

The rights of parents with learning disabilities



Explore the sexual, reproductive and parental rights of parents with learning disabilities and how women and children affected by abusive relationships can be supported

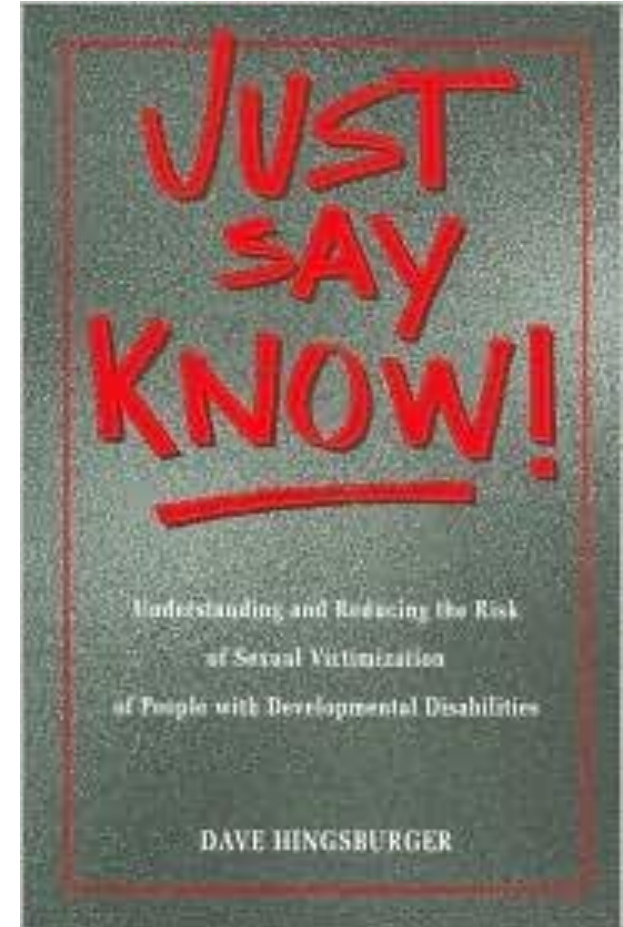
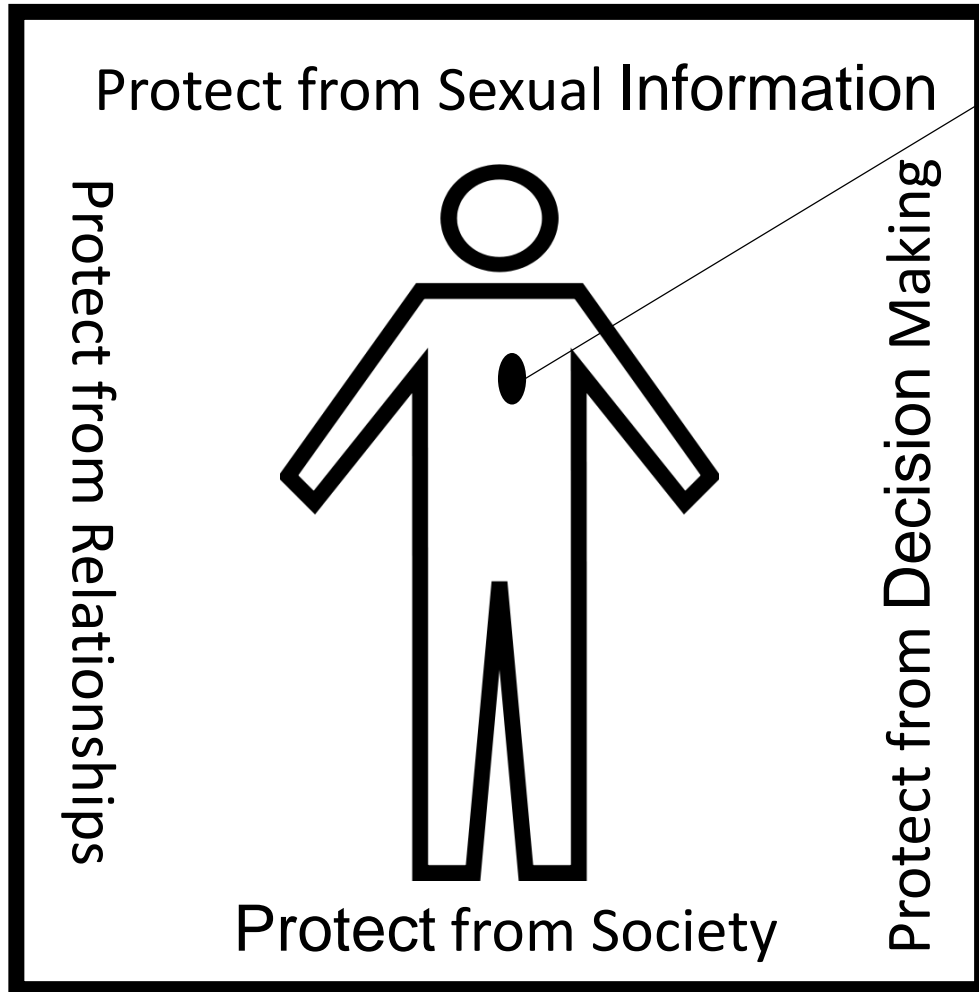
‘Eternal Children’ and The Tyranny of low expectations

Dave Hinsburger: Conversations that Matter “Before we talk about sex...”

<https://conversationsthatmatter.org/videos/we-talk-about-sex>

The Prison of Protection

Vulnerability



The problem with ‘vulnerability’

“Vulnerable is a dangerous word. It is now used to describe a state of being and as such one hears of “Vulnerable Populations”. This is making “vulnerability” a character trait of a particular person or particular group of persons. It is laying the blame for victimisation inside the person. If we believe someone is assaulted because of who they are then there is no option but to protect because nothing can be done to alter their state of being”



Rights & Entitlements

True or False



True or False



The Human Rights Act says that everyone has a right to a private and family life

The Human Rights Act

ARTICLE 8

Right to respect for private and family life

- 1) Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

True or False



The UN Convention on The Rights of Persons with Disabilities **does not** state that people with disabilities have a right to form a family

UN Convention on the Rights of Persons with Disabilities

- 1) a) The right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses is recognized;*
- b) The rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided;*
- c) Persons with disabilities, including children, retain their fertility on an equal basis with others.*

True or False



The UN Convention on The Rights of Persons with Disabilities says that no child should be separated from their parent due to parental disability

UN Convention on the Rights of Persons with Disabilities

4) States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. In no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.

True or False



The UN Convention on The Rights and a Child says it must be in the best interest of a child, if the child is to be separated from their parents

UN Convention on The Rights of a Child

- *Article 9 1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.*
- *3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.*

Children's Rights are not at odds with the rights of parents with a Learning Disability

“In addition to their children’s rights under Article 18 of the UNCRC, these parents have rights to support under Articles 19 and 23 of the UNCRPD. SCLD recommends a rights based ‘Whole Family Approach’ to assessment, intervention and support by public services. We believe that other groups, including cultural and religious minorities, those experiencing domestic abuse and those living in extreme poverty (including parents with no recourse to public funds) could be found to have failed a “reasonable steps” test because they were unable to take what others might view to be “all reasonable steps to access the support of relevant services”.

[Protecting Children Consultation](#)

[Response of the Children and Young People’s Commissioner Scotland \(2018\)](#)

True or False



Local authorities **do not** have a duty to provide support to families where a child is at risk of becoming removed from a parent's care

Part 12 of The Children and Young People Scotland Act

“A local authority must make arrangements to secure that relevant services of such description as the Scottish Ministers may by order specify are made available for—

- (a) each eligible child residing in its area,
- (b) a qualifying person in relation to such a child,
- (c) each eligible pregnant woman residing in its area,
- (d) a qualifying person in relation to such a woman.”

Rights and Entitlements



The Human Rights Act (1998)



The United Nations Convention on the Rights of Persons with Disabilities (2006)



The United Nations Convention on the Rights of a Child (1989)



Part 12 of The Children and Young People (Scotland) Act (2014)

Activity

What needs to happen to ensure people with learning disabilities are able to enact their sexual, reproductive and parenting rights?



- In Society
- In Services
- And on an individual level

I am a good parent

Central Advocacy Partners Parents' Network: I AM a good parent

<https://www.youtube.com/watch?v=n4O8IMeLC38>