

## REPRODUCTIVE RIGHTS OF MENTALLY RETARDED PERSONS

Sanja Katalinić<sup>1</sup>, Vesna Šendula-Jengiđ<sup>1</sup>, Martina Šendula-Pavelić<sup>2</sup> & Slaven Zudenigo<sup>1</sup>

<sup>1</sup>Psychiatric Hospital Rab, Rab, Croatia

<sup>2</sup>Croatian Employment Service, Rijeka, Croatia

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### SUMMARY

*Mental retardation denotes sub-average intellectual functioning, based on IQ, i.e. the inability of normal learning, accompanied by behavioral and developmental disorders. Persons with impairments (cognitive, motor, sensory or psychiatric) have often been, both through human history and today victims of discrimination and deprived of their basic human rights, both in the public and the private life spheres.*

*Since the end of the 20<sup>th</sup> century, throughout the developed world, many disabled persons can accomplish their dreams and rights. However, the issue of sexuality is still an obstacle in realizing oneself as a whole person, of course in accordance with personal psychophysical abilities. The greatest problem is present in persons with severe disablement, considered not apt enough for information on sexuality and for expressing themselves as persons with their own sexual needs. Thus it is desirable to observe each disabled person individually and flexibly enough in order to establish parameters for the functioning of an intimate affair on the level of understanding and consent. The legal system must protect the most vulnerable and ensure for them the right of choice and consent, as well as the possibility of fulfilling their sexual needs, so that they could love and be loved. Naturally, the system must be built on foundations that satisfy the needs of its users, but also of persons engaged in work with them. Sex education should contain information regarding biological, socio-cultural and spiritual dimensions of sexuality, including cognitive, affective and behavioral domains. Unfortunately, very few educational programs with such aims provide sex education, not only for the disabled young population but also for the healthy.*

*This review article is based on international investigations and Croatian legislative postulates. Its aim is to focus the attention of both professionals and non-professionals on this delicate problem.*

**Key words:** mental retardation – ethics – reproductive rights – sex education – legislation

\* \* \* \* \*

### INTRODUCTION

Psychological development presents the constant process of adaptation to biologically stipulated changes in growth, of achieving sexual and general identity, personality individualization, ability to chose life goals, activities and career, readiness and capability to accept ethic norms and behaviors typical for certain culture and society in its entirety (Droputić 2002). Mental retardation denotes sub-average intellectual functioning, based on IQ, i.e. the inability of normal learning, along with behavior and developmental disorders. The prevalence of mental retardation in general population is 1-3% (Not 2008). Distinguished are: mild mental retardation, moderate mental retardation, severe mental retardation, profound mental retardation and mental retardation of non-specified degree. Among them approx. 87% of cases have mild mental retardation. These children are able to achieve academic status up to the 6<sup>th</sup> grade of elementary school and with little help can provide independent life for themselves. Severe mental retardation is found in 1-2% of cases (DSM IV; Dorsney et al. 1998). The cause of occurrence may be genetic (congenital metabolic failures, chromosomal aberrations), psychosocial (chronic lack of intellectual stimulation) and secondary as the sequel of disease or trauma (Kaplan & Sadock 1998, Durkin et al. 2000). Throughout the history of mankind, persons with

disabilities (cognitive, motor, sensory or psychiatric) have often been victims of intentional or irrational discrimination, and deprived from their basic civil rights, in both the public and private spheres of life.

### THE SPHERES OF SEXUALITY IN MENTALLY RETARDED PERSONS THROUGH HISTORY

The diagnosis of mental retardation was mentioned for the first time in 1614. The cause was cited as "complete devotion to sexual pleasure". Such an attitude, along with total neglect of sexual rights of the mentally retarded, has been maintained until the 40-ies of the 20<sup>th</sup> century.

One of the legal types of discrimination was compulsory sterilization of persons characterized as "sexual pervers" or "habitual criminals". It was considered that they are inclined to criminal behavior and sexual promiscuity. The execution of sterilization, i.e. the eugenics movement, stems from the belief that mentally retarded persons are not able to give informed consent, and had the aim of preventing genetic transfer of retardation. From 1907 till 1957 about 60,000 people in the USA were sterilized without consent. Furthermore, disabled persons were usually confined to institutions characterized by the lack of any privacy.

# Rights Of Mentally Retarded Persons

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