



SELF-STUDY GUIDE: HUMAN RIGHTS PROMOTION & PROTECTION

Unit I: The Basics of Human Rights

1) Human Rights:

Human Rights are the basic rights and freedoms that all people are entitled to regardless of their nationality, gender, race, socioeconomic status, religion, language, disability, etc. They are the civil, political, economical, social and cultural rights that belong to all human beings.

-In the past, people with disabilities have not been treated as equals. Today, people with disabilities are equal before the law. People with disabilities have the same rights as everybody else.



There are some rights that protect our basic human dignity, our bodies and what we do at home. They include:

a. Equality: *We have the right to be treated as equal citizens.*

- We have the legal right to make decisions for our lives
- We have the equal right to live on our own in the community
- We have an equal right to work, in a job we choose, and to earn a decent living
- We have a right to an equal education, side by side, with everybody else
- We have an equal right to vote and have a say in laws and policies that affect us
- We have an equal right to be able to get to and use public spaces and public services
- We have the right to take equal part in arts, sports and leisure
- We are regular people and have the right to be treated as any other person

b. Safety: *We have the right to be safe from violence and abuse.*

- We have a right to be safe both at home and in our community
- Police should be trained about disabilities
- The state should seek out and punish those who abuse individuals who have disabilities

c. **Home and Family: *We have the right to be part of a family – and to start one.***

- Everyone deserves to be part of a family
- We have the right to form loving relationships
- We can love whoever we want
- We have the right to get married if we choose
- Our bodies and our sexuality are good things
- We should not be stopped from having children just because of our disability

d. **Privacy: *We have the right to privacy, no matter where we live.***

- What we do in our room is our business
- We decide what others can know about our lives
- No one can read our letters or listen to our phone calls unless we say it is okay
- Staff have no right to tell other people about my private business
- We have the right to spend time alone with our sweetheart

II. Disability History Timeline

The following years highlight significant events and legislation that affected the rights of Americans with disabilities:



1817: ***The American School for the Deaf*** is founded in Hartford, Connecticut. This is the first school for children with disabilities anywhere in the Western Hemisphere.

1883: Americans embrace the ***"eugenics movement"*** by passing laws to prevent people with disabilities from moving into the U.S., marrying or having children. Eugenics laws led to the institutionalization and forced sterilization of children and adults with disabilities.

1927: ***The Buck vs. Bell Supreme Court decision*** ruled that forced sterilization of people with disabilities was not a violation of their constitutional rights. Nationally, 27 states began sterilization of the "undesirables" and by the 1970's over 60,000 people with disabilities were sterilized without their consent.

1940: ***The American Federation of the Physically Handicapped*** was founded to end job discrimination, lobby for legislation and work towards other disability rights.

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1946: *The National Mental Health Foundation* was established, exposing the abusive conditions in mental health hospitals.

1965: *Medicare and Medicaid* were established, providing federally subsidized healthcare to disabled and elderly Americans covered by the Social Security program.

1975: *The Education of All Handicapped Children Act* required free, appropriate public education in the least restrictive setting. This Act was later renamed the Individuals with Disabilities Education Act.

1988: *The Fair Housing Act* amendments prohibited housing discrimination against people with disabilities and families with children.

1990: *The Americans with Disabilities Act* was signed, providing civil rights protection for people with disabilities. It mandated that local, state and federal governments and programs be accessible, that businesses with more than 15 employees make reasonable accommodations for workers with disabilities, and that public businesses, such as restaurants and stores, make reasonable modifications to ensure access for patrons with disabilities. The act also made changes to access in public transportation, communication and other areas of public life.

2000: *The Developmental Disabilities Assistance and Bill of Rights Act* authorized grant funds to provide civil rights protection, education early intervention, childcare, health, employment, housing, transportation, recreation, family support and other services.

2004: *The Assistive Technology Act* was aimed at getting more assistive technology in the hands of consumers.

2010: *Rosa's Law* changes the terms "mental retardation" and "mentally retarded" to "intellectual disabilities" and "intellectually disabled" in federal laws regarding education, employment and certain health care programs.



Think About It

The people we support have faced a great deal of adversity and hardship throughout history. What challenges do they continue to face despite the progress that has been made for disability rights? Have you ever witnessed a person with disabilities being discriminated against?



Unit III: Self-Determination and Dignity of Risk

Self-Determination means that every person has a right to make their own decisions. All adults have a capacity to make decisions on their own behalf.

Advocacy is the act of arguing on behalf of a particular issue, idea or person. All InReach staff are responsible for advocating for the rights of each individual we support.

Dignity of Risk

We cannot be overprotective of the individuals we serve. We all learn and grow from our life experiences. We evolve as human beings by both our successes as well as our failures. Just because a person has different abilities doesn't mean that they shouldn't be given the same right and dignity to feel the joy of accomplishments and the hardship of defeats as they develop as a person throughout their lifetime.

Our job is to determine if safety or health is in danger as we support individuals' rights to make choices and decisions.

**TAKE A RISK
MAKE A MISTAKE
LEARN SOMETHING NEW**

BYESHA



Think About It

What if....

- ***You never got to make a mistake?***
- ***Your money was always kept in an envelope where you couldn't get to it?***
- ***You were always treated like a child, even if you had the mental capacity of an adult?***
- ***Your only chance to be around individuals different from you was when you were with your family?***
- ***You had the ability to go somewhere, but then couldn't because somebody else misbehaved?***
- ***You never had opportunities to make decisions?***
- ***The only risky thing you could do was "act out"?***
- ***You took the wrong bus once so now you aren't allowed to take another one by yourself?***
- ***You worked all day and only got paid \$0.46/hour?***
- ***You had no privacy?***
- ***You never got a chance?***

How would you like every part of your life being monitored, daily notes being written about you and a team discussing the progress you're making in achieving your goals? Are you even meeting your goals now, or have you had to put a few on hold? Do you have any struggles in life, any areas that you need to work on? How would you feel if your human rights were restricted?

The people we support go through this every day.



Scenario:

Dignity of Risk

Susan has lived in the group home for seven years. Her Person-Centered Plan does not address her ability to access her community independently. She would like to go to the local coffee shop each day by herself. Her team is concerned about her safety because she has never been out on her own without a companion and the coffee shop is six blocks away. Also, Susan would have to cross a busy intersection.

- 1) What safety issues are you able to identify?
- 2) How would you help prepare Susan for exercising her right to go to the coffee shop while minimizing her risks?

In Susan's situation, we must consider the following:

- Is Susan able to cross the street safely? How are we able to determine that?
- Is she able to count money for purchases? How are we able to determine this?
- What are her social skills with strangers? How are we able to find out if we don't know?
- What additional supports may Susan need?
- What else do we need to consider in this situation?



Unit IV: Guardianship

Guardianship is when a person or agency is appointed by a court to make decisions and act on behalf of another person because, due to their mental and/or intellectual disability, are unable to manage their own personal and/or financial affairs.

- Even if a person has been appointed a guardian he or she still has the right to participate as much as possible in decisions that affect his or her life. People still have human and civil rights regardless of having an intellectual disability or a mental illness
- Guardianship must be reviewed from time to time to determine if the individual's rights can be returned partially or completely



If guardianship is not in place then the person must give informed consent to receive services. **Informed consent** is when agreement with full information is made without force, fraud, deceit, coercion or undue influence. Written agreement or consent is given after being understood, and information may be adapted to the person's level of understanding or disability.

Unit V: Reporting Abuse, Neglect or Exploitation

Under North Carolina Law, Our Customers Have the Right to:

- **Dignity, privacy humane care and freedom from prohibited procedures**
- **To be informed of his or her rights**
- **To receive services in the least restrictive manner**
- **To terminate and/or participate in his or her Plan of Care meetings**
- **To have access to personal money and belongings**
- **To have access to and/or refuse medical care**
- **To be free from unnecessary or excessive medication**
- **The right to dispose of property**
- **The right to make purchases**
- **The right to enter into relationships**
- **The right to vote**
- **The right to bring about civil actions**
- **The right to marry and divorce**

WE ARE LEGALLY OBLIGATED TO REPORT SUSPECTED ABUSE, NEGLECT OR EXPLOITATION OF ANY CUSTOMER WE SERVE.

What is Abuse? Physical or emotional mistreatment or injury



Signs of Possible Abuse:

- Unusual and unexplained bruises
- Welts, fractures or burns in various stages of healing or in the shape of an object (rope, belt..)
- Clothing inappropriate for the weather
- Inadequate shelter or medical care
- Any deliberate confinement of an adult in a dangerous environment

What is Neglect? Lack of sufficient or proper care



Signs of Possible Caretaker Neglect:

- Failure to provide adequate food, shelter, clothing and attention to personal and nonessential things
- Failure to manage resources to meet needs
- Failure to provide a safe living situation that is not hazardous to health and safety
- Failure to provide adequate supervision
- Failure to provide and/or arrange for medical needs

What is Exploitation? To use someone for personal gain or profit



Signs of Possible Exploitation:

- Unexplained withdrawals of money
- Using deceit, scams or coercion to obtain money
- Unusual interest in the person's finances
- Unusually large payments for services rendered

To Report in Mecklenburg County, Call 704-336-CARE (2273)

Unit VI: Customer Rights Assessment Strategy

When there is a concern or an issue, ask yourself the following:

1) Are rights involved?

If so, whose rights?

2) Is health or safety involved?

Is it a health or safety concern to the individual, you or others?

Or is there a Dignity of Risk issue?

Could this be a learning experience for the individual? Sometimes we learn best from our mistakes.

3) Are the rights of others involved?

Are other customers' rights being violated?

Are your rights being violated?

4) What is the least restrictive intervention?

We must support the individual's right to exercise his/her rights in a safe environment

5) Do you need to adapt the intervention to the individual's disability level?

When discussing safety concerns, such as "stranger danger", you may have to explain it in a way that the individual will understand. One person may understand the concepts of rape and assault, while another may need information in a different manner.



Unit VII: Ways to Promote and Protect Customer Rights

#1. Recognize Customer Rights.

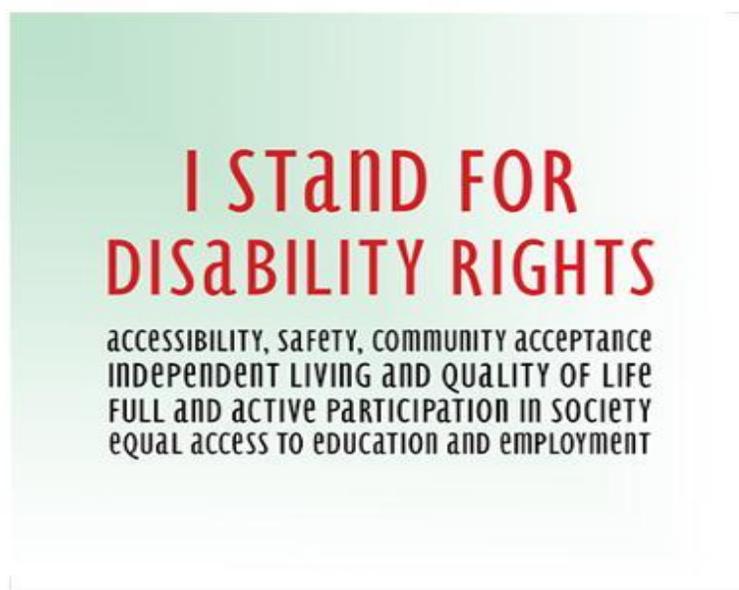
- Educate individuals about their rights
(We are required to do this at least once a year)
- Advocate for the rights of the individuals we serve
- Enforce what is written in the individual's Person Centered Plan

#2. Provide Opportunities and Supports for People to Exercise their Rights.

- Customers have a right to choose to do or not do something at any time. They also have a right to experience the consequences of their choices. We must allow the "dignity of risk" as long as safety and/or health are not in danger
- Individuals may give informed consent to not exercise any given rights
(ex. Representative Payee for social security benefits)

#3. Discuss Rights Challenges with Your Supervisor.

- **Do not restrict rights without a Behavior Intervention Plan & Person Centered Plan with informed consent from the individual or guardian and approved by the Human Rights Committee**
- Report any concerns to your supervisor (verbal report, progress note, and/or Incident Report)
- Ensure positive behavioral supports have been used
- Ensure the individual understands the natural consequences of their choice
- Evaluate the situation in a team environment with the customer



Unit VIII: InReach and Customer Rights

InReach has a Customer Rights Hotline for customers to report rights restrictions, grievances and concerns at **1-800-560-2352**.



The Human Rights Committee is Responsible for the Following:

- Investigate and review rights complaints/grievances including the calls that are received by the InReach Hotline
- Review policies and procedures that deal with customer rights and treatment
- Review pending involuntary discharges
- Review and approve behavior intervention plans
- Review psychotropic medications, which may be considered a form of chemical restraint
- Review level II and III incidents involving rights/legal representation/due process

InReach Core Values:

Respect

Advocacy

Support

Stewardship

Innovation

InReach staff must uphold the rights and dignity of all individuals that we support.

THE UNITED NATIONS - THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1:

- All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3:

- Everyone has the right to life, liberty and security of person.

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Article 4:

- No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5:

- No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6:

- Everyone has the right to recognition everywhere as a person before the law.

Article 7:

- All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8:

- Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9:

- No one shall be subjected to arbitrary arrest, detention or exile.

Article 10:

- Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11:

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12:

- No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.

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Article 13:

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14:

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15:

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16:

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17:

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

Article 18:

- Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19:

- Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20:

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

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Article 21:

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22:

- Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23:

- (1) Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24:

- Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25:

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27:

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28:

- Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29.

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30.

- Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.