
The Delaware Developmental Disabilities Council supports the views and position of the National Arc Organization as our position on Human and Civil Rights for people with disabilities.

Human and Civil Rights

The human and civil rights of all people with intellectual and/or developmental disabilities¹ (I/DD) must be honored, protected, communicated, enforced and thus be central to all advocacy on their behalf.

ISSUE

Today, as throughout history, the human and civil rights of people with intellectual and/or developmental disabilities have been unjustifiably limited or denied based on a lack of understanding of their humanity. These rights include the right to autonomy, dignity, family, justice, life, liberty, equality, self-determination, community participation, property, health, well-being, access to voting, freedom from unwarranted and unjustifiably extensive guardianship, equality of opportunity, and other rights recognized by law or international declarations, conventions, or standards.

Though freedom from discrimination is a basic human right accepted as part of the fundamental law of the land, advancing the human and civil rights of people with intellectual and/or developmental disabilities presents particular challenges.

Many individuals, businesses, federal, state, and local government agencies and other entities remain unaware of or ignore the human and civil rights of people with intellectual and/or developmental disabilities. As a result, people with

rights violations, we emphasize that all are entitled to human and civil rights regardless of age, gender, race/ethnicity, sexual orientation, cultural, linguistic, geographic, and spiritual diversity, economic status, severity of disability, intensity of needed supports, or other factors that expose them to increased risk of rights violations.

These rights include the rights to autonomy, dignity, family, justice, life, liberty, equality, self-determination, community participation, property, health, well-being, access to voting, and equality of opportunity and others recognized by law or international declarations, conventions, or standards. All people with intellectual and/or developmental disabilities must have the right to supports they need to exercise and ensure their human and civil rights. Local, state, federal, and international governments must strongly enforce all human and civil rights.

Human Rights in Delaware must include:

- Public Policy that supports a voluntary community-based health system that safeguards human dignity and respects individual autonomy.
- Treating professionals shall provide understandable information and explanation relative to risks and benefits of treatment, to the person (patient) and/or his or her legal guardian or legally authorized representative.
- Federal, state, and local governments, including education, health care, social services, juvenile justice, and civil rights enforcement agencies, work together to reduce the placement of children and young adults with disabilities, particularly those labeled seriously emotionally disturbed, in correctional facilities and other segregated settings. These placements are often harmful, inconsistent with federally-protected right to a free and appropriate public education, and unnecessary if timely, coordinated, family-centered supports and services are made available in mainstream settings.



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they choose, access an effective, flexible, consumer/survivor-driven system of supports and services in the community." (From Privileges to Rights: People Labeled with Psychiatric Disabilities Speak for Themselves. National Council on Disability, 2000)

- Supported Decision-Making must be included in the continuum of options that exist between full civil rights and decision-making at one end and full Court Appointed Guardianship at the other end. Courts should have the ability to educate Guardianship petitioners the option of Supported Decision-Making prior to appointing a Legal Guardian. People and families should have the option made available to them to choose Supported Decision-Making rather than Legal Guardianship is that is what will meet the needs of the individual.

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Joint statement with the American Association on Intellectual and Developmental Disabilities (AAIDD).

¹“People with intellectual disability and/or developmental disabilities” refers to those defined by the AAIDD classification and DSM IV. In everyday language they are frequently referred to as people with cognitive, intellectual and/or developmental disabilities although the professional and legal definitions of those terms both include others and exclude some defined by DSM IV.

