

**Testimony of
Special Adviser for International Disability Rights Judith Heumann
Before the
Senate Foreign Relations Committee
At a hearing on the Convention on the Rights of Persons with Disabilities**

Thursday, July 12, 2012

Chairman Kerry, Ranking Member Lugar and Members of the Committee, thank you for the opportunity to appear before you this morning to speak in support of ratification of the Convention on the Rights of Persons with Disabilities, which both the President and the Secretary of State strongly endorse. Ratification of the Disabilities Convention by the United States would be a shining moment in this nation's enduring commitment to advancing and promoting disability rights both at home and abroad. I am privileged to have this opportunity to speak to you on behalf of the Administration, drawing from my life-long personal and professional commitment to promoting the rights of persons with disabilities in the United States and abroad.

As the Special Adviser for International Disability Rights at the U.S. Department of State, I firmly believe ratification will help us to advance our diplomacy abroad, enabling us to highlight how our advances have helped improve the lives of millions of disabled people and their family members. I grew up at a time when our country was just beginning to realize the value of ensuring the rights of persons with disabilities. Thanks to unstinting leadership from parents and disabled people, and the advocacy of many people, including members of Congress and disabled veterans, we had begun the process of recognizing that our society should respect and promote the dignity, equality and contributions of disabled individuals. However, as a child I did not have the benefit of accessible communities, inclusive schools, or accessible transportation. Without even simple curb cuts, I wheeled in the streets amongst oncoming traffic. I could not ride our buses or trains. I was not allowed to go to school until I was nine years old, and then received poor quality education segregated from the rest of my peers. When I applied for my first job as a teacher, I was initially denied my certification simply because I could not walk.

Today, I am proud to say that such blatant forms of discrimination are no longer permissible in our society. The United States has been a leader in this area.

With strong legislation and effective enforcement honed over more than four decades of experience, Americans with disabilities are respected and included in our society to a degree unrivalled in our history. We can live, work and travel with our fellow citizens, and we see Americans with disabilities serving at the highest levels of government and industry. Unfortunately, the same cannot be said for the majority of the one billion disabled people around the world, or Americans with disabilities, including veterans, who live, work, serve, retire, study, travel, and reside abroad. In developing countries it is estimated that ninety percent of children with disabilities do not attend school. Many disabled children are killed at birth simply because of their disability. I know from my own international work that basic physical access for disabled people is still a dream in many countries, and that enduring cultural stigmas force people with disabilities, who yearn to work and contribute to their families and societies, into abject poverty. I have also experienced first-hand the frustration of travelling in places where it is unfathomable that a significantly disabled person like me would ever leave their home, much less wish to board an international flight.

Against this backdrop of exclusion and discrimination is the vision of progress that we have achieved in the United States, made real through the rule of law, which inspired the international community to draft the Disabilities Convention. At its core, the Convention seeks to ensure that persons with disabilities enjoy the same rights as everyone else and lead their lives as do other individuals, if given the same opportunities. As with the comprehensive network of U.S. federal disability law, the Convention expresses the principles and goals of *inclusion, respect for human dignity and individual autonomy, accessibility, and equal enjoyment of rights*. Equality of opportunity and nondiscrimination are the primary principles permeating both the Convention and U.S. domestic disability law. They animate the important issues addressed by the Convention, including: political participation; access to justice; respect for home and the family; education; access to health care; employment; freedom of expression; and respect for individual autonomy including the freedom to make decisions about how a person wishes to live their life. By requiring equality of opportunity and reasonable accommodation for persons with disabilities, the Convention is reflective of the principles of U.S. disability law, drawn from such core legislation as the Americans with Disabilities Act (ADA), the Rehabilitation Act, and the Individuals with Disabilities Education Act (IDEA). This principle of equality is of course enshrined in the Fifth and Fourteenth Amendments to the United States Constitution.

Given that the Disabilities Convention is animated by the principles underlying U.S. disabilities law, and that it does not create new rights for disabled people, no new legislation would be required to implement the Convention if ratified with the recommended reservations, understandings, and declaration. Significantly, the United States would implement its obligations under existing law; the Convention would not give rise to any new individually enforceable rights. Therefore, you may ask why we should bother to ratify the Convention? Simply put, ratification of the Disabilities Convention will strengthen U.S. interests. It will promote tangible benefits for U.S. business and the approximately 50 million Americans with disabilities, including the 5.5 million American veterans with disabilities, who wish to live, work, serve, retire, study, travel, and reside abroad. By ratifying this Convention we will be putting ourselves in a position to assist our international partners to do as much as we have done domestically to enhance disability rights.

Prior to the adoption of the Convention, fewer than 50 countries around the world had adopted some form of non-discrimination legislation to protect the rights of persons with disabilities. Ratification of the Convention by over 114 countries has since led to a dramatic increase in international interest in addressing the rights of persons with disabilities. However, overall standards of protection around the world typically remain subpar, as does enforcement of the protections that do exist. Such conditions limit opportunities abroad for Americans with disabilities. U.S. citizens with disabilities frequently face barriers when they travel, conduct business, study, serve, reside, or retire overseas. With our extensive domestic experience in promoting equality and inclusion of persons with disabilities, the United States is uniquely positioned to help interested countries understand how to effectively comply with their obligations under the Convention. Indeed, provision of such technical assistance and knowledge sharing forms an important part of my work with the Department of State. However, the fact that we have yet to ratify the Disabilities Convention is frequently raised by foreign officials, and deflects from what should be center stage: how their own record of promoting disability rights could be improved. Though I take great pride in the U.S. record, it is frankly difficult to make best use of the “bully pulpit” to challenge disability rights violations on behalf of Americans with disabilities and others, when we have not ratified the Convention. Ratification would give the United States legitimacy and a platform from which to push for the adoption and implementation of the Convention’s standards in other countries. This in turn will likely result in concrete improvements (such as fewer architectural barriers and accessible air travel) in those nations that bring their national laws into compliance, thus

affording greater protections, opportunities and benefits to the millions of U.S. citizens with disabilities who currently face barriers abroad.

Our failure to ratify has also undermined our advocacy for persons with disabilities in multi-lateral and regional fora, where ratification of the Convention has become a de-facto pre-requisite for meaningful engagement in discussions on promotion of disability rights. For example, by ratifying we would be able to amplify our voice in the Disabilities Convention's Conference of States Parties, to which the United States sends delegations of disability rights experts but currently only as an observer. This severely curtails the role that the United States can play in such meetings, particularly as more countries ratify. By joining the 114 other States Parties to the Convention, we could help shape the international disability agenda by taking a more prominent role in future Conferences, shaping and leading Conference meetings and panel discussions and more actively contributing to the international disability rights dialogue. We will be a leading force in the drive to both improve lives and increase understanding and cooperation among States, as well as to impact the development of international standards on accessibility. Disability diplomacy will have a positive effect on overall bilateral and regional diplomacy of the United States, by allowing us to leverage the shared value of disability rights to promote dialogue on other issues of importance to U.S. foreign policy. We have found that inclusion of disability rights in the work of the State Department amplifies our ability to achieve our broader foreign policy objectives. However, this work is unduly hampered by our not having a seat at the table as a State Party.

Ratification would also be good for American business. By encouraging other countries to join and implement the Convention, we would also help level the playing field to the benefit of U.S. companies. It would enhance the competitive edge for our companies whose operations and hiring already meet accessibility requirements. Guiding and encouraging improved disability standards abroad would also afford U.S. businesses increased opportunities to export innovative products and technologies (such as electronic wheelchairs and other mobility devices, as well as accessible computers and electronics), thereby potentially stimulating job creation at home. As accessibility standards become more harmonized – a business objective that the United States can more credibly support if it becomes a State Party – the competitive edge increases for U.S. companies even further with the opening of markets.

As I travel and meet disabled people from around the world, I am often reminded of how far we have come in the United States over the course of my

lifetime, and how far so many countries have yet to go in ensuring that persons with disabilities are full and equal members of their societies. I also meet Americans with disabilities and their family members, who talk of the struggles they have faced abroad to live, work and study with dignity and respect. Just as the ADA and related laws have become the gold standard for domestic disabilities legislation, U.S. ratification of the Disabilities Convention would represent a paradigm shift in the international treatment of persons with disabilities. The treaty is anchored in the overarching principles of inclusion, equality, and non-discrimination that Americans already value at home. Ratification would serve both to underscore the enduring U.S. commitment to disability rights and to enhance the ability of the United States to promote these rights overseas. U.S. ratification would better position the United States to exercise its leadership role to guide and encourage other countries to ratify and implement the Convention. Leading by example, in what we do and what we say, is a hallmark of America's principles and policies. Any opportunity that we have to positively influence the practice of other countries in respecting the rights of persons with disabilities helps to create a world in which Americans with disabilities can promote American values by pursuing travel, work and study abroad unhindered by the barriers they currently face. Such opportunities can only be enhanced by our ratification of the Disabilities Convention.

In sum, ratification is good for America and good for Americans. It will provide the United States with a critical platform from which to urge other countries to improve equality of individuals with disabilities, including Americans who travel or live abroad, and including children with disabilities, whose plight is particularly neglected in many parts of the world. The transformation which paved the way in the United States for children with disabilities to grow up with their families, go to school, and live as full participants in society has simply not taken place in much of the rest of the world. To promote the rights of individuals with disabilities overseas more effectively, the United States can use its ratification of the Convention as a vehicle to encourage, guide, pressure, and persuade other States Parties to implement better disability standards and provide greater disability rights protection in their countries, including to Americans. Ratification is a win-win, as protections in the United States would not need to be changed, and joining would not affect U.S. sovereignty. Ratification would open up opportunities for U.S. citizens, organizations, and businesses abroad, including our disabled youth, who rightly expect to be full participants in shaping our world's future.

Ratification of the Disabilities Convention would mark a momentous step toward the protection and advancement of the rights of persons with disabilities wherever they may live. It is a significant step for both its profound impact on our diplomatic leadership and for its tangible benefits to everyday Americans. Finally, in keeping with America's long-standing bi-partisan tradition of support for the rights of disabled people, ratification of the Disabilities Convention is the right and just thing to do.