

The Connect People Network's Response to the Law Reform Commission's Report on Sexual Offences and Capacity to Consent

Who we are

The Connect People Network is a voluntary group of people with extra support needs and their supporters. The Connect People Network (CPN) was set up 2002. Our old name was the Irish Sex Education Network. We work to promote the rights of people with extra support needs:

- To have relationships
- To receive suitable sex education
- To understand their sexual rights

Our members include people with extra support needs, staff who work with them, and family members.

About the CPN's Legislation Group

We formed a group to discuss the Law Reform Commission's Report. Our group included five self-advocates with extra support needs: Ryan Johns, Claire Adams, Phil Davy, Carol Evans and Fiona Blake. Our group also included two supporters: Áine Ni Aileagain and Michael Feely.

Our group met 5 times this year in Inclusion Ireland. We discussed the law on sex and people with extra support needs.

About this Submission

In this submission we are going to tell you what we think about the old law. We are also going to tell you what we think about the proposed changes to the law. We think you are making some mistakes. We don't want laws that are about testing us. We want proper sex education. Then we can make our own choices. We don't want special laws for people with extra support needs either. The new law should be disability neutral. It should apply to everyone. We want you to listen to our opinions. We want you to take them seriously.

This submission is divided into sections. We are going to give our opinions on 8 things:

- 1) Why the law and lawmaking needs to be more accessible.
- 2) What we think of the current law
- 3) Why it is insulting and wrong to call us mentally impaired.
- 4) The sexual acts that we think should be crimes
- 5) Why you shouldn't need to live independently to have a sex life
- 6) Why the new test of capacity is still unfair
- 7) Why there should be no special laws for people with extra support needs
- 8) Why the law needs to respect the rights of parents with extra support needs

Section 1: Why the law needs to be more accessible. Why lawmaking needs to be inclusive.

The law about sex and people with extra support needs is very important. The law affects some of the most important things in our lives. If the law is bad, it can stop us having loving relationships. It can prevent us from having a sex life. It can block us from getting married or entering into a civil partnership.

We don't understand why people make laws about us without including us. At the moment the documents about sex and people with extra support needs are too long and the language is too complicated. We want all reports to be made easy to read and accessible. We need extra time and extra supports to understand laws that affect our lives. If the government is planning a new building, it must include wheelchair ramps to make the building accessible to people with physical disabilities. We ask the government to provide accessible reports and supports to make the new laws accessible and to allow people with extra support needs have their say. Please stop making laws about us without including us.

Here are some things we said about the report of the Law Reform Commission:

It is difficult to read and hard to understand. There should be a version with more pictures so people who don't read much can understand. They use pictures in my day service now as well as writing. It's better because more people can understand.

Some people, like me, have dyslexia but if they see pictures they get it straight away.

It is important to listen to what we have to say: this law is about us. We have a voice and we have rights. But we need more time and more supports to understand these things.

The first thing we want to say is that the government should produce accessible versions of reports. They should also provide time and supports so that we can understand their reports.

Section 2: What we think of the current law (Section 5 Criminal Law - Sexual Offences Act 1993)

We talked lots about the current law. We think that it's unfair for many reasons. These are some of our comments:

The current law is ignorant and old fashioned. It's from a time when people didn't know better.

We can have sex like everybody else. People like us [self-advocates] can help other people with extra support needs to understand about relationships and sex. We should be allowed do all the sexual things we want to do. It's not up to other people: it's up to you. Everybody decides what they like and what they don't like.

It is nobody's business what I do in my spare time. Other people don't get questioned, why should we get our private life questioned?

It is ridiculous that in 20th century Ireland people are still being discriminated against. The law is taking our power away. It is hypocritical and prejudice.

It's just not fair. Lots of people with extra support needs can protect themselves and make up their own minds. The law puts us down and does not respect our right to make decision for ourselves.

We feel the law is not very clear it is making things go backwards, it keeps sex as a taboo.

Services for people with extra support needs are afraid of breaking the law. They don't know what's illegal. This means they don't provide real sex education. They are scared to support people to have relationships. The law needs to be a lot clearer.

People don't know their rights. They don't know if they have a right to have sex and get married. This makes me angry.

The law needs to respect the rights of people with extra support needs and to be a lot clearer.

There *is* a need to protect the people who don't understand what is happening to them. But not like this. These people need more support so they can learn about sex and make up their own minds.

The second thing we want to say is that the old law needs to go as soon as possible. We want a law that doesn't frighten and confuse people. We want

support to have relationships. We want a law that respects our right to have a love life and a sex life.

Section 3: Why it is insulting and wrong to call us mentally impaired.

Everyone in the group agreed that calling us mentally impaired is hateful and horrible. These are some of the things we had to say:

The term mentally impaired is insulting. It's like saying handicapped or retarded

Calling people mentally impaired is just not nice: it's ignorant. Disability is not a disease. We are very good at some things. We just need extra support with some things.

The third thing we want to say is that you must stop calling us mentally impaired: immediately! Our minds are different, we learn things in different ways, but our minds are *not* broken. So stop calling us names. As we will explain later, we don't want to be labeled and treated differently by the law. We want the same law to apply to everyone.

Section 4: The sexual acts that we think should be crimes and the punishments we think are fair

We spoke about how the law only mentions sexual intercourse and not other sex acts. We feel forcing someone to engage in any sexual act

should be a sexual offence: for example, forcing someone to kiss, have oral sex, or watch sexual material. We think there should be different punishments for different acts. These are some of our comments:

If you rape someone maybe you should get life. That wrecks a person's life. They would be traumatised, especially if the person gets out of jail.

Maybe someone should get less time for oral sex or forced kissing but it should still be a crime.

Being married or in a civil partnership shouldn't be an excuse. We need to take that out. We really need to change the law. Anyone can say no.

If a sex offender does it a second time they should get a much longer sentence

People who abuse people should have to do classes in prison. Maybe a therapist could explain what it does to the other person and make them stop. Maybe they could do role plays and see how it feels for the other person.

The forth thing we want to say is that it should be a crime to force somebody into any sexual act, not just sexual intercourse. Also, the punishment for a particular act should fit the crime.

Section 5: Why you shouldn't need to live an independent life to have a sex life

We strongly agree with the Law Reform Commission that you should not have to live an independent life to have a sex life. We believe the current law is very unfair. Here are some of our comments:

The law is making it illegal for people living at home or in care to have sex.

Lots of us would love to live independently. There is not enough money or support services so we can live independently.

The government don't support us to live independently.

People don't have a choice where they live. People have to live with family or in a residential home.

Living at home or in residential home is the only place a lot of people can live

Everybody needs help with some things, not just people with extra support needs.

Just because you don't live independently doesn't mean you don't have rights

We shouldn't have to choose between getting support and having a sex life: we have a right to both

If it's a choice between my social worker and my sex life, then my social worker has to go.

The fifth thing we want to say is that you don't have to live an independent life to have a sex life. We all need help with certain parts of our lives but we still have a right to love and be loved. Everyone can be abused and exploited, not just people with extra support needs. This test is unfair. It should go.

Section 6: What we think of the (proposed) functional tests of capacity. And why we want more sex education and fewer tests

We spent a long time talking about the (proposed) new law and the new tests of capacity that the Law Reform Commission is suggesting. We think you are making a big mistake. The new laws are all about testing us. You want to test us to see if we can consent to sex. You want to test us to see if we can consent to marriage.

How are we meant to pass these tests if you don't make sure we get clear and accessible sex education? You don't expect someone to take their driving test without driving lessons. You don't expect someone to pass the Leaving Certificate without years of schooling. How are we meant to pass your tests if we don't have accessible sex education? Setting tests for people with extra support needs without providing sex education is just another way to stop us having relationships. We need accessible information about how to have gay sex and straight sex. We want information about contraception. We need to learn about sexually transmitted diseases and pregnancy. We don't need more "sex education" about saying "no" and relationships and feelings.

These are some of our comments:

People are afraid to give information about sex to people with extra support needs. That's ignorant and stupid

The sex education I got in school wasn't good enough. I got it once in primary school and once in secondary school.

I wasn't given information on puberty, contraception, sexually transmitted disease, or how to have sex.

We need information telling us how to have sex, 'where to stick it', not just information on body parts, friendships and relationships.

I was shown some video with bunny rabbits in it. The only problem is I'm not a rabbit.

I think everyone should be equal. We need the same information as everybody else. But we need it made accessible to people with extra support needs.

Everyone needs correct information, not just people with mild support needs. People who have more support needs also need proper sex education. They could learn about sex using lamh, or pictures, or videos. Sex education shouldn't be something you do once. It should be repeated. Some people with extra support needs learn best that way.

Sex education needs to be clear and up to date. It could include pictures, plays and videos. It must include gay and straight people.

The sixth thing we want to say is that we don't want any tests without education. People are afraid to give us proper sex education. If you want to protect don't just test us. Make sure we get clear information and then we can protect ourselves and make our own choices.

Section 7: We want the same law to apply to everyone

We want the new law to be 'disability neutral'. We want it to apply to all citizens of Ireland, not just people with extra support needs. Lot of people are vulnerable at certain points of their life. For example, people who are drunk or on drugs, people who have mental health problems, people who have a brain injury, and people who are senile or have Alzheimer's.

We understand the law has to protect vulnerable citizens but it shouldn't single out people with extra support needs

Here are some of our comments:

The laws on sex should not just apply to people with extra support needs. It should be changed.

The law should not name people with intellectual disabilities. It should be the same for everyone.

We want the same law for everyone: this is creating two classes of citizens in Irish society.

People with extra support needs are not second class citizens, this law allows us be treated as second class citizens.

Lots of people with extra support needs can take care of themselves

We don't want a special law and be named separately from others.

No one else has a special law just for them.

The seventh thing we want to say is that the same law should apply to everyone.

Section 8: Respect the rights of parents with extra support needs

We agree with the Law Reform Commission that there should be an assumption that every parent has the ability to parent their child. A baby should never be taken into care just because the parents have extra support needs. Social services need to understand that every person with extra support needs is an individual and has different needs.

We don't want another law that is all about testing us. We want a law that makes sure we get the education we need to make decisions about having a family. We need accessible information on pregnancy and parenting. We need support early on before there are difficulties. Parents with extra support needs need individual information and support that will work for them.

We need the law to guarantee supports, not tests, for parents with extra support needs.

We also think that mothers with extra support needs should have the right to make decisions about pregnancy and giving birth. We can decide if we want a C-section or an epidural.

Here are some of our comments about our rights to have families:

Our children should not be taken away from us just because we have extra support needs.

This is like what happened back in the 1960s

Give us information and supports that will work.

Where is the support for us? We need practical support from people who are trained and understand us.

Dads with extra support needs have rights too, we need information and support.

The eighth thing we want to say is that we don't want another law about testing us. We want a law about training and supporting us so we can make decisions and keep our children.

Conclusion

The new law is very important to us. We need a good law that respects our right to have private lives, to love, and to be loved. We don't want to be protected we want to be respected and treated as equals. We want you to

make lawmaking accessible to all. We want you to listen to our views and please respect our rights. We don't want another law that is about testing us. We want proper sex education and proper parental education. Then we can make our own choices. Then we can protect ourselves. We don't want to be labeled and treated differently. We don't want a special law for people with extra support needs. It is not just people with extra support needs who are vulnerable sometimes. We want the same law to apply to everyone. Please do not ignore our recommendations. We don't want to wait another 20 years for a good law about sex and people with extra support needs.

Thank you for reading our submission!