



The TRUTH about The Convention on the Rights of Persons with Disabilities

Introduction

The CRPD is the first international treaty to address disability rights and is based on the American values of equality and non-discrimination as well as the Americans with Disabilities Act. This treaty will export American Constitutional values around the world and improve access for Americans with disabilities, including veterans, who live, work, or travel abroad. U.S. ratification of the CRPD costs nothing and will require no change to U.S. law. Over 800 American disability organizations, 20 veterans service organizations, and 41 faith organizations support the CRPD.

The disability community has built strong bipartisan support for the treaty with Senators McCain and Barrasso as leading Republicans and Senators Durbin and Harkin as leading Democrats. Republican leaders and disability champions, including President George H.W. Bush and Senator Bob Dole, have conveyed their support for the disability treaty to the Senate as well. The purpose of this document is to dispel myths created by opponents of the treaty and to provide factual information in regards to each of the issues.

MYTH: Ratification of the CRPD will infringe upon U.S. sovereignty.

FACTS:

- Ratification of the CRPD will not result in any change in U.S. law or international authority over U.S. law. The treaty text is consistent with U.S. law, but to ensure critics that no changes are forthcoming the recommended Reservations, Understandings, and Declarations (RUDs) to the treaty explicitly state that the treaty will not require any changes in any U.S. law or policy nor relinquish any authority whatsoever over U.S. law.
- Ratification will only require the U.S. to submit periodic reports, as it already does for other treaties, and ratification will allow the U.S. to participate in the annual discussion about disability rights globally. The U.S. is party to over 10,000 treaties and international agreements, through which the U.S. has strengthened its position as a global leader, not weakened it.

MYTH: Ratification of the CRPD will make it binding domestic law and will create opportunities for new lawsuits.

FACTS:

- 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 while a treaty may constitute an international commitment, it 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.

MYTH: Ratification of the treaty will put a UN Committee of experts in charge of U.S. law.

FACTS:

- The Committee created by the treaty, composed of 18 disability experts, may only provide advice and make non-binding recommendations to parties of the treaty. The U.S. is not required to follow any such advice or recommendations.

MYTH: Ratification of the CRPD will harm parental rights of parents with children with disabilities and would impair the right to home school.

FACTS:

- The CRPD **PROTECTS** parental rights and highlights the important role of parents in raising children with disabilities. In fact the treaty requires, through Article 23, that “(i)n no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.”
- While the treaty in no way infringes on parental rights, two proposed reservations on federalism and private conduct were added ensuring that state and federal disability law and protections are fully preserved including laws providing the parental right to home school one’s child.

MYTH: The CRPD aims to endorse abortion rights and abortion funding around the world.

FACTS:

- The CRPD does **NOT** address abortion or other health practices. It addresses the right of people with disabilities to have the same rights as others. Nations that both permit and outlaw abortion are party to the CRPD.
- The treaty package before the Senate states clearly that “Article 23(1) **does not address** abortion or any other particular health service. The convention **does not affect** U.S. law with regard to abortion... Article 25 is a nondiscrimination provision and does not address the matter of abortion.” The CRPD simply provides that health procedures provided under domestic law be provided to individuals with disabilities on a nondiscriminatory basis. This is already guaranteed under U.S. law.
- The treaty **DOES** confirm the value that every person with a disability has the right to life (Article 10).

MYTH: Ratification of the CRPD will change the definition of “disability” and other terms in U.S. law.

FACTS:

- The CRPD offers a broad framework of values that countries can implement through their own domestic legislation and policies. The treaty does not provide a definition of disability so that countries can apply their own domestic definitions. 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.

MYTH: RUDs are not enough to protect the U.S. from treaty obligations.

FACTS:

- As reflected in the Rules of the Senate, the Senate reserves the right, pursuant to the Constitution of the United States, to include treaty reservations in its advice and consent to ratification. Furthermore, the President cannot proceed to ratify a treaty without giving effect to the RUDs approved by the Senate.

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