

Why the Human Rights Authority exists

The Human Rights Authority was established to protect the rights of individuals who receive mental health and developmental disabilities services. Its creation was recommended in the 1976 report by the Governor's Commission for Revision of the Mental Health Code of Illinois.

The Authority's main goal is to safeguard the rights of individuals receiving mental health and developmental disabilities services and prevent abuse. It does this by investigating complaints and potential violations of rights.

The Authority is organized into regional boards, which helps it address local issues effectively. It operates independently from service providers, including state agencies that deliver direct services, ensuring that its work is unbiased and self-directed. This independence is crucial for effectively advocating for the rights of individuals with disabilities.

The Authority is empowered to conduct investigations into complaints and gather evidence, fostering accountability and transparency. By recommending changes based on its findings, the Authority not only addresses current issues but also proactively prevents future violations. By serving as a collaborative forum for non-binding negotiations, it can help resolve disputes without litigation, promoting a more amicable resolution process that can lead to improved relationships between providers and those they serve and avoiding the barriers to access, costs, and delays associated with resolving matters in court.

How the HRA differs from other agencies that safeguard human rights

The Human Rights Authority is one component of a comprehensive framework aimed at safeguarding human rights in Illinois, which comprises several agencies designed to address different aspects of human rights issues. Together, these agencies ensure comprehensive oversight and support for the rights of all Illinoisians.

The Human Rights Authority operates independently to investigate complaints of rights violations by state-operated and community-based facilities and programs serving individuals with disabilities. Its primary focus is on protecting the rights of individuals in such settings established by state and federal law, including the Mental Health and Developmental Disabilities Code, Mental Health and Developmental Disabilities Confidentiality Act, Nursing Home Care Act, Mental Health Treatment for Incarcerated Persons Act, Specialized Living Centers Act, and Youth Mental Health Protection Act. Its members are appointed by the Guardianship and Advocacy Commission, separating each regional Human Rights Authority from complaint procedures within other agencies, each of which have staff conduct investigations. It publishes public reports that include findings and recommendations derived from investigations. These reports serve a dual purpose: they provide oversight to ensure that individuals' legal rights are protected and also act as a valuable resource for consumers.

The Illinois Department of Human Services' Office of Inspector General is tasked with investigating allegations that rise to the level of abuse or neglect within the programs and facilities operated or funded by the Department of Human Services. When it confirms allegations of egregious abuse or neglect by an employee of a state facility or community agency, that individual's identity may be

recorded in the Healthcare Worker Registry managed by the Department of Public Health, prohibiting this person from future employment opportunities in long-term care settings.

The Office of Executive Inspector General serves as an independent oversight body for the entire Illinois executive branch, investigating misconduct, fraud, waste, and abuse across all state agencies. Its focus is on ensuring compliance with ethics laws that govern the conduct of state employees.

The Illinois Department of Human Rights is responsible for enforcing the Illinois Human Rights Act, which prohibits discrimination in employment, financial credit, public accommodations, and housing, as well as sexual harassment in the workplace or schools. The Department of Human Rights investigates claims of unlawful discrimination, determines whether enough evidence supports those claims, and files cases with the Illinois Commission of Human Rights.

The Illinois Human Rights Commission is an independent agency that adjudicates disputes related to violations of the Illinois Human Rights Act. The Commission conducts hearings on cases alleging unlawful discrimination and issues binding rules.

The Human Rights Authority is unique in that it operates independently to investigate complaints of rights violations affecting individuals with disabilities in state-operated and community-based settings, ensuring that their legal rights are protected under particular state and federal laws designed to protect this specific population. This focus on individuals in specialized settings distinguishes it from other agencies that address broader human rights issues, such as employment discrimination or general misconduct within state agencies. Additionally, the Authority publishes public reports with findings and recommendations from its investigations, serving both as a tool for oversight and a resource for consumers and thereby enhancing transparency and accountability.

Why Illinois needs the Human Rights Authority

As the Governor's Commission for Revision of the Mental Health Code noted in recommending the creation of the Human Rights Authority, the history of mistreatment of individuals with mental and developmental disabilities is both extensive and disturbing. The Human Rights Authority provides a structured, impartial, and specialized approach to addressing claims of rights violations from this vulnerable population, free from the biases prevalent elsewhere.

The Guardianship and Advocacy Act ensures that each regional Authority is a hybrid of both service providers and community members. Members' specialized knowledge about the complexities of mental and developmental disabilities permit them to conduct informed and thorough investigations, understand the nuances of each complaint, and make appropriate recommendations.

The Human Rights Authority also plays a prophylactic role in preventing future rights violations by identifying systemic issues and advocating for policy changes. Through its reports and recommendations, the Authority can urge changes to protect not only the individual whose rights were violated but also those who receive a provider's services in the future. The statewide presence allows the Authority to recognize trends in how rights are violated and gaps in the protections

guaranteed to persons with disabilities, allowing it to recommend legislative changes to better safeguard the rights of this population.

Without the Human Rights Authority there would be no meaningful method for identifying and addressing promptly violations of the statutory rights afforded to individuals receiving disability services. While the rights violations investigated by the Authority might not rise to the level of constituting abuse or unlawful discrimination, the purpose of establishing rights for those with disabilities is to prevent Illinois from sliding back to a time with abuses mistreatment was both rampant and well-hidden. Strict adherence to the statutory safeguards will not occur without accessible, prompt, and independent oversight that the Authority affords.