

Submission to the Department of Justice by the Inclusive Research Network on Sexual Offences against Vulnerable Persons Position Paper

September 2014



NATIONAL FEDERATION OF VOLUNTARY BODIES

Providing Services to People with Intellectual Disability

About the Inclusive Research Network (IRN):



The Inclusive Research Network welcomes the chance to make a Submission to the Department of Justice and Equality on the discussion paper on the Sexual Offences Act 1993.



The Inclusive Research Network (IRN) is made up of a group of self-advocates with an intellectual disability, supporters and academic researchers. We carry out research on intellectual disability issues and rights. We have a steering committee and arrange and run our own meetings with support from the National Federation of Voluntary Bodies, the National Institute for Intellectual Disability and the University of Limerick.

In the past we also have made other submissions to Government Departments and other places like HIQA and the Law Reform Commission. We started this work in 2008.



Relationships and Supports Study:
People with Intellectual Disabilities
in Ireland



November 2010

Members of the Inclusive Research
Network with Intellectual Disabilities
National Federation of Voluntary
Bodies
National Institute for Intellectual
Disability

In 2010 we did a project called *'Relationships and Supports'* .

This was on what people think about friendships, relationships, and supports. We ran 16 focus groups across Ireland. We talked to 97 people with intellectual disabilities about having boyfriends or girlfriends.

If you need a copy of our report or more information please email irn@fedvol.ie

Main points of submission from IRN:

There are 5 sections in this submission listed below.



Each section of the document begins with quotes from IRN members. We feel our voices should be heard first.

1. Accessibility
2. Human Rights: UNCRPD
3. No special law
4. Language
5. Consent

Accessibility:

*“There should be an **easy to read** version of this paper, it is very hard to understand”*

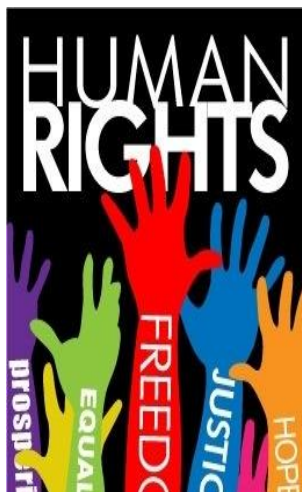
“It is everyone’s right to have access to easy to read and to understand information”

	<ul style="list-style-type: none">• We want to respond as it is a very important issue for us but it is very difficult for us to do this without an easy-to-read version or a summary.
	<ul style="list-style-type: none">• We needed more time to make this submission to give us the chance to get the document explained to us by an expert. This way we would be able to understand it better.

Human Rights: UNCRPD

“We have rights to be treated with respect”

“People are quite able to make their own choices - people think we don't know our own minds”



- The discussion paper begins by quoting Article 16 of the UN Convention on freedom from violence, exploitation and abuse.
- We quote Article 12 (2) equal recognition before the law “States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”. We want to be equal before law to be able to have a choice about sex and relationships.

No Special Law:

“We should be treated the same as a person without a disability”

“We do not need protection, we are adults. It should be up to us - we are human beings”.



- The discussion paper says people with disabilities need a special law, like the one for children.
- We say we do not need a special law for people with disabilities, that creates an “us and them” barrier – it stops us being equal.



- We want to be accepted as equal citizens.

Language:

"We should not be lumped in with children we are adults"



- This paper says vulnerable people are people with learning disabilities and mental health problems. We say other people can be vulnerable as well NOT JUST people with disabilities.
- We say lots of people can be vulnerable in different ways like people having too much drugs or drink or when you feel intimidated, frightened or upset.
- We want a General Law about someone abusing their position of trust that applies to everyone - there doesn't need to be a special law for people with a disability.

Consent Law:




"People without a Disability do not have to be married to have sex".

"How can I be sure someone is giving consent to have a relationship?"

"I want to see my girlfriend more often"

"I want to see my boyfriend at weekends".

"If you are in a relationship it is private – what happens between me and my boyfriend is private"

	<ul style="list-style-type: none"> • Consent is the key. Stronger laws on consent for sex crimes will help the general public too. We need a better law on consent. • There is a better way to address this – We say change the general law on consent that applies to everybody. We think the law for giving consent needs to be made stronger.
	<ul style="list-style-type: none"> • We don't want a test of our capacity, which will be applied to people with disabilities only and not to anyone else. • This document does not make clear what you need to understand to give consent. • We think both people must understand the physical act of sex to give consent. We don't think people should have to understand a lot of things to give consent.
	<ul style="list-style-type: none"> • People with Disabilities should be able to have sex based on mutual consent between them. • The Inclusive Research Network say that where both people have given a clear indication of consent and were not put under pressure to give consent (making them do what they do not want), then it should be possible for them to have a sexual relationship.

If you would like more information or have any questions on this submission please email irn@fedvol.ie or telephone 091-792316

Patrick Santry
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Brian Donohoe
Secretary (IRN)