



Peace and Justice Commission

CONSENT CALENDAR

September 15, 2015

To: Honorable Mayor and Members of the City Council  
From: Peace and Justice Commission  
Submitted by: George Lippman, Chairperson, Peace and Justice Commission  
Subject: Convention on the Rights of Persons with Disabilities

RECOMMENDATION

Adopt a Resolution calling on the U.S. Senate to ratify the Convention on the Rights of Persons with Disabilities without delay; and send a copy to elected officials, and listed parties.

FISCAL IMPACTS OF RECOMMENDATION

Unknown

CURRENT SITUATION AND ITS EFFECTS

US Senate failed to confirm the treaty in Dec. 2012, when it came on the Foreign Relations Subcommittee floor. Since the treaty is based on the Americans with Disabilities Act of 1990, and since the US helped draft the treaty, it appears that the opposition to it reflects partisan politicking. Other governments and international NGO's have cried "shame" to the US government and are looking for ways to encourage ratification by the US Municipalities. Grassroots NGO's in this country and abroad are eager to have the US join this treaty.

At the meeting of 2 February 2015, the Peace and Justice Commission approved the following motion:

M/S/C (Maran/Bohn) That the Council of the City adopts a Resolution to call on the U.S. Senate to ratify the Convention on the Rights of Persons with Disabilities without delay and to send a copy of the Resolution to listed elected representatives and other listed individuals.

Ayes: Bohn,D.; Herrera,A.; Kenin,W.;, Lippman, G.; Maran, R; Meola,B.;  
Meola,S; Nicely, M.; Nuruddin,M.; Sochet, N.

Nays: None

Abstain: None

Absent: Bakla, O.

Excused: Peirotas, V

Result: Motion Passed

### BACKGROUND

In June 2009, the US government was the 142<sup>nd</sup> nation to sign the Convention on the Rights of Persons with Disabilities (CRPD), a 50-article treaty that elaborates in detail the rights of persons with disabilities; and covers, *inter alia*, civil and political rights, accessibility, participation and inclusion, the right to education, health, work and employment and social protection. The US Senate has not ratified the CRPD. While the Convention does not require countries to implement measures they cannot afford, it does require countries to progressively work toward measures that ensure persons with disabilities better access to transportation, education, employment and recreation.

The Convention recognizes that a change of attitude in society is necessary if persons with disabilities are to achieve equal status; and nations that ratify the treaty agree to enact laws and other measures to improve the rights of persons with disabilities, and also to abolish legislation, customs and practices that discriminate against persons with disabilities. The CRPD reflects the fundamental principles and practices of The Americans with Disabilities Act of 1990.

The City of Berkeley is a world-renowned center of activities on behalf of advancing, promoting, protecting, negotiating, and litigating the rights of persons with disabilities. The Ed Roberts Campus, opened in Berkeley in April 2011, houses numerous non-governmental organizations whose missions relate to the rights of persons with disabilities as laid out in the CRPD.

### ENVIRONMENTAL SUSTAINABILITY

No known environmental effects

### RATIONALE FOR RECOMMENDATION

The Peace & Justice Commission's recently-established Subcommittee on the Convention on the Rights of Persons with Disabilities is to carry out educational and advocacy activities with respect to the objectives of the Convention, and in keeping with the City of Berkeley's significant role in promoting and protecting the rights of persons with disabilities.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CITY MANAGER

The City Manager takes no position on the content and recommendations of the Commission's Report

### CONTACT PERSON

Manuel Ramirez, Acting Secretary, Peace and Justice Commission	510-981-5261
George Lippman, Chairperson, Peace and Justice Commission	510-517-8379
Bob Meola, Vice-Chairperson, Peace and Justice Commission	510-644-1102

Attachment

1. Resolution

RESOLUTION NO. ##,###-N.S.

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

WHEREAS, the Peace and Justice Commission of the City of Berkeley advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 3.68.070); and

WHEREAS, the Peace and Justice Commission established the Subcommittee on the Convention on the Rights of Persons with Disabilities (CRPD) in 2014 for the purpose of continued attention to promotion and protection of the rights of persons with disabilities, as laid out in the CRPD; and

WHEREAS, the CRPD reaffirms that the principles of equality, non-discrimination, and human rights apply to all persons under all circumstances in a manner that is inclusive and respectful of human dignity; and

WHEREAS, in June 2009, the US government was the 142<sup>nd</sup> nation to sign the CRPD, a 50-article treaty that elaborates in detail the rights of persons with disabilities; and covers, *inter alia*, civil and political rights, accessibility, participation and inclusion, the right to education, health, work and employment and social protection; and

WHEREAS, the US Senate has not ratified the CRPD; and

WHEREAS, while the Convention does not require countries to implement measures they cannot afford, it does require countries to progressively work toward measures that ensure persons with disabilities better access to transportation, education, employment and recreation; and

WHEREAS, the Convention recognizes that a change of attitude in society is necessary if persons with disabilities are to achieve equal status; and

WHEREAS, nations that ratify the treaty agree to enact laws and other measures to improve the rights of persons with disabilities, and also to abolish legislation, customs and practices that discriminate against persons with disabilities; and

WHEREAS, the CRPD reflects the fundamental principles and practices of The Americans with Disabilities Act of 1990; and

WHEREAS, the City of Berkeley is a world-renowned center of activities on behalf of advancing, promoting, protecting, negotiating, and litigating the rights of persons with disabilities; and

WHEREAS, the Ed Roberts Campus, opened in Berkeley in April 2011, houses numerous non-governmental organizations whose missions relate to the rights of persons with disabilities as laid out in the CRPD; and

WHEREAS, acknowledging with respect and appreciation the early contributions to this field of law by California State Supreme Court Justice Frank C. Newman who, on the bench and as Dean and Professor of Law of the University of California Berkeley School of Law until his death in 1996, developed innovative legal and legislative principles on the rights of persons with disabilities, including mental disabilities, in advance of their acceptance into law.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council calls on the U.S. Senate to ratify the Convention on the Rights of Persons with Disabilities without delay.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley directs the City Clerk to send a copy of this resolution to the following:

- Senator Dianne Feinstein
- Senator Barbara Boxer
- Former Senator Robert Dole
- Former Senator Tom Harkin
- Representative Barbara Lee
- Representative Eric Swalwell
- Former Representative George Miller
- Rick Smith, Executive Director, Ed Roberts Campus
- Zeid Ra'ad Zeid al-Husseini, UN High Commissioner for Human Rights
- UN Committee on the Rights of Persons with Disabilities
- Akiko Ito, United Nations Disabilities Officer, New York Headquarters