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 **MEMO**

**UPDATE**

**Ratification Process of the UN Convention on the rights of persons with disabilities in the United States.**

**Centre on Disability Law & Policy, National University of Ireland, Galway.**

[**www.nuigalway.ie/cdlp**](http://www.nuigalway.ie/cdlp)

28 November, 2012.

The US Senate must give its ‘advice and consent’ before a treaty can be ratified (Article II, section 2, paragraph 2 of the US Constitution).

This takes a two thirds majority or 67 Senators voting in favour. Normally, the Executive Branch (White House) initiates the process by signing the treaty and then by transmitting it for consideration by the Senate. And normally the communication of transmittal contains the Executive Branches’ appraisal of the treaty, whether ratification is considered to be in the national interest, whether legislation is needed as well as its suggested Reservations Understandings and Declarations (RUDs).

Usually a debate is held in Committee (normally the US Senate Committee on Foreign relations) and a vote is taken to transmit to the plenary. If the full vote is successful in plenary – i.e., a Resolution is adopted conferring ‘advice and consent’ then it is up to the Executive Branch to execute it by depositing the instrument of ratification (in this instance with the UN). The ‘advice and consent’ resolution may contain the Senate’s variation of any proposed RUDs or may indeed contain new RUDs. The terms of the Resolution are binding on the Executive Branch.

The following key moments together with associated documents and podcasts should be consulted to track the US process.

**1. Signing the UN CRPD by the Executive Branch. 24 July, 2009.**

President Barack Obama signed a U.N. Convention on the Rights of

Persons with Disabilities Proclamation on the 24th of July, 2009.

US Ambassador to the United Nations Susan Rice then proceeded to sign the United Nations Convention on the Rights of Persons with Disabilities on behalf of the United States on July 30, 2009 at the United Nations in New York City.

See remarks by the President of the United States on signing of U.N. Convention on the Rights of Persons with Disabilities Proclamation, (July 24, 2009):

* <http://www.whitehouse.gov/the-press-office/remarks-president-rights-persons-with-disabilities-proclamation-signing>

**2. Transmission of the Convention by the Executive Branch to the Senate. 17 May, 2012.**

Message from the President of the United States transmitting the Convention on the Rights of Persons with Disabilities to the United States Senate. Available at: <http://www.gpo.gov/fdsys/pkg/CDOC-112tdoc7/pdf/CDOC-112tdoc7.pdf>

For the RUDs proposed by the Executive Branch see: Reservations – page 1 of the executive summary, Understandings – page 1 of the executive summary, Declarations – page 2 of the executive summary.

**3. Hearing and Witness Testimony before the US Senate Committee on Foreign Relations. 12 July, 2012.**

U.S. Senate Committee on Foreign Relations, *Hearing:  Convention on* the *Rights of Persons with Disabilities (Treaty Doc. 112-7),*( July 12, 2012), Recording and submissions available at: <http://www.foreign.senate.gov/hearings/hearing_convention-on-the-rights-of-persons-with-disabilities-treaty-doc-112-7>

**4. Report of the US Senate Committee on Foreign Relations. 31 July, 2012.**

The Committee on Foreign Relations Report, together with Minority

Views, 112th Congress, 2nd Session, (July 31, 2012). Available here: <http://www.foreign.senate.gov/treaties/details/112-7>

For RUDs proposed by the US Senate Committee on Foreign Relations in its’ report, see: Reservations – page 12, Understandings – page 13,

Declarations – page 14

**5. Full Plenary Debate in US Senate on ‘advice & consent.’ 27 November, 2012.**

The US Senate began consideration of the Convention on the Rights of Persons with Disabilities, during the 112th Congress on the 27th November, 2012.

Please click [here](../Transcript%20US%20Senate%2027%20November%202012.html) for a transcript of the Senate Proceedings on the 27th of November, 2012.

Discussions on the U.S ratification of the Convention on the Rights of Persons with Disabilities are ongoing in the U.S Senate.

You should check regularly with wither C-Span ([www.c-span.org](http://www.c-span.org)) for video or with the Senate’s website ([www.senate.gov](http://www.senate.gov)).

Key Resource: US International Council on Disability: [www.ucicd.org](http://www.ucicd.org)