

The State Department welcomes the ULC's interest in establishing a study committee to consider the feasibility of drafting uniform state legislation to implement the consular notification requirements of Article 36 of the Vienna Convention on Consular Relations (VCCR). The United States takes its obligations under the VCCR very seriously and is mindful of the importance of the convention's protections to ensuring that consular services can be provided to American citizens who are detained abroad. The Department has long worked through a variety of means to increase compliance with the requirements of the VCCR at the federal, state, local, and territorial levels. We believe that future VCCR compliance is best advanced through guidance, training, and model policies and practices.

We believe that, in the vast majority of cases, federal, state and local law enforcement personnel provide consular notification and access in accordance with VCCR Article 36. However, uniform state legislation implementing the consular notification requirements of Article 36 would significantly benefit our efforts to ensure consular notification and access in every case. As the ABA's [American Bar Association's] recent report on the VCCR notes, currently only three states have enacted laws concerning consular notification requirements, and each of these three addresses the requirements quite differently. Model legislation from the ULC would go a long way in furthering our aim of across-the-board and consistent compliance with our obligations under Article 36.

We note that it has been the longstanding position of the Department that consular information should be provided to those who have been arrested or detained as part of the booking process. As the ULC considers the feasibility of drafting model legislation to implement the requirements of Article 36, the Department would welcome an opportunity to consult with you.