



Disabling American Sovereignty

The UN prepares its fishy version of the Americans With Disabilities Act.

By: Iain Murray and Geoffrey McLatchey – May 22, 2013

The United States Senate will likely soon consider ratification the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which fell six votes short of the 67 needed last December. The CPRD's stated purpose is "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." While seemingly well-intentioned, the treaty would enable an enormous increase in the potential power of UN bureaucrats over the American people and undermine national sovereignty.

CRPD proponents argue that it merely reiterates existing U.S. disability law. President Obama said, "Existing U.S. law [is] consistent with and sufficient to implement the requirements of the Convention." While the CRPD was originally modeled to some extent on the Americans with Disabilities Act (ADA), its provisions far surpass the ADA's.

For example, the convention's Article 27, which prohibits "discrimination on the basis of disability with regard to *all* matters concerning *all* forms of employment," is a giant leap from the ADA's employment standards stating, "no *covered* entity shall discriminate against a *qualified* individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." [Emphases added]

In removing the principles of "covered entity," whereby some organizations are exempt, and of a "qualified" individual, the convention removes all common-sense safeguards against unintended consequences and overreach. Moreover, the article commits signatory states to secure this by legislation — meaning that the ADA would need to be amended.

The CRPD also requires the United States to set up a propaganda agency. Yes, you read that right. Article 8 states that signatories must take "immediate and effective measures...to raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities." It becomes the federal government's duty to "combat stereotypes... in all areas of life" by "initiating and maintaining effective public awareness campaigns."

Worst of all will be the loss of U.S. sovereignty. Under CRPD Article 34, U.S. policy would be subject to the “Committee on the Rights of Persons with Disabilities,” a U.N.-appointed panel consisting of 12 “experts.” The history of other UN bodies like the Human Rights Council — which includes countries with a long history of human rights abuses and hostility toward the United States — is not encouraging. And the Convention’s vague language — such as defining disabilities as “an evolving concept” — suggests that the Committee will have ample opportunity to redefine terms to America’s disadvantage.

Advocates of CRPD ratification argue that the powers afforded to the UN would likely never be used and are unenforceable. Instead, U.S. ratification would serve as an exhortation of U.S. ideals that would encourage other countries to act in accordance with our values. Secretary of State John Kerry labels the Americans with Disabilities Act the “gold standard” for protecting the rights of the disabled, emphasizing the CRPD’s ability to “take that gold standard and extend it to countries that have never heard of disability rights.”

This argument contradicts itself. If the U.S. were to ratify CRPD as a signal for others to do the same, its signal would be nullified if it were not to comply with its provisions. Moreover, this argument ignores the fact that, almost uniquely in the world, U.S. citizens can sue their government to ensure that it is complying with all the terms of a treaty it has ratified. The rest of the world can treat a UN convention as merely hortatory. The U.S. cannot.

And, as Senator David Vitter (R.-La.) argued when considering an article of the UN Convention on the Law of the Sea (about which a similar argument was made and which never ratified), “If it is not possible for an individual state to violate the provision, why is it in the treaty?” In other words, if the full powers given to the UN are not intended to be used, why grant the powers in the first place? The defense that CRPD is unlikely to be enforceable is no defense at all.

Finally, there is strong evidence that the ADA has harmed Americans with disabilities by making it more expensive for employers to hire them. As the Cato Institute found in 2000, a 10 percent reduction in employment among disabled people has occurred since the passage of the Act. If the ADA has harmed Americans, how much worse would the much more expansive CPRD be for them?

Ratification of CPRD would harm the American economy, national sovereignty, and the prospects of people with disabilities. The only people it would benefit would be national and international bureaucrats. The Senate should reject it.