



**INCLUSION IRELAND**

National Association for People with an Intellectual Disability

# **Submission to the National Council for Curriculum and Assessment**

**On sexual health and relationship education**

**January 2019**

**This document is written in font 12 Verdana in line with Inclusion Ireland plain English guidelines.**

## **About Inclusion Ireland**

Established in 1961, Inclusion Ireland is a national, rights based advocacy organisation that works to promote the rights of people with an intellectual disability.

Inclusion Ireland uses a human rights-based approach to its work. This recognises persons with an intellectual disability as rights holders with entitlements, and corresponding duty bearers and their obligations. Inclusion Ireland seeks to strengthen the capacities of persons with an intellectual disability to make their claims and of duty bearers to meet their obligations.

The vision of Inclusion Ireland is that of people with an intellectual disability living and participating in the community with equal rights as citizens, to live the life of their choice to their fullest potential. Inclusion Ireland's work is underpinned by the values of dignity, inclusion, social justice, democracy and autonomy.

## **Introduction**

Inclusion Ireland welcomes the opportunity to make a submission to the National Council for Curriculum and Assessment. The area of sexual relationships has formed a significant part of Inclusion Ireland's work over many years as we recognised that the paternal and over-protective attitudes and legislation were creating a harmful rather than protective environment for people with intellectual disabilities.

In the following submission, Inclusion Ireland wishes to briefly point out some of the barriers for people with intellectual disabilities in accessing good-quality sexual education and make some recommendations for change.

## **Relationships, Sexuality and Intellectual Disability**

Sexuality and intellectual disability has been an area that has been surrounded with taboo and paternalistic attitudes.

Much of the discussion around sexuality for people with intellectual disabilities is focussed on protection. The idea that people with intellectual disabilities are 'eternal children' devoid of the same desires as any other adult is a damaging preconception that has the potential to cause significant harm. The thought that people with intellectual disabilities would like the possibility of exploring and enjoying their sexuality often seems to be considered an alien concept.

Major research conducted by the HSE<sup>1</sup> on sexual health promotion for people with intellectual disabilities showed that many staff working with people with intellectual disabilities are reluctant to provide sufficient sex education for fear of reprisal from parents or the organisation and concerns around capacity of the individual.

Until recently, our Criminal Law strongly reinforced this fear and the idea that people with intellectual disabilities should not have sexual relationships. Section 5 of the 1993 Criminal Law Sexual Offences Act, which was recently repealed made it a crime for a person to have sex with a person who is “mentally impaired” unless they are married to each other. ‘Mentally impaired’ was defined so broadly as to potentially include all men and women with an intellectual disability and mental illness.

Although the legislation has been repealed, it has caused untold damage over the 25 years or so that it was on statute. There were few convictions under this law but instead created a ‘chilling effect’ where individuals, their families and those who work with people with intellectual disabilities were afraid to discuss sexual relationships for fear of promoting criminality or reprisals. The potential criminal aspect represented a major barrier to delivery of sexual education.

Through our advocacy work, Inclusion Ireland has been contacted many times by workers involved in providing RSE in a variety of educational and training environments and the question is often asked “am I promoting the commission of a crime” or “will I be held responsible for this”.

Disappointingly, the law that replaced the 1993 Act<sup>2</sup> continues a trend of ‘categorising’ people with disabilities by creating the ‘protected person’ definition, which many people with disabilities could fall into. This approach is likely in violation of Article 23 on the United Nations Convention on the Rights of Persons with Disabilities regarding respect for home and the family which requires the elimination of discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others. 5

Without the change in the Criminal Law, change in culture is unlikely. When the mere discussion of relationships and sexual relationships is a taboo, the chances of a high quality education system is essentially nil. That fear has meant a knock-

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<sup>1</sup> HSE - “Friendships and Taboos” 2009

<sup>2</sup> Criminal Law (Sexual Offences) Act 2017

on effect of a generation of people with intellectual disabilities having received inadequate or no relationship and sexual education.

We know that people with intellectual disabilities do have sex however and they form relationships and families and they should enjoy the same rights to each. People with disabilities and women in particular do not get the support they need in supporting these rights.

### **People with Intellectual Disabilities & Sexual Health**

Research has shown that persons with intellectual disabilities engaging in sexual activity are at high risk of Sexually Transmittable Infection (STI)<sup>3</sup> and that the aforementioned attitudes to sexual activity among people with intellectual disabilities can compromise the level of sexual health support received<sup>4</sup>.

People with intellectual disabilities are less likely to receive general education and information which in turn means that there is often insufficient knowledge to ensure safer sex. In addition people with intellectual disabilities often have limited access to affordable care should they contract an STI.

A report by the World Health Organisation has shown that children and adults with disabilities are more likely to experience violence, including sexual violence than their non-disabled peers and those with intellectual disabilities are most at risk.

Accessing healthcare can be difficult in general and accessing contraception can be a problem for many people with disabilities where they may need support to attend a GP. Women with disabilities are also more likely to be adversely affected by the Constitutional ban on abortion with travel out of reach for many reasons including poverty<sup>5</sup> and access to travel options and accessible information.

For people with intellectual disabilities who become parents, the Child Care Law Reporting Project by Dr Carol Coulter notes that of the principal reasons noted for care application, the largest single number (20%) were because of the mental illness or intellectual disability of the parent, usually the mother, higher than the statistics for abuse or neglect.

### **Sexual Education & Intellectual Disability**

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<sup>3</sup> HSE 2009

<sup>4</sup> Department of Health, National Sexual Health Strategy 2015-2020

<sup>5</sup> More than double the general population

Sexual education is critical for sexual health and for individuals who are most at risk of sexual ill-health, infections, crisis pregnancies and assault it is especially important.

Research however shows that the majority of people with intellectual disabilities receive little sex education<sup>6</sup> despite evidence that the provision of accurate education actually makes people with intellectual safer from exploitation.

As it currently stands, there is no specific Relationship and Sexuality Education programme for young people with an intellectual disability within the Irish school system although there are Curriculum guides on Social Personal and Health Education (SPHE) for intellectual disabilities developed by the National Council on Curriculum and Assessment (NCCA).

Many people who attend 'Special Schools' attend until they are 18 and do so under the umbrella of Primary Education with some 16% of people with intellectual disabilities finished school at primary level (compared to 5% of the general population). This means for those people they do not receive RSE or SPHE beyond a primary level.

It is neither appropriate nor respectful to presume that a primary-level relationship or sexual education is sufficient for young people with an intellectual disability approaching adolescence or adulthood and accessible materials relating to sexual education should be developed for this cohort.

The Curriculum guide for Primary schools (which include those Special Schools) has a heavy focus on personal care skills and relationships rather than sexuality itself. At post-primary level, the curriculum guide is for 'mild' intellectual disability and the Syllabus module concerning friendship and relationships and sexuality is given the working title "You've got a friend".

Where Special School's do deliver RSE it can be mixed and one Special School has a publicly available Policy on Relationships and Sexuality, which focuses on the HSE 'Stay Safe' policy aimed at establishment of healthy personal relationships and the prevention of child abuse. The school policy lists behaviours that are 'appropriate' and 'inappropriate' (including Holding hands, Hugging, Kissing) and a procedure which focuses on redirecting the child, verbal reprimand and intervention. There is no focus within the policy of the benefits or positives of intimate relationships and how to foster these relationships in a positive manner

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<sup>6</sup> Irish Sex Education (2006)

## **Conclusion**

A significant culture change is needed in Ireland in the ways that relationships and sexual education is delivered and this is especially so where so-called 'vulnerable' groups are involved.

There are signs that attitudinal change is beginning to take place, a survey by the National Disability Authority into Public Attitudes to Disability showed that 78% of people thought that people with intellectual disabilities had the same right to fulfilment through sexual relationships as everybody else. Although this figure is lower than that for physical or sensory disabilities, it is an increase from 2011 when the figure stood at 51%. This shows that there is still room for improvement but that a remarkable swing in attitude could be in train.

There is a responsibility now for legislators, policy makers, the media and advocacy organisations to take proactive steps, using the UNCRPD to continue the improvement in the public perception of disability and to campaign for a future where people with disabilities are not seen as 'eternal children' but rather as citizens who require the tools and education to access the rights to privacy, intimacy and sexual relationships in the same way as their peers.

## **Recommendations**

- Ireland has recently ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and must perform an audit of existing laws & policies for compliance, including the Articles relating to the right to equal status, privacy and family life.
- A review of laws and in particular the Criminal Law relating to sexual offences should take place with the UNCRPD as a guide.
- A review of approaches to relationship and sexual education for people with intellectual disabilities is urgently needed.
- Teaching training should include the use of easy to read materials and methodologies which engage young people with disabilities.
- A relationship and sexual education programme for young people, in easy to read and understand format should be developed.
- A training programme of education for so-called vulnerable adults who have left school must be introduced. This could be made available on a

community-based level and through service providers such as disability service-providers where appropriate.

- The relationship and sexual education training programmes must be delivered in a neutral fashion. This is especially important as many disability service-providers are voluntary organisations (former religious orders) and ethos should have no impact on fact-based sexual education.
- Education programmes for parents (particularly mothers) with disabilities around parenting should be considered in response to the high numbers of children being taken into care on the grounds of disability should be advanced.