a vital, new instrument for the advancement of rights and opportunities for people with disabilities. It represents the culmination of an unprecedented global exchange of ideas about the universal rights of people with disabilities and seeks to empower individuals with disabilities to achieve economic self-sufficiency, independent living and inclusion and integration into all aspects of society. The Convention serves to advance an ideal vision of disability policy and practice and is a beacon to people around the world, providing a positive image for them to emulate.

The Convention establishes international standards regarding the rights and freedoms of people with disabilities and a common basis for greater civic and political participation and self-sufficiency. It reflects core values and principles, such as dignity of the individual, access to justice, importance of family decision-making, and access to education, independent living and employment. Article 3 sets out the General Principles that apply to the enjoyment of the rights of persons with disabilities. These are:

- 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.

These standards carry a moral authority that lends weight and credibility to efforts in all parts of the world to achieve justice, equality and inclusion. This Convention creates an unprecedented vision for global democracy and human rights. After adoption, in accordance with its article 42, the Convention and its Optional Protocol opened for signature on March 30, 2007. States who opt to sign and ratify the Convention will be legally bound to provide services and supports to persons with disabilities and will no longer be able to discriminate against them in any manner.

Currently, there are 154 signatures to the Convention and 126 ratifications of the Convention including the European Union. While it is encouraging that so many States have signed the Convention, less than half of all eligible States have ratified it. Importantly, this includes the United States, an international-leader in disability policy and practice. States that ratify the Convention must promulgate corresponding implementing legislation in order to meet its legal obligations. But, ultimately legislation will not be enough to ensure effective implementation of the Convention.

Indeed, to engender the real hope the Convention embodies, the attitudes of both the general public and Government must change. People must stop perceiving persons with disabilities as objects of assistance and intervention and begin to view them as people with rights.

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Actions Taken by the Obama Administration and the U.S. Congress

On July 30, 2009, the United States signed the UN Convention on the Rights of Persons with Disabilities. On May 17, 2012, the Administration transmitted the treaty to the U.S. Senate for their advice and consent for ratification. U.S. ratification of the CRPD requires a “resolution of ratification” achieved by 2/3 support (67 supermajority votes) in the Senate. When passed the treaty must be signed by the President and it “enters into force” meaning that the treaty becomes law. The CRPD will require no change to laws or additional appropriations in the U.S. Most provisions of the treaty are consistent with current U.S. legislation.

On May 25, 2012, U.S. Senators John McCain (R-AZ), Dick Durbin (D-IL), Jerry Moran (R-KS), Tom Harkin (D-IA), John Barrasso (R-WY), Chris Coons (D-DE) and Tom Udall (D-NM) announced their support for U.S. ratification of the Convention on the Rights of Persons with Disabilities (CRPD). Senate consent to U.S. ratification of CRPD will recognize the fundamental values of non-discrimination and equal access for persons with disabilities in all areas of life and help protect Americans with disabilities who work and travel abroad from discrimination, including disabled veterans.

Chairman Kerry (D-MA) and Ranking Member Lugar (R-IN) held a hearing in the Foreign Relations Committee on July 12, 2012. The Foreign Relations Committee voted the treaty out of the Committee on July 26, 2012.

On December 4, 2012, despite the support of 328 disability veterans organizations and passionate leadership and advocacy by Senators John Kerry (D-Mass) and John McCain (R-Ariz), the Senate voted 61-38 against ratification of the U.N. Convention on the Rights of Persons with Disabilities

CEC Recommends the Senate Take the Following Action

- 1. Ask all members of the Senate to support the ratification of the CRPD in 2013.**