

NACDD Position Statement with Policy Recommendations Civil Rights of People with Disabilities

NACDD believes that all people, including those with disabilities, are entitled to basic civil rights within our society. NACDD believes that federal policies must protect and enforce the civil rights of people with disabilities, including their personal, economic and political rights.

The enactment of the Americans with Disabilities Act in 1990 established broad civil rights protections for persons with disabilities, comparable to those that were addressed in the landmark Civil Rights Act of 1964 for other groups. In 2008 Congress passed the ADA Amendments Act to reinforce and reemphasize the intended protections for persons with disabilities that had been seriously eroded through judicial decisions over the prior 18 years.

Despite these and other civil rights laws, people with disabilities are often not afforded the same rights as individuals who do not have disabilities. People with disabilities continue to experience discrimination at much higher rates than the general population in many areas, including education, employment and housing. In addition, individuals with disabilities, collectively and individually, frequently encounter obstacles to exercise the most fundamental rights of living in a democracy— the right to vote and participate as equals in their communities.

Policy Recommendations

The federal government should take all necessary action to ensure the vigorous enforcement of civil rights of people with disabilities, including:

- Promote stronger enforcement and oversight of existing civil rights laws for people with disabilities, including the Americans with Disabilities Act; Individuals with Disabilities Education Act (IDEA); Fair Housing Act; Civil Rights of Institutionalized Persons Act (CRIPA); Sections 503, 504 and 508 of the Rehabilitation Act; Help America Vote Act (HAVA); National Voter Registration Act; Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act; Genetic Information Nondiscrimination Act; and Air Carrier Access Act.
- Assure adequate funding for federal government entities to fulfill their responsibilities in enforcement of disability rights laws, including the Equal Employment Opportunity Commission (EEOC), the Election Assistance Commission (EAC), and civil rights offices in the Departments of Justice, Health and Human Services, Housing and Urban Development, Labor, Education, Homeland Security, and Transportation.
- Assure effective federal monitoring, oversight and enforcement of the U.S. Supreme Court's 1999 decision in *Olmstead v. L.C.* ((98-536) 527 U.S. 581) which clarifies that states have an affirmative responsibility under Title II of the ADA to operate programs

and provide services in a manner that ensures that people with disabilities receive services in the most integrated setting appropriate to their needs.

- Take action to assure that people with disabilities are able to fully and independently participate in the democratic process, including:
 - documentation of the extent to which implementation of the Help America Vote Act (HAVA) of 2002 has addressed the right of people with disabilities to vote privately and independently in any federal election,
 - development and implementation of recommendations to rectify continuing failures to meet the provisions of the law, and
 - provision of adequate funds to the Administration on Developmental Disabilities to support efforts to achieve full compliance with HAVA and assure the voting rights of people with disabilities.
- Assure adequate funding for all federal protection and advocacy programs for people with disabilities.
- Preserve and enhance legislation and social programs that protect the rights of children and youth with disabilities, particularly those who are served by foster care systems.
- Enact protections, including sanctions, against abuse, neglect, painful aversive therapies, and inappropriate use of physical, mechanical, and chemical restraints and seclusion in all settings.
- Enforce and strengthen laws that protect individuals with disabilities from bullying in schools, employment settings and other environments, including cyberbullying.
- Ensure that legislation dealing with issues such as physician-assisted suicide, stem cell research, end of life care, and research on human subjects includes protections against abuse and discrimination on the basis of disability.
- Affirm and uphold the rights of people with disabilities to exercise individual choice and control in their own lives to the maximum extent possible, including the right to choose where and with whom they live, and the opportunity to have meaningful relationships with others.
- Take action to ensure that the United States is an active leader in promoting the human and civil rights of children and adults with disabilities in all parts of the world, including specifically ratification of the UN Convention on the Rights of Persons with Disabilities and creation and funding for a research and training effort focusing on international cooperation on disability.