

PREVENTING SEXUAL ABUSE AND VIOLENCE AGAINST PEOPLE WITH LEARNING DISABILITIES

RECOMMENDATIONS FOR POLICY AND DECISION MAKERS

People with learning disabilities have a right to be protected from sexual violence and abuse, yet 90% of them will experience sexual abuse at some point in their life, most frequently from family members or others in their close circle. Safeguarding this right can only be achieved if people with learning disabilities are empowered to protect themselves. Increasing their autonomy in relation to their sexual lives, relationships, bodies and privacy is key. But how can people with learning disabilities be expected to say no to sexual violence and abuse, if even the smallest aspects of daily life are decided for them by others? In this context, it is crucial to strengthen their overall autonomy, active participation and integration in society, and the transition from institutions to community based-care.

The 2-year [‘Keep me Safe’ project](#) aimed to empower young people with learning disabilities to protect themselves against sexual abuse and violence across Europe. It was co-funded by the European Commission Daphne III Programme. On 11-12 December 2014, IPPF Member Associations, NGOs, parents of young people with learning disabilities, decision-makers and authorities from Bulgaria, Cyprus, Germany, Ireland, Latvia, The Netherlands, Macedonia, Romania, Spain, and UK, as well as staff from the IPPF EN regional office, gathered in Madrid for its final event. Below are the policy recommendations they developed and endorsed at the meeting.

In order to prevent sexual abuse and violence against people with learning disabilities, we call on policy and decision-makers to:

1. Develop (or revise) and implement national legislation policies and programmes in line with the relevant international agreements:

- The **UN Convention on the Rights of Persons with Disabilities** (Previously signed and ratified by the European Union)
- The **Lanzarote Convention** (Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse)
- The **Istanbul Convention** (Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence).
- The **WHO European child maltreatment prevention action plan 2015-2020**.
- **Article 15 of the (Revised) European Social Charter** on the right of persons with disabilities to independence, social integration and participation in the life of the community
- The **European Charter of Fundamental Rights** (which is part of the EU Treaty)

2. Develop and implement policies and legislation which:

- Recognise the need to strengthen the autonomy of people with learning disabilities to have consensual relationships.
- Recognise and protect the autonomy of people with a learning disability who have the capacity to consent.
- Recognise that a person who needs high level support to live independently is capable of consenting to relationships and/or a sexual act.
- Do not criminalise consensual sexual relationships that involve a person with a learning disability, including consensual sexual relationships between two persons with a learning disability.
- Adopt a functional approach to consent, thus enabling an individual to realise their right to self-determination in the context of their personal social setting (contrary to a status approach which assumes that capacity to consent is fixed and unchangeable).
- Recognise and promote the reproductive rights of persons with learning disabilities, i.e. providing access to services which support informed consent to contraception and family planning.

3. Ensure that legislation and policies are accompanied by effective implementing and enforcing measures to make sure that:

- There is a transition from institutions to community-based care for people with learning disabilities.
- People with a learning disability have access to comprehensive, evidence-based sexuality education and to quality sexual and reproductive health and rights information, supplies and services.
- There is (evidence-based and accredited) counseling for victims and perpetrators (with or without a learning disability) of sexual abuse and violence.
- Institutions/schools/organizations for people with learning disabilities:
 - Have policies, guidelines and protocols in place with regard to sexuality and the prevention of and response to sexual abuse and violence.
 - Have a trained focal point for issues related to sexuality and prevention and response to sexual abuse of and violence against persons with learning disabilities.
 - Provide access to a person of trust and referral network external to and independent from their institution/school/organization in case of sexual abuse and violence.
- Professional and non-professional carers and family members of people with learning disabilities receive the necessary training and support to continuously build and improve their competencies not only regarding safeguarding and prevention of and response to sexual abuse and violence, but also in relation to sexuality and sexuality education in a broad sense.
- High quality of care and support is guaranteed through an accreditation system by relevant professional bodies.

4. Monitor and evaluate the implementation of laws, policies, programmes and measures to prevent sexual abuse and violence of people with learning disabilities.

5. **Support research, collection and publication of comparable data on:**

- The prevalence and characteristics of sexual abuse of and violence against people with learning disabilities.
- The sexual health, needs and behaviour of people with learning disabilities.
- The effectiveness of violence and sexual abuse prevention, support and treatment programmes.
- Best practices in prevention, support and treatment of victims and perpetrators of sexual abuse and violence.
- The needs of carers and families in effective prevention of and response to violence and sexual abuse of people with disabilities.
- Perpetrators (especially those with a learning disability).
- The prosecution and response to cases disclosed and reported.

6. Develop mechanisms which ensure **effective collaboration, coordination and meaningful participation** of the different authorities, people with learning disabilities, stakeholders and agencies for the implementation of the legislation, policies and programmes aiming to prevent sexual violence and abuse and enhance the autonomy of people with learning disabilities.

7. **Allocate funding** for the implementation of legislation, policies, measures and programmes that strengthen the autonomy of people with learning disabilities and prevent sexual abuse and violence.