

## RELATIONSHIPS AND SEXUALITY EDUCATION (RSE)

**Consultation on legislation which provides for a parent/carer to request to have their child excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion**

**Response from Dr Deena Haydon**

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I am an Independent Research and Policy Consultant whose research and publications focus on implementation of children's rights. Over twenty years ago I wrote a chapter: 'Children's rights to sex and sexuality education' in *The New Handbook of Children's Rights. Comparative Policy and Practice* (Haydon, 2002).

I was recently commissioned by the Children's Law Centre to write the *Northern Ireland NGO Stakeholder Report 2* and supporting *Evidence*, submitted to the UN Committee on the Rights of the Child [CRC] to inform the Committee's examination of the UK Government and devolved administrations as part of the process of periodic reporting regarding implementation of the UN Convention on the Rights of the Child [UNCRC] (Haydon, 2022a; 2022b). I also worked with the Children's Law Centre's youth advisory group: Youth@CLC to conduct a survey with 12-17 year olds and workshops with the most disadvantaged and vulnerable groups, leading to submission of the *Rights Here, Right Now* children and young people's report to the Committee (Haydon, 2022c).

### **FULFILMENT OF INTERNATIONAL STANDARDS**

#### ***UNCRC: UN Convention on the Rights of the Child***

The UNCRC general principles are intended to underpin all other rights within the Convention.

**Article 3** states that the '**best interests of the child should be a *primary consideration in all matters affecting the child***'. Implementation of Article 3 in legislation and policies means ensuring that *every* child receives age-appropriate RSE.

**Article 5** reference to the **rights and responsibilities of parents/carers** 'to provide guidance and direction to their child as they grow up so that they fully enjoy their rights ... in a way that recognises the child's increasing capacity to make their own choices' emphasises the role of parents in ensuring *realisation of the child's rights*, including to RSE.

**Article 12** focuses on **the right of the child to express their views freely in all matters affecting them, with the views of the child being given due weight in**

**accordance with their age and maturity.** The Committee on the Rights of the Child [CRC] has consistently raised concern about lack of participation by children in decisions affecting them, including in relation to RSE:

“In relation to the implementation of article 12 [of the UNCRC], the Committee is concerned that insufficient attention has been given to the right of the child to express his/her opinion, including in cases where parents ... have the possibility of withdrawing their children from parts of the sex education programmes in schools” (CRC, 1995: para 14).

“the Committee is concerned that in education, school children are not systematically consulted in matters that affect them” (CRC, 2002: para 29). It recommended that “procedures be established that would allow the views expressed by children to be taken into account in and to have an impact on developing programmes and policies affecting them” (CRC, 2002: para 30).

“the Committee is concerned that there has been little progress in enshrining article 12 in education law and policy” (CRC, 2008: para 32).

“The Committee is concerned that children’s views are not systematically heard in policymaking on issues that affect them” (CRC, 2016: para30a). It again recommended the establishment of “structures for the active and meaningful participation of children” and that due weight be given to their views “in designing laws, policies, programmes and services at the local and national levels”, including in relation to “sexual and reproductive education” (CRC, 2016: para 31a).

Noting “with concern that children’s views are not systematically taken into account in decisions affecting them and in national and local decision-making”, the latest Committee recommendations include: “Strengthen measures to promote the meaningful participation of children in family, community and school settings and in policymaking at the local and national levels...” (CRC, 2023: para 23b).

**Article 24** recognises **the right of the child to the enjoyment of the highest attainable standard of health.**

The CRC has regularly recommended provision of sex education as part of health education:

“the Committee recommends that the State party: Take further necessary measures to reduce the rate of teenage pregnancies through, inter alia, making health education, including sex education, part of the school curricula, making contraception available to all children, and improving access to confidential and adolescent-sensitive advice and information and other appropriate support” (CRC, 2002: 44a).

“The Committee recommends that the State party intensify its efforts in order to provide adolescents with appropriate reproductive health services, including reproductive health education, in school” (CRC, 2008: para 61).

“The Committee recommends that the State party: Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including academies, special schools and youth detention centres, in all areas of the State party. Such education should provide age-appropriate information on: confidential sexual and reproductive health-care services; contraceptives; the prevention of sexual abuse or exploitation, including sexual bullying; the support available in cases of such abuse and exploitation; and sexuality, including that of lesbian, gay, bisexual, transgender and intersex children” (CRC, 2016: para 65b).

In its most recent 2023 Concluding Observations the CRC recommended that the State party:

**“Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention, without the possibility for faith-based schools or parents to opt out of such education”** (CRC, 2023: para 44b).

### ***UN CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women***

Following its inquiry into restrictive access to abortion for women and girls in Northern Ireland, in relation to **access to sexual health education**, the Committee on the Elimination of Discrimination Against Women [CEDAW] stated:

“The provision of age-appropriate, culturally sensitive, comprehensive and scientifically accurate sexuality education and information is critical to the realisation of women’s right to health. Leaving the delivery of the curriculum on relationship and sexuality education at the discretion of schools results in poor-quality sexuality education for young people and the indoctrination of anti-abortion and abstinence ethos” (CEDAW, 2018: para 75).

The Committee found that:

“the State Party has failed to prioritise the prevention of unplanned pregnancy through the provision of high-quality sexuality education. Its lack of oversight of delivery by schools of the curriculum on relationship and sexuality education, to ensure that it is evidence-based and includes contraceptive use, safe abortion and post-abortion care, violates article 10(h) of the Convention [on the Elimination of All Forms of Discrimination against Women]” (CEDAW, 2018: para 76)

It recommended that the State Party (ie UK Government and NI Executive):

**“Make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation” (CEDAW, 2018: para 86(d)).**

## **RSE CONSULTATION STATEMENTS**

### **SECTION A: CONSULTATION ON DEPARTMENT OF EDUCATION’S GUIDANCE ON THE CHANGE TO LEGISLATION – CURRICULAR CONTENT AT KEY STAGES 3 AND 4**

- 1. The content of teaching and learning resources for Learning for Life and Work developed by CCEA should be factual and contain age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive rights, covering prevention of early pregnancy and access to abortion, and these resources should not advocate or oppose a particular view on the moral and ethical considerations of abortion or contraception.**

#### **Agree**

##### **Comments:**

While the legislation covers Key Stages 3 and 4, it is also important that Primary-aged children in Key Stages 1 and 2 receive RSE. As noted above, the Committee on the Rights of the Child recommends that comprehensive, age-appropriate and evidence-based education on sexual and reproductive health is integrated into mandatory school curricula *“at all levels of education”* (CRC, 2023: para 44b, emphasis added).

As the Committee on the Rights of the Child emphasises, RSE should include *“sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention”* (CRC, 2023: para 44b, emphasis added). It is therefore vital that statutory minimum curriculum content includes: consent; violence against girls and women; domestic abuse; healthy and respectful sexual relationships; marriage and civil partnership; LGBTQ+ issues; menstrual health and wellbeing; social media and online safety.

### **SECTION B: CONSULTATION ON DEPARTMENT OF EDUCATION’S GUIDANCE TO SUPPORT THE CHANGE TO LEGISLATION – PARENTAL OPT-OUT FROM LESSON(S) ON SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS COVERING PREVENTION OF EARLY PREGNANCY AND ACCESS TO ABORTION**

- 2. Parents/carers should be informed about the specific nature and content of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive rights, covering prevention of early pregnancy and access to abortion.**

## Agree

### **Comments:**

Provision of information about the nature and content of RSE will enable parents/carers to answer any queries their child(ren) may have and to openly discuss relevant topics.

- 3. The Department's guidance, when developed, should consider how schools balance the rights of both children and parents/carers in implementing the regulations.**

## Disagree

### **Comments:**

UNCRC Article 3 states that the 'best interests of the child should be a *primary* consideration in all matters affecting the child' – this is not a case of achieving 'balance' but of ensuring implementation of the child's right to age-appropriate information which will contribute towards their right to health.

Parents should not have the right to withdraw their child(ren) from any aspect of RSE, including that covered by the change in legislation (ie. age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive rights, covering prevention of early pregnancy and access to abortion at Key Stages 3 and 4). As noted above, the Committee on the Rights of the Child has explicitly stated that "comprehensive, age-appropriate and evidence-based education on sexual and reproductive health" should be integrated into mandatory school curricula "*without the possibility for faith-based schools or parents to opt out of such education*" (CRC, 2023: para 44b, emphasis added).

- 4. Pupils and parents/carers should have access to an overview of their school's RSE policy and planned RSE programme.**

## Agree

### **Comments:**

In research and consultations, children and young people have consistently been critical of what they consider to be inappropriate provision of RSE. In particular, LGBT young people report not receiving information or support at school regarding gender identity, sexual orientation, and LGBT issues (Boyd, 2011; Department of Education, 2014; Young Life and Times Survey, 2014; Neill and Meehan, 2017; Public and Corporate Economic Consultants, 2017). In 2019, young people surveyed about RSE described programmes as "unhelpful", "limited" and "heteronormative" (Belfast City Council Youth Forum, 2019). In the 2022 'Rights Here, Right Now' online survey, only 35% of respondents replied 'Yes' when asked whether they thought children and young people are given adequate information in

school about RSE. Among 16-17 year olds, 69% replied 'No' to this question compared with 30% of 12-13 year olds; among those with disabilities 57% replied 'No' in comparison with 47% of those without disabilities (Haydon, 2022c: 84).

In addition to having access to an overview of their school's RSE policy and programme, pupils should also be provided with regular opportunities to contribute to discussion about how existing RSE policy and programmes could be improved.

## References

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