Feasibility study on age-appropriate comprehensive sexuality education to strengthen responses for – inter alia – preventing and combating violence, including risky or harmful sexual behaviour by children

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FEASIBILITY STUDY ON AGE-APPROPRIATE COMPREHENSIVE SEXUALITY EDUCATION TO STRENGTHEN RESPONSES FOR – INTER ALIA – PREVENTING AND COMBATING VIOLENCE, INCLUDING RISKY OR HARMFUL SEXUAL BEHAVIOUR BY CHILDREN

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Council of Europe

French edition:
Etude de faisabilité sur l'éducation complète à la sexualité adaptée à l'âge afin de renforcer les réponses pour entre autres prévenir et combattre la violence à l'égard des enfants, y compris la violence sexuelle et les comportements préjudiciables ou à risque

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List of acronyms

ABE	Achieving Best Evidence
AOUM	Abstinence Only Until Marriage
AIDS	Acquired Immunodeficiency Syndrome
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CESCR	Committee on Economic, Social and Cultural Rights
CMW	Convention on the Protection of the Rights of All Migrant Works and Members of their Families
Court	European Court of Human Rights
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons of Disabilities
ECHR	European Convention on Human Rights or the Convention (full name: Convention for the Protection of Human Rights and Fundamental Freedoms)
EU	European Union
FGM	Female Genital Mutilation
GREVIO	Group of Experts on action against Violence against Women and Domestic Violence
HIV	*Human Immunodeficiency Virus*
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICTs	Information and Communication Technologies
IITE	Institute of Information Technologies in Education
IPPF	International Planned Parenthood Federation
Istanbul Convention	Convention on Preventing and Combatting Violence Against Women and Domestic Violence
Lanzarote Convention	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
LGBTI	Lesbian, Gay, Bisexual, Trans, Intersex
NGOs	Non-governmental organisations
SOGIESC	Sexual Orientations, Gender Identities and Expressions, with Variations in Sex Characteristics
STIs	Sexually Transmitted Infections
SIECUS	Sexuality Information and Education Council of the United States
TDV	Teen Dating Violence
UK	United Kingdom
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
WHO	World Health Organization

Executive summary

This study adopts a children's rights approach to the problem of violence, including gender-based and sexual violence, against and between children. It builds upon the European Convention on Human Rights (ECHR), the jurisprudence of the European Court of Human Rights (the Court), the work of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and the Group of Experts on action against Violence against Women and Domestic Violence (GREVIO) to outline how age-appropriate comprehensive sexuality education is a powerful tool to prevent and end violence against and between children, including gender-based and sexual violence.

A. DEFINING COMPREHENSIVE SEXUALITY EDUCATION

There is a growing consensus on the definition of comprehensive sexuality education. Crucially, comprehensive sexuality education aims to instil more than just knowledge on the biology of reproduction. It also examines the social, cultural, psychological, and emotional aspects of sexuality and relationships and seeks to give children tools to critically reflect and engage with the world. Comprehensive sexuality education must be age-appropriate, tailored to children's developing capacities and developmental phases, and be included at every level of education.[1]

B. THE HUMAN RIGHTS FOUNDATIONS TO COMPREHENSIVE SEXUALITY EDUCATION

A cluster of children's human rights are fulfilled by the implementation of comprehensive sexuality education. Understanding the tight nexus between children's human rights and comprehensive sexuality education opens a new language and framework in which the child, as a rights holder, can claim a positive obligation on the state to provide comprehensive sexuality education. Although the ECHR makes no explicit reference to comprehensive sexuality education, there is an implicit commitment within the text to this type of education, particularly focusing on Article 8 (right to private life) in conjunction with Article 14 (right to non-discrimination) and Article 2 of Protocol 1 (right to education). This interwoven commitment is echoed in other regional and international human rights instruments as comprehensive sexuality education is a positive measure to respect, protect and fulfil the rights to life, health, security of the person, education, and equality. Human rights norms can positively shape the design, delivery, implementation, monitoring and accountability of comprehensive sexuality education.[2]

C. LESSONS FROM THE RELATIONSHIP BETWEEN COMPREHENSIVE SEXUALITY EDUCATION AND GENDER-BASED AND SEXUAL VIOLENCE

Comprehensive sexuality education can protect children from and prevent gender-based and sexual violence and other harmful behaviour. The protection comprehensive sexuality education provides through preventive interventions is both ***primary***—preventing the perpetration of violence before it occurs through identifying risk factors and addressing them with education—and ***secondary***—providing children with the skills to recognise differing forms of violence when it occurs and empowering them to report it, thus preventing further victimisation.

1. WHO Regional Office for Europe and BZgA, *Standards for Sexuality Education in Europe: A Framework for Policy Makers, Educational and Health Authorities and Specialists* (BZgA 2010); Sexuality and Information and Education Council of the United States, Guidelines for Comprehensive Sexuality Education (2004) <https://healtheducationresources.unesco.org/sites/default/files/resources/bie_guidelines_siecus.pdf> accessed 26 January 2024.
2. GREVIO, *Preventing Violence Against Women Through Formal and Informal Education: Article 14 of the Istanbul Convention* (2022), 15 <https://rm.coe.int/paper-on-the-role-of-formal-and-informal-education-in-preventing-viole/1680a5c70d> accessed 26 January 2024.

Research tells us that comprehensive sexuality education is most effective at preventing and combatting gender-based and sexual violence when it is age-appropriate, provided from a very early age, and scaffolded as the child progresses through the education system to address rebound effects in attitudinal and knowledge outcomes. It is beneficial to ending all forms of violence when it is taught using interactive and participatory methods by those with the requisite skills to do so. The curriculum should be broad in scope and include information on interpersonal skills, non-violent communication skills, emotional well-being, and healthy relationships. It should also be responsive to children's needs and situated within a human rights framework. Children's views on how the content and teaching of comprehensive sexuality education could be improved should be included and reflected upon in the design, delivery, monitoring and accountability of comprehensive sexuality education. In addition to helping to prevent and combat gender-based and sexual violence, properly designed programmes foster positive and pro-social relationships between children and their peers, parents and others.

D. LESSONS LEARNED FROM THE IMPLEMENTATION OF COMPREHENSIVE SEXUALITY EDUCATION IN EUROPE AND INTERNATIONALLY

Examples of practice in the implementation of comprehensive sexuality education in Europe and from around the world are considered. These and other examples are analysed to consider how practices in various countries meet or fail to meet various children's human rights standards. Reference is made to studies with children and their experiences of sexuality education, noting that even in countries that hold a reputation for best practice there are deficiencies in implementation.

E. CONCLUSIONS AND RECOMMENDATIONS

The feasibility study concludes with a series of recommendations that could guide the development of a potential instrument stressing its grounding in human rights law and canvassing programme design, delivery, implementation, monitoring and accountability strategies and information awareness raising campaigns. It is also recommended that comprehensive sexuality education is mandatory, meaningful, accessible and adequately resourced.

Part I.
Introduction

1. Comprehensive sexuality education aims to ensure that children learn not only the biological element of reproduction but also the social, cultural, psychological, and emotional aspects of sex, sexuality and relationships. This type of education must be age-appropriate, tailored to children's developing capacities and developmental phases, and be included at every level of education.[3] This feasibility study explores how conceptualising comprehensive sexuality education as a matter of human rights can unlock its potential to prevent, combat and eliminate all forms of violence against children in all their diversity, particularly gender-based and sexual violence[4] against girls, children with diverse sexual orientations, gender identities and expressions, with variations in sex characteristics (SOGIESC), and children in other forms of vulnerability, such as children with disabilities, children in alternative care, children in street situations, children who live in rural communities, children from national or ethnic minorities and children who are migrants, refugees and asylum-seekers.[5]

2. In Europe, the definition of comprehensive sexuality education has been influenced by regional and international standards including from UNFPA, UNESCO and WHO.[6] The study adopts the 2018 definition of comprehensive sexuality education from the UNESCO *International Technical Guidance on Sexuality Education*:

> *Comprehensive sexuality education is a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children … with knowledge, skills, attitudes and values that will empower them to: realise their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and, understand and ensure the protection of their rights throughout their lives.*[7]

3. For the purposes of the feasibility study children are defined as any person under the age of 18 years old. All references to comprehensive sexuality education include 'age-appropriate comprehensive sexuality education', that is education that is tailored to children's developing capacities but, for ease of reading, it is only referred to as comprehensive sexuality education.

4. The study builds upon the work of the Committee of the Parties to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) and other international human rights bodies to outline how comprehensive sexuality education is a powerful tool to prevent and end all forms of violence against children.[8]

5. The study pays particular attention to gender-based and sexual violence. Gender-based and sexual violence disproportionately impacts on girls. Ending cycles of violence against girls thus requires strategies such as redressing patriarchal norms, cultures, attitudes, and structures. Comprehensive sexuality education

3. WHO Regional Office for Europe and BZgA (n1); SIECUS (n 1).
4. For a definition of violence against women and gender-based violence against women, see Article 3 of the Istanbul Convention; European Commission, 'What is Gender-Based Violence?' <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/gender-based-violence/what-gender-based-violence_en> accessed 21 July 2023.
5. UN Special Rapporteur on the rights of persons with disabilities, *Sexual and reproductive health rights of girls and young women with disabilities* (2017) A/72/133; Saskia Euser and others, 'The Prevalence of Child Sexual Abuse in Out-of-Home Care' (2013) 18(4) Child Maltreatment 221; CRC Committee, *General Comment No 21: on children in street situations* (2017) CRC/C/GC/21; CRC Committee and CMW Committee, *Joint General Comment on the obligations regarding human rights of children in the context of international migration in countries of origin, transit, destination and return* (2017) CMW/C/GC/4-CRC/C/GC/23.
6. UNFPA, Operational Guidance for Comprehensive Sexuality Education: A Focus on Human Rights and *Gender* (UNFPA 2014); UNESCO, *International Technical Guidance on Sexuality Education: An Evidence-Informed Approach for Schools, Teachers and Health Educators* (UNESCO 2009); UNESCO, *Comprehensive Sexuality Education: A Global Review 2015* (UNESCO 2015); WHO Regional Office for Europe and BZgA (n 1).
7. UNESCO, *International Technical Guidance on Sexuality Education*, ibid (n 6).
8. Council of Europe and Commissioner for Human Rights, *Sexual and Reproductive Health and Rights in Europe: Progress and Challenges* (2017) <https://www.coe.int/en/web/commissioner/-/full-realisation-of-women-s-and-girls-sexual-and-reproductive-health-and-rights-an-imperative-for-empowerment-and-gender-equality> accessed 13 June 2024.

can be harnessed to achieve this goal. It can raise awareness on gender-based and sexual violence against girls and empower girls to identify violence and demand their rights to live without violence. There is also growing awareness that other groups of children such as boys or children with diverse SOGIESC can also experience gender-based and sexual violence.[9]

6. This study also acknowledges that children possess an array of identity characteristics. Accounting for how these characteristics interact to create webs of inequality can ensure the design, delivery, implementation, monitoring and accountability of comprehensive sexuality education is attentive to lived experience.[10] Accordingly, this study advocates an intersectional human rights-based approach to comprehensive sexuality education. As observed by the Committee of Ministers, '[a]n intersectional approach can allow for insight into the more complex forms of discrimination, exclusion and violence to which individuals may be exposed.'[11]

7. Part 2 of the study outlines the relationship between human rights and comprehensive sexuality education, grounding this education in a right to be free from violence. Part 3 of the study outlines available research on how comprehensive sexuality education can protect children from violence and prevent it. Part 4 elaborates on the practice and experiences in numerous countries, in Europe and globally, when it comes to the legal, policy and implementation basis for comprehensive sexuality education. Part 5 ties these strands together and presents a series of recommendations to guide the content of a potential instrument on comprehensive sexuality education.

9. See, for example, Pepa Goicoechea and Fernandez Cortes, *Crecer desde la conexion interna* (Sentir 2024).
10. Committee of Ministers, *Gender Equality Commission: Gender Equality Strategy (2024-2029)* <https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680ae569b> accessed 22 March 2024.
11. ibid.

Part 2.

The human rights foundations of comprehensive sexuality education[12]

8. Children have a right to comprehensive sexuality education at every level of education, in public, private, faith-based, formal, informal and non-formal educational settings and institutions. Although only a small handful of human rights instruments refer to comprehensive sexuality education, a cluster of fundamental human rights are fulfilled by the delivery of comprehensive sexuality education. There is a strong interwoven commitment to the delivery of comprehensive sexuality education in the ECHR, the Convention on Preventing and Combatting Violence Against Women and Domestic Violence (Istanbul Convention), the Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and across the UN human rights treaties, including the UN Convention on the Rights of the Child (CRC). The accountability bodies associated with these instruments have been developing standards and best practice guidance on how to implement children's right to comprehensive sexuality education.[13]

9. Adopting a rights-based approach to the provision of comprehensive sexuality education can empower children and protect them from all forms of violence, including gender-based and sexual violence against girls. It also serves a preventive and protective function for other identity groups who are vulnerable or at a heightened risk of violence. It empowers children and other stakeholders to advocate that the state takes positive measures to guarantee access to the highest quality comprehensive sexuality education. A human-rights based approach demands that the state monitor the implementation of comprehensive sexuality education to ensure that it is being delivered, it is evidence-based, and is responsive to sexual and reproductive health obstacles to children's rights, paying close attention to intersectional obstacles. It also requires that children participate in the design, delivery, implementation, monitoring and accountability of comprehensive sexuality education. Centring human rights in increasingly polarised debates on comprehensive sexuality education provides analytical tools to challenge any laws or polices that limit, exempt, or restrict children's access to comprehensive sexuality education.

A. AN INTER-WOVEN HUMAN RIGHTS COMMITMENT TO COMPREHENSIVE SEXUALITY EDUCATION

(i) Information on family planning and education

10. It is helpful to start with the two UN human rights treaties that explicitly refer to information on family planning (the indirect language used for comprehensive sexuality education). The CRC holds that family planning is required to fulfil children's right to health.[14] Article 24(2)(f) requires states to:

> *develop preventive health care, guidance for parents and family planning, education and services.*

11. The aim of this provision is to protect children's health through information on family planning. The CRC Committee conceptualises comprehensive sexuality education as required to guarantee the health

12. Many of the arguments in this section are drawn from Meghan Campbell, 'The Challenges of Girls' Right to Education: Let's Talk About Human Rights-Based Sex Education' (2016) 20(8) The International Journal of Human Rights 1219.
13. Committee of Experts on the Prevention of Violence, *Resources and compilation of excerpts on age-appropriate comprehensive sexuality education* (2023) ENF-VAE(2023)02 <https://rm.coe.int/enf-vae-2023-02-e-resources-and-compilation-of-excerpts-on-age-appropr/1680ab30c0> accessed 18 January 2024; Commissioner for Human Rights, *Comprehensive sexuality education protects children and helps build a safer. Inclusive society* (2020) <https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society> accessed 18 January 2024; Aoife Daly and Catherine O'Sullivan, 'Sexuality Education and International Standards: Insisting Upon Children's Rights' (2020) 42(4) Human Rights Quarterly 1.
14. (adopted 20 November 1989, entry into force 2 September 1990) 1577 UNTS 3.

of adolescents. It notes that 'adolescent girls should have access to information on the harm … early pregnancy can cause'.[15]

12. The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) takes a slightly different approach.[16] It seeks to harness the power of comprehensive sexuality education to transform gender norms. Article 5(b) explains that:

> *family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing … of their children.*

13. This speaks to the need to use comprehensive sexuality education to dismantle patriarchal gender norms on reproduction and care. CEDAW also anchors the state's obligation in girls' right to education. Article 10(h) requires states to ensure on an equal basis:

> *access to specific educational information to help ensure the health and well-being of families, including information and advice on family planning.*

14. Comprehensive sexuality education is framed in this obligation as necessary both for girls' education and well-being. And lastly to have autonomy over their reproductive choices, Article 16(1)(e) of CEDAW guarantees that girls and women[17] have:

> *the same rights to decide freely and responsibly on the number and spacing of their children and have access to the information, education and means to enable them to exercise these rights.*

This provision guarantees that girls have bodily autonomy.[18] This means girls cannot be forced to be or remain pregnant nor can they be forced to take contraception and this provision grounds prohibitions on early forced marriage and pregnancy.[19] For the purposes of this study, Article 16 emphasises that girls must have education on sex, sexuality and relationships so they can meaningfully exercise bodily autonomy over reproductive choices now and into the future.

15. Article 6 of the Lanzarote Convention holds that:

> *Each Party shall take the necessary legislative or other measures to ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse, as well as on the means to protect themselves, adapted to their evolving capacity. This information, provided in collaboration with parents, where appropriate, shall be given within a more general context of information on sexuality and shall pay special attention to situations of risk, especially those involving the use of new information and communication technologies.*

This specifically links comprehensive sexuality education to ending violence against children.

16. Article 14 of the Istanbul Convention holds that:

> *Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender- based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.*
> *Parties shall take the necessary steps to promote the principles referred to in paragraph 1 in informal educational facilities, as well as in sports, cultural and leisure facilities and the media.*

Much like the Lanzarote Convention, Article 14 links comprehensive sexuality education to ending violence.

17. Taken together, these provisions reveal that comprehensive sexuality education is necessary for children's health, education, autonomous decision making, for ending violence and abuse, to promote equality and to transform traditional gender norms and paradigms.

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15. CRC Committee, 'General Comment No 4: adolescent health and development' (2003) CRC/GC/2003/4, [31].
16. (adopted 18 December 1979, entry into force 3 September 1981) 1249 UNTS 13.
17. Although the text of CEDAW makes no mention of girls, the CEDAW Committee has advocated for an intersectional understanding of women which would include girls, see CEDAW Committee, *General Recommendation No 28 on core obligations* (2010) CEDAW/C/GC/28. In its monitoring work, the CEDAW Committee has repeatedly focused on girls, see CEDAW Committee, *General Recommendation No 24 on women and health* (1999) CEDAW/C/GC/24, [8]; CEDAW Committee, *General Recommendation No 36 on the rights of girls education* (2017) CEDAW/C/GC/36.
18. See also *Independent Thought v Union of India* (2017) AIR (All India Reporter) Supreme Court 4904 where the Court held that 'the discussion on the bodily integrity of a girl child and the reproductive choices available to her is important only to highlight that she cannot be treated as a commodity having no say over her body'; ibid, [64].
19. 'Article 16' in Patricia Schulz, Ruth Halperin-Kaddari, Beate Rudolf and Marsha Freeman (eds) *CEDAW: Commentary* (OUP 2022); CRC Committee, *General Comment No 4 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child* (2003) CRC/GC/C/2003, [22], [24], [27].

(ii) Rights to life and health

18. While there is explicit reference to comprehensive sexuality education in the CRC, CEDAW, the Lanzarote and Istanbul Conventions, there is also an implicit requirement for states to provide this education to fulfil a cluster of other rights. Comprehensive sexuality education can be a matter of life and death.[20] The ECHR,[21] the International Covenant on Civil and Political Rights (ICCPR)[22] and the Convention on the Rights of Persons of Disabilities (CRPD)[23] all protect the right to life.[24] The International Covenant on Economic, Social and Cultural Rights (ICESCR),[25] CRPD and CEDAW all protect the right to health.[26] The right to life and the right to health are furthered through comprehensive sexuality education.

19. Comprehensive sexuality education can ensure that children have information on and critical understanding of sexually transmitted infections (STIs) and the knowledge on how to engage in sexual activity without risking their lives or their health. Women and girls suffer serious injuries, infection and disabilities from pregnancy and childbirth.[27] WHO notes that 'almost every abortion, death and disability could be prevented through [inter alia] sexuality education.'[28] Comprehensive sexuality education is a preventive measure for STIs, maternal mortality and morbidity, adolescent pregnancy, female genital mutilation (FGM) and abortion.[29] It provides the necessary information on and critical understanding of contraception and how to avoid unintended pregnancies that can severely risk the health and lives of girls and women.

(iii) Ending violence against children

20. While all the treaties implicitly seek to end violence, Article 19 of the CRC mostly clearly articulates this obligation. It requires that states:

> *Take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.*

21. Article 4 of the Lanzarote Convention holds that:

> *Each Party shall take the necessary legislative or other measures to prevent all forms of sexual exploitation and sexual abuse of children and to protect children.*

Sexual exploitation and abuse are defined in the Lanzarote Convention in Articles 18 and 23.

22. Article 12 of the Istanbul Convention holds that*:*

> *Parties shall take the necessary legislative and other measures to prevent all forms of violence covered by the scope of this Convention by any natural or legal person.*

23. Comprehensive sexuality education is an 'appropriate educational measure' or 'other measure' to protect children. It should form part of a holistic and transformative strategy on ensuring children's rights to live without all forms of violence including gender-based and sexual violence.[30] Violence impairs the rights of children to equality, physical and mental health, security and autonomy of the persons and standard of living, rights that are recognised across regional and international human rights regimes. Comprehensive sexuality education can provide information and enhance critical reasoning skills on the concept of consent as well as about the laws on the age of consent and prohibitions on sexual violence. It can be used to encourage children to reflect on the role of gender in perpetuating violence; to prompt children to engage critically with the hallmarks of safe, healthy and respectful relationships; and to empower children to claim their rights to live without the fear, risk, and experience of violence. This is explored further in Part 4.

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20. UN Special Rapporteur on the right to education, *Sex Education* (2010) A/65/162, [15].
21. (adopted 4 November 1950, entry into force 3 September 1953) ETS 5.
22. (adopted 16 December 1966, entry into force 23 March 1976) 999 UNTS 171.
23. (2007) A/RES/61/106.
24. Article 1 of the Convention, Article 6 of ICCPR and Article 10 of CRPD.
25. (adopted 16 December 1966, entry into force 23 March 1976) 993 UNTS 3.
26. Article 12 of ICESCR, Article 25 of CRPD and Article 12 of CEDAW.
27. World Health Organization, 'Abortion' <https://www.who.int/news-room/fact-sheets/detail/abortion> accessed 21 June 2021.
28. WHO, 'Fact Sheet No. 388 Preventing Unsafe Abortion' <http://www.who.int/ mediacentre/factsheets/fs388/en/> accessed 21 June 2021.
29. Women and girls in Europe both experience female genital mutilation and are at risk of FGM, see 'FGM in Europe' <https://www.endfgm.eu/female-genital-mutilation/fgm-in-europe/> accessed 18 January 2024.
30. UN Special Rapporteur on violence against women, *Twenty Years* (2014) A/HRC/26/38.

24. Comprehensive sexuality education can also assist in protecting children from new forms of violence such as digital violence. Digital violence can take many forms but, for example, with the advent of technology there has been a rise in adolescents sharing sexually explicit images and videos of themselves which can result in image-based sexual abuse such as the non-consensual dissemination of such images.[31] There is evidence that those who make images, when non-consensually distributed, can be socially shamed, humiliated, bullied, harassed, and threatened.[32] It is important to recognise the strong gender dimensions that place girls at a heightened risk.[33] GREVIO observed that abusers can use hardware or software (such as smartphones, cameras, recording equipment, global positioning systems, smart watches, fitness trackers) to stalk, harass, monitor, and control girls.[34] In response to the rise of digital violence against children, particularly image-based sexual abuse, the Lanzarote Committee identified comprehensive sexuality education, that explicitly discusses the risks of digital exploitation and abuse, as a key tool to prevent this type of violence. In a similar vein, the Council of Europe has pioneered Digital Citizenship Education which provides a model for empowering children in digital spaces.[35] Comprehensive sexuality education can provide children with knowledge and tools on how to be safe in both online and offline spaces and can prompt children to reflect on their autonomy in relationships and healthy modes of expression. More importantly, it can provide information on the harms of digital violence and tools on how to safely navigate the digital world. Education on sex, sexuality, relationships, and digital safety should be a crucial component to protecting the rights of children to live free from violence.[36]

(iv) The right to education

25. The ECHR, CRC, CEDAW, ICESCR, Lanzarote Convention and the European Social Charter all protect children's right to education. Education is an empowering and multiplier right.[37] First, education is seen as the best vehicle to break cycles of disadvantage, empower children and safeguard them from exploitation.[38] Second, as the CRC Committee outlines, education is meant to ensure the holistic development of the child.[39] It goes 'beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children … to develop their personalities … and to live a full and satisfying life.'[40] The Committee of Ministers' Recommendation on quality education also stresses that education is to develop 'personality, talents and mental and physical abilities to their fullest potential' and is not merely about learning a set of facts or formulas but education aims to 'promote democracy, respect for human rights and social justice.'[41] UNESCO emphasises that a right to education is meant to ensure that individuals are able 'to take greater control of the circumstances of their lives and to shape, rather than merely endure, the change that affects them.'[42] Comprehensive sexuality education is thus not just about imparting knowledge, but also seeks to empower children by enhancing their critical reasoning skills on sex, sexuality and relationships.

26. Comprehensive sexuality education is necessary to fulfil the overlapping aims of the right to education. This is true for all children, but it is particularly imperative for girls. For example, a recent study found that girls who identify as lesbian or bisexual or who were unsure of their sexual identity were less likely to use contraception and more likely to become pregnant.[43] This study also speaks to the need to adopt an intersectional approach to comprehensive sexuality education. Curriculum design, implementation, monitoring and accountability

31. Clare McGlynn and Erika Rackley, 'Image-Based Sexual Abuse' (2017) 37(3) Oxford Journal of Legal Studies 534; Victoria Law Reform, *Inquiry into Sexting* (Parliamentary Paper No 230, 2013); DK Katzman, 'Sexting: Keeping Teens Safe and Responsible in a Technically Savvy World' (2010) 15(1) Paediatrics and Child Health 41.
32. Katzman, ibid, 41.
33. GREVIO, *General Recommendation No.1 on digital dimension of violence against women* (2021) GREVIO (2021).
34. ibid, 20.
35. Lanzarote Committee, *Implementation report: The protection of children against sexual exploitation and sexual abuse facilitated by Information and Communication Technologies (ICTs): Addressing the challenges raised by child self-generated sexual images and/or videos* (2022) T-ES(2022)02 163 < https://rm.coe.int/implementation-report-on-the-2nd-monitoring-round-the-protection-of-ch/1680a619c4> accessed 6 February 2024; Council of Europe, *The DCE Concept* <https://www.coe.int/en/web/education/dce-concept> accessed 22 March 2024.
36. Maree Crabbe and Michael Flood, 'School-Based Education to Address Pornography's Influence on Young People: A Proposed Practice Framework' (2021) American Journal of Sexuality Education 1.
37. CESCR, *General Comment No 13: The Right to Education* (1999) E/C.12/1999/10.
38. ibid.
39. CRC Committee, *General Comment No 1: The Aims of Education* (2001) CRC/C/GC/2001/1.
40. ibid.
41. Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education (12 December 2012).
42. UNESCO, *Beyond 2015—Educating for a Sustainable Future-Key Considerations for the Development of Post 2015 Agenda* (2013) <https://unesdoc.unesco.org/ark:/48223/pf0000221909> accessed 29 June 2023.
43. Bethany Everett and others, 'Sexual Orientation Disparities in Pregnancy Risk Behaviours and Pregnancy Among Sexually Active Teenage Girls: Updates from the Youth Risk Behavior Strategy (2019) 6(7) LGBT Health 342.

must pay attention to how intersecting identity characteristics shape lived experience and be responsive to that experience. A lack of knowledge on sex and reproduction can disproportionately and significantly limit the opportunities for girls to develop their lives and meaningfully and fully participate in political, economic, social and cultural life.[44] Comprehensive sexuality education can provide the requisite knowledge and critical understanding to recognise and signal inappropriate behaviour such as gender-based and sexual violence, promote the exercise of consent and avoid unwanted pregnancies and STIs. This enables girls to take control of their lives and, at the same time, tackles negative gender stereotypes about girls' sexual activity.

27. Connecting comprehensive sexuality education to a right to education clarifies that more than knowledge on biological reproduction is required. Comprehensive sexuality education must be linked to the larger normative goals of education including promoting democracy, human rights and social justice. This is consistent with the 'Reference Framework of Competences for Democratic Culture' that stresses children learn values, attitudes, skills, knowledge, and critical understanding for competences in a democratic culture.[45] In the context of comprehensive sexuality education this would require autonomous learning skills, knowledge and critical understanding on sex, sexuality, and relationships. Similarly, the European Committee of Social Rights held that 'sexual and reproductive health education [is] a process aimed at developing the capacity of children … to understand their sexuality, in its biological, psychological, socio-cultural and reproductive dimensions, which will enable them to make responsible decisions.'[46] The UN Special Rapporteur on the right to education asserts that it is crucial that comprehensive sexuality education 'provides the tools that are needed for decision making in relation to sexuality corresponding to the lifestyle which each human chooses in the context of her situation.'[47]

28. The holistic development of the child would require comprehensive sexuality education to provide information, autonomous learning skills and critical knowledge on how to be in safe and healthy relationships; on the different types of sexual expression, activity and relationships; on the enjoyment of safe sexual activity; on the use of technology in relationships; on the acceptance of diverse bodies, identities and expressions and variations in sex characteristics; and on the deconstruction of gender norms. It is a crucial tool to provide information on equality rights of those with diverse of gender identity, sexuality, and sexual relationships as these buttress efforts to break cycles of violence directed towards individuals on the basis of SOGIESC. It can also be directed towards ending all forms of violence against children. It can impart information and encourage critical reflection on the concept of consent to sexual activity and on the legal framework around the age of consent and prohibitions against sexual violence and challenge pernicious myths on non-consensual sexual activity. This reflects Article 6 of the Lanzarote Convention which requires comprehensive sexuality education that educates on the risks of sexual exploitation and sexual abuse, as well as providing children with the means to protect themselves, subject to the discussion in the Explanatory Memorandum where it is made clear that the obligation to protect children rests with states and adults not with children themselves.[48] Along with education on how to identify, protect and prevent all forms of violence and unhealthy relationship behaviour, comprehensive sexuality education can also provide information on how to report violence, the availability of different reporting mechanisms (remembering that the state has an obligation to develop child friendly reporting mechanisms that facilitate the rights of children particularly the right to be heard) and the full-range of support services available for children whose lives have been touched by violence.[49]

(v) The right to equality

29. The above analysis on the relationship between comprehensive sexuality education and rights to life, health, education, and information on family planning implies a deeper relationship between comprehensive sexuality education and the right to equality. There is a strong and repeated commitment to equality, including gender equality, in the ECHR, Lanzarote Convention, the Istanbul Convention and the UN treaties.

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44. Angela Davis, 'Racism, Birth Control, and Reproductive Rights' in Marlene Gerber Fried (ed) *From Abortion to Reproductive Freedom: Transforming a Movement* (South End Press 1990) 18; Lisa Ikemoto, 'Abortion, Contraception and the ACA: The Realignment of Women's Health' (2012) 55 Howard Law Journal 731, 738.
45. Council of Europe, *About the Reference Framework of Competences for Democratic Culture* <https://www.coe.int/en/web/reference-framework-of-competences-for-democratic-culture/rfcdc#Volume1> accessed 22 March 2024.
46. *International Centre for the Legal Protection of Human Rights v Croatia* (2009) Complaint No 45/2007, [46].
47. UN Special Rapporteur on the right to education (n 20), [17].
48. Council of Europe, *Explanatory Report to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse* (2007) Lanzarote, 25.X.2007, [59] <https://rm.coe.int/16800d3832> accessed 26 March 2024.
49. Council of Europe, *Recommendation CM/Rec(2023)8 of the Committee of Ministers to member States on strengthening reporting systems on violence against children* (2023) CM/Rec(2023)8; CRC Committee, *The right of the child to freedom from all forms of violence* (2011) CRC/C/GC/13, [49].

While the precise definition of the right to equality can differ slightly across human rights instruments, this study adopts the four-dimensional model pioneered by Fredman and recently adopted by the UN Committee on the Rights of Persons with Disabilities.[50] Under this model, the right to equality requires states to break cycles of disadvantage, dismantle stereotypes, transform structures, and amplify the voice of girls and other marginalised groups.

30. The first element of equality, breaking the cycle of disadvantage, recognises that individuals and groups have suffered because of their identity characteristics and to redress this imbalance positive measures are required. All children need comprehensive sexuality education, and an intersectional approach is needed to ensure sexuality education does not compound patterns of disadvantage. For example, de jure or de facto exclusions of girls, children with diverse SOGIESC, disabled children or migrants, refugees and asylum-seekers, religious and ethnic groups and other identity groups from comprehensive sexuality education would breach the right to equality. Positive measures on comprehensive sexuality education should be directed at children most at risk of being disadvantaged such as children living in rural communities,[51] children who are not in formal educational institutions,[52] disabled children, children in street situations, children in alternate care or children who are migrants, refugees or asylum-seekers, children from national and ethnic minorities, and children, most notably girls, at high risk of gender and sexual-based violence. A right to equality thus requires states to design and implement comprehensive sexuality education programmes that can reach children who are at heightened risks of violence and exclusion and in situations of vulnerability.

31. The second element of equality addresses recognition harms, including harassment, prejudice, and stereotyping. Article 5(a) of CEDAW requires states to modify social and cultural patterns that are 'based on the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women' and would require using comprehensive sexuality education to redress how different bodies, different forms of sexual expression, and different sexual orientations are legally and culturally stigmatised. Women's and girls' sexuality, same-sex sexuality and gender identity expression are often perceived as 'shameful and degrading.'[53] Comprehensive sexuality education can be a powerful tool to dismantle dominant norms. The Committee of Ministers Guidelines observed that 'comprehensive sexuality education has a positive effect on both boys and girls and can contribute to conveying strong messages in favour of gender equality, eliminating patriarchal patterns [and] promoting non-stereotyped gender roles.'[54] To valorise equality and diversity, comprehensive sexuality education should positively portray different types of SOGIESC, and differing forms of safe, healthy and respectful intimate relationships. This echoes the UN Special Rapporteur on the right to education who held that comprehensive sexuality education should not focus 'exclusively on biology' but it 'must be free of prejudice and stereotypes that could be used to justify discrimination and violence against any group it must therefore include a gender perspective that encourages people to think critically about the world around them.'[55]

32. The third element, the structural element, ensures that institutions do not oppress but that they accommodate difference. The state must ensure that comprehensive sexuality education programmes are properly supported through adequate funding, monitoring, research, data collection and teacher training. This will be discussed further in Parts 3 and 4.

33. Finally, the participation element requires the state to meaningfully consult with children. Children are not passive recipients of information and the right to equality ensures that they are active and vocal participants in the design, delivery, implementation, monitoring and accountability of comprehensive sexuality education. This also reflects the right of children to be heard under Article 12 of CRC and echoes the right to participation in Article 19 of CRC and Article 9 of the Lanzarote Convention. Children have a right to participate in decision making that affects their lives, and this can require the state to take positive measures to facilitate their voice.[56]

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50. Sandra Fredman, *Discrimination Law* (3rd ed, Clarendon Press 2021); UN Committee on Rights of Persons with Disabilities, 'General Comment No 6 on equality and non-discrimination' (2018) CRPD/C/GC/6.
51. Meghan Campbell, 'The Distance Between Us: Sexual and Reproductive Health Rights of Rural Women and Girls' in Shreya Atrey and Peter Dunne (eds) *Intersectionality and Human Rights Law* (Hart 2020).
52. UNFPA, *International Technical and Programmatic Guidance on Out-of-School Comprehensive Sexuality Education* (2020) <https://www.unfpa.org/publications/international-technical-and-programmatic-guidance-out-school-comprehensive-sexuality> accessed 23 June 2023.
53. International Planned Parenthood Federation, *A Multi-Country Study on Legal Barriers to Young People's Access to Sexual and Reproductive Health: El Salvador* (2014) <ippf_coram_el_salvador_report_eng_web.pdf> accessed 23 June 2023.
54. Committee of Ministers of the Council of Europe, *Guidelines CM(2023)51-add2-final on the place of men and boys in gender equality policies and in policies to combat violence against women* (2023), [22].
55. UN Special Rapporteur on the right to education (n 20), [63].
56. Recommendation CM/Rec(2012)2 of the Committee of Ministers on the participation of children and young people under the age of 18 (28 March 2012), <https://rm.coe.int/168046c478> accessed 26 March 2024; Save the Children, University College Cork and Queen's University Belfast, *The Right of Children to Participate in Public Decision-Making Processes* (2020).

Children's participation should be reflected in laws and policies on the design, delivery, implementation, and accountability of comprehensive sexuality education. Intersectionality is also vital in children's participation in comprehensive sexuality education, engagement mechanisms must be inclusive of children who are at risk of being excluded and marginalised.[57]

34. In sum, comprehensive sexuality education is a necessary positive obligation to fulfil various fundamental human rights. The rights to life, health, education, gender equality, security of the person and the right to be free from violence are all furthered by comprehensive sexuality education. It is a crucial preventive strategy to end violence against children, including gender-based and sexual violence against girls and other identity groups that are vulnerable or at a heightened risk of such violence; it can challenge entrenched gender norms on sex, sexuality, and caring roles; and it provides the necessary information and critical thinking skills to empower children to protect their bodily integrity. There is a tightly interwoven commitment to comprehensive sexuality education in the ECHR, in the Lanzarote and Istanbul Conventions and other UN treaty regimes. The rich and multifaceted human rights framework clarifies that the aim of comprehensive sexuality education is to inform, educate, protect, and empower all children, but particularly those most disadvantaged such as girls, children with diverse SOGIESC, and children in other forms of vulnerability, such as children with disabilities, children in alternative care, children in street situations, children who live in rural communities, children from national and ethnic minorities and children who are migrants, refugees, and asylum-seekers.

B. BEST PRACTICE GUIDANCE FROM INTERNATIONAL AND REGIONAL HUMAN RIGHTS BODIES

35. The Court, the monitoring bodies of the Council of Europe, including the monitoring bodies of the Lanzarote and Istanbul Conventions, and UN treaty bodies have been developing human rights standards and highlighting best practice guidance on comprehensive sexuality education. This section briefly canvasses this guidance observing how it is rooted in a commitment to human rights.

36. The Court in *Dojan v Germany* held that comprehensive sexuality education furthered the goals of Article 2 of Protocol 1 of ensuring no-one is denied a right to education.[58] The curriculum in question in *Dojan* was aimed at 'raising awareness of the problem of sexual abuse of children by strangers or family members with a view to its prevention.'[59] The domestic legislation on comprehensive sexuality education also aimed to:

> *provide pupils with knowledge of biological, ethical, social and cultural aspects of sexuality according to their age and maturity in order to enable them to develop their own moral views and independent approach to their own sexuality.*[60]

37. The comprehensive sexuality education at issue in *Dojan* was anchored in the right to education and it furthered the values of the right to education: developing the child holistically, and ensuring children have necessary biological and social knowledge and information to make their own decisions on core aspects of their lives. Crucially, it also aimed at guaranteeing children's right to be free from violence and the right to equality on the basis of sexual orientation. The Court held that the objectives of comprehensive sexuality education were consonant with the right to education in Article 2 of Protocol 1.

38. The CRC Committee connects comprehensive sexuality education to the right to health. It urges states to ensure that adolescents, in and out of school, have access to adequate information on

> *their health and development in order to make appropriate health behaviour choices. It should include information on … appropriate sexual and reproductive information, dangers of early pregnancy, prevention of HIV/AIDS and of sexually transmitted diseases.*[61]

Under the heading 'Adolescent Health', in the periodic reporting process, it encouraged the UK to:

> *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.*[62]

57. Save the Children and others, ibid.
58. *Dojan v Germany* (2015) Application No 319/08 (European Court of Human Rights).
59. ibid, 2.
60. ibid, 10.
61. CRC Committee, *General Comment No 14 Best Interests of Primary Consideration* (2013) CRC/C/GC/14, [78].
62. CRC Committee, *Concluding Observations: UK* (2023) CRC/C/GBR/CO/6-7, [44(b)].

The mandatory nature of comprehensive sexuality education and the prohibition on exemptions is discussed further below.

39. In its Mid-Term Horizontal Review, GREVIO emphasised the importance of comprehensive sexuality education in preventing gender-based violence as part of the state's obligation under Article 14 of the Istanbul Convention. GREVIO clarified that:

> *… education on sexuality can provide a means to address some of the topics covered by Article 14 of the ECHR, in particular the right to personal integrity and the notion that sexual violence is based on the absence of freely given consent. GREVIO has also specified that sexuality education for all boys and girls in schools is essential to guarantee women's sexual and reproductive rights and that it is a full component of the rights to education and to health.*[63]

40. The CEDAW Committee also advocates strongly that comprehensive sexuality education should be directed towards ending violence against girls. In General Recommendation No 36 on girls' right to education, the CEDAW Committee expressed grave concern that girls' right to education is severely undermined through violence and sexual abuse in the home, school, and community. It recommends instituting:

> *Mandatory, age-appropriate curricula, at all levels of education, on comprehensive sexuality education, including on sexual and reproductive health and rights, responsible sexual behaviour, prevention of early pregnancy and prevention of sexually transmitted infection.*[64]

41. The CEDAW Committee draws a direct link between the safety and wellbeing of girls and comprehensive sexuality education, conceptualising this type of education as part of prevention strategies. This position is reflected in the periodic reporting process where it more specifically holds that comprehensive sexuality education has a pivotal role to play in ending violence against girls. In the Concluding Observations for Timor-Leste, the CEDAW Committee recommended that the state:

> *integrate into curricula at all levels of education:*
> *(i) inclusive and accessible content on gender equality, including on women's rights and the harmful effects of gender-based violence against women and girls;*
> *(ii) age-appropriate sexuality education, paying particular attention to responsible sexual behaviour and the prevention of early pregnancies and sexually transmitted diseases; and*
> *(iii) human rights and peace education … .*[65]

In relation to France, the CEDAW Committee linked comprehensive sexuality education to girls' right to education:

> *Strengthen the delivery of gender-sensitive, age-appropriate and accessible education on sexual and reproductive health and rights and responsible sexual behaviour at all levels of education, provide systematic training to teachers on sexual and reproductive health and rights, and ensure the implementation and monitoring … .*[66]

42. The Committee on Economic, Social and Cultural Rights (CESCR) adopts the arguments made above, that comprehensive sexuality education is inherently linked to the rights to education, gender equality, life and autonomy. It also argues that children have a:

> *right to education on sexuality and reproductive health that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate.*[67]

43. The CESCR adopts an intersectional approach arguing that the delivery of comprehensive sexuality education must take into account a range of identity characteristics including age, sex/gender, language, ability, educational activity, disability, sexual orientation, gender identity and intersex status.[68] This implicitly links comprehensive sexuality education to the right to equality and requires states to design curricula and implementation strategies that are intersectional and sensitive to how different identity characteristics shape barriers to sexual and reproductive health.

44. Tying this best practice guidance together, the hallmarks of a comprehensive sexuality education curriculum that best protects children from all forms of violence, including gender-based and sexual violence is one that:

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63. GREVIO, *Mid-term Horizontal Review of GREIVO baseline evaluation reports* (2022), [164] <https://rm.coe.int/prems-010522-gbr-grevio-mid-term-horizontal-review-rev-february-2022/1680a58499> accessed 18 January 2024.
64. CEDAW Committee, *General Recommendation No 36: girls right to education* (2017) CEDAW/C/GC/36, [68].
65. CEDAW Committee, *Concluding Observations: Timor Leste* (2023) CEDAW/C/TLS/CO/4, [36(f)].
66. CEDAW Committee, *Concluding Observations: France* (2023) CEDAW/C/FRA/CO/9, [34 (d)].
67. CESCR, *General Comment No 22: on the right to sexual and reproductive health* (2016) E/C.12/GC/22, [9].
68. ibid, [19].

- Includes accurate, evidence-based information that is adapted to the child's age and developing maturity;
- Includes information and critical understanding of the biological, social, cultural, emotional and psychological aspects of sex, sexuality and relationships including content about healthy, responsible and respectful sexual and relationship behaviour, empathy and personal integrity;
- Includes information on and critical understanding of gender equality including on girls' equality and equality for children with diverse SOGIESC;
- includes information on and critical understanding of personal and bodily autonomy and integrity, the concept of consent and relevant laws around the age of consent to sexual activity and prohibitions on all forms of violence including gender-based and sexual violence;
- equips children through active skills-based learning with the necessary competences to be able to recognise and respond to harmful sexual behaviour, whether engaged in by adults or peers and whether committed online or offline;
- empowers children to prevent violence by:
  - developing their self-confidence and critical thinking to help them exercise their rights and act as responsible members of the community now and as they transition into adulthood;
  - encouraging them to report violence, whether experienced by themselves or others;
  - informing them about the availability of child-friendly reporting procedures and how to access them;
  - informing them about the full-range of support services, such as hotlines and helplines, available for those who have experienced violence; and
- is mandatory.

45. Failing to adopt a human-rights-based approach to sexuality education deprives children of the right to knowledge about their own bodies and the information and critical reasoning skills they need to make healthy and safe decisions. Children have a right to learn about how their bodies work and how to keep themselves safe, and they have the right to knowledge to make an informed decision on the relationships they want to be in. A human rights-based approach to comprehensive sexuality education is of fundamental value for breaking patriarchy, transphobia, homophobia, and ableism[69] and ending violence against children, including gender-based and sexual violence.

C. STRENGTHS OF A HUMAN-RIGHTS BASED APPROACH TO COMPREHENSIVE SEXUALITY EDUCATION

46. There are interlocking strengths to pursuing a human-rights based approach to comprehensive sexuality education. This section will explore these strengths.

47. First, under this framing, comprehensive sexuality education is not an option or largesse granted by the state. It is a right. As a right the state has a corresponding duty to ensure comprehensive sexuality education is realised for all children. Individuals, groups and other relevant stakeholders can, using various accountability mechanisms, demand from the state that comprehensive sexuality education be implemented.

48. Second, under a human-rights based approach to comprehensive sexuality education it is not sufficient to merely enact a law or policy. States must take positive steps to ensure that comprehensive sexuality education is de facto enjoyed by all children.[70] There are a range of positive duties on the state. For example, the CESCR observes that the state information on comprehensive sexuality education should be 'publicly available to all individuals, in appropriate languages and formats.'[71] This would require the state to develop curricula that are accessible for linguistic minority groups and disabled children. Proper teacher training is recognised to be an essential component in the delivery of comprehensive sexuality education. The CEDAW Committee encourages states to provide teacher training and advocates for the recruitment, training and hiring of female

69. Ableism 'is a set of beliefs or practices that devalue and discriminate against people with physical, intellectual, or psychiatric disabilities and often rests on the assumption that disabled people need to be 'fixed' in one form or the other'; see Centre for Disability Rights <https://cdrnys.org/blog/uncategorized/ableism/> accessed 9 February 2024.
70. International Planned Parenthood Federation, *Everyone's Right to Know: Delivering Comprehensive Sexuality Education For All Young People* <https://www.ippf.org/sites/default/files/2016-05/ippf_cse_report_eng_web.pdf> accessed 22 March 2024.
71. CESCR, *General Comment No 22* (n 67), [63].

teachers 'who can serve as role models and make classrooms safer and more enabling places for girls and young women.'[72] GREVIO also urges states to ensure mandatory initial training on teaching on comprehensive sexuality education.[73] Article 5 of the Lanzarote Convention concerns states obligations regarding the recruitment, training and awareness raising of persons who work with children. It requires states to ensure that such persons 'have an adequate knowledge of sexual exploitation and sexual abuse.' The Explanatory Memorandum indicates that this phrase 'could imply training or otherwise providing information for people who come in contact with children so that children who are victims of sexual exploitation or sexual abuse can be identified as early as possible, but it is left to Parties to decide how to achieve this'.[74] The role of educators in the provision of comprehensive sexuality education is explored further in Part 4.

49. Recognising the link between comprehensive sexuality education and human rights requires the state to develop implementation strategies and to maintain effective monitoring systems.[75] For example, the CRC Committee recommends 'regular monitoring and evaluation of the frequency and quality of' comprehensive sexuality education. This would include regular monitoring and providing support for the implementation of the comprehensive sexuality education programme(s) in public, private, formal, informal and non-formal educational settings.[76] In a similar vein, GREVIO stresses 'the importance of monitoring how teachers make use of existing teaching materials and how they approach issues related to … violence against women'.[77] States are encouraged to develop indicators to ensure education is being used to end violence.[78] Furthermore, monitoring also requires that curriculum design be evidence-based and responsive to new or emerging obstacles to children's sexual and reproductive health. Effective accountability mechanisms also need to give space for the voices of children and take seriously their views on comprehensive sexuality education.[79]

50. Third, parents can have an important role in supporting and strengthening the implementation of comprehensive sexuality education and it is important that parents are consulted and provided knowledge about the content and value of comprehensive sexuality education in protecting their children from all forms of violence, including gender-based and sexual violence. However, there are groups, including parents, seeking to limit children's access to comprehensive sexuality education, often arguing that this type of education breaches the right to freedom of religion and belief. This raises challenging questions on the rights of children, the rights of parents, and the tensions between different human rights. Understanding that comprehensive sexuality education fulfils a cluster of fundamental human rights for children gives states tools to navigate these tensions and clarifies that the right to freedom of religion and belief, even that of parents, cannot be used to limit, exempt, or restrict access to comprehensive sexuality education.

51. The Court has consistently held that states may implement mandatory comprehensive sexuality education and that the mandatory nature of comprehensive sexuality education was not inconsistent with parents' rights under the ECHR. The Court's conclusions flow from a recognition that children's rights are in jeopardy if legislation permits children to be exempt from comprehensive sexuality education. In *AR and LR v Switzerland*,[80] the parent sought to have her child exempted from comprehensive sexuality education in primary school. The Court held the application was manifestly ill-founded. Comprehensive sexuality education, the Court noted, was directed towards protecting and preventing violence and exploitation and thus pursued legitimate aims. It was also held to be a proportional interference into the parent's right to respect for private and family life (Article 8 of the ECHR) as the state recognised the important role of parents, developed age-appropriate lessons, and the education was designed to react and respond to children's questions and actions. It was the fundamental nature of the rights at stake in comprehensive sexuality education – freedom from violence – that justified intruding on parental rights. The Court came to a similar conclusion in *Kjeldsen, Busk Madsen and Pedersen v Denmark*.[81] It held that mandatory comprehensive sexuality education was permissible notwithstanding parental objections as the aim of this education was to impart knowledge on how to prevent unwanted pregnancy, was evidence-based, and was provided in an objective, critical and pluralistic way. The

72. CEDAW Committee, *General Recommendation No 36* (n 17), [68].
73. GREVIO, *Baseline Evaluation Report: Cyprus* (2022) GREVIO/Inf(2022)29, [75].
74. Council of Europe, *Explanatory Report on the Protection of Children* (n 48), [56].
75. CESCR, *General Comment No 22* (n 67), [47], [60].
76. CRC Committee, *Concluding Observations: France* (2023) CRC/C/FRA/CO/6-7, [39].
77. GREVIO, *Mid-Term Horizontal Review* (n 63), [166].
78. ibid.
79. CRC Committee, *General Comment No 20: on the implementation of the rights of the child during adolescence* (2016) CRC/C/GC/20, [23]-[25]; CRC Committee, *General Comment No 12: the right of the child to be heard* (2009) CRC/C/GC/12.
80. *AR and LR v Switzerland* Application No 22338/15 (European Court of Human Rights).
81. *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) Application 5095/71; 5920/72; 5926/72 (European Court of Human Rights).

UN human rights treaties and the Istanbul Convention as interpreted by GREVIO also recognise that parents' right to educate their children can be limited to protect the fundamental rights of others.[82]

52. In the leading case, *Dojan v Germany,* the Court accepted that the German law which did not allow religious or moral-based exemptions to comprehensive sexuality education in public schools was not in violation of the ECHR. The parents argued that mandatory comprehensive sexuality education violated Article 2 of Protocol 1 as the state failed to respect the right of parents to education 'in conformity with their own religious and philosophical convictions', referencing Article 9 (right to freedom of religion and belief), Article 8 (right to private life) and Article 14 (right to equality). The Court rejected these arguments as permitting exemptions would undermine the state's aims in making comprehensive sexuality education mandatory. The underlying aims of the comprehensive sexuality education at stake in *Dojan* were, as canvassed above, consistent with the right to education. The Court also observed that mandatory comprehensive sexuality education did not undermine the rights of parents to educate their children in their own beliefs. Comprehensive sexuality education did not criticise different beliefs. The Court noted that the curriculum did not 'put into question the parents' sexual education based on their religious convictions, as children would not have been influenced to approve or reject specific sexual behaviour.'[83] The parents' right to freedom of religion and belief 'do[es] not guarantee the right not to be confronted with opinions that are opposed to one's convictions.'[84] The UN Special Rapporteur on freedom of religion and belief has made similar observations: 'a respectful attitude [to religion and culture] does not require avoiding sensitive issues.'[85]

53. Furthermore, the Court drew a distinction between public and private space. There is a difference between what is taught in the home about sex, sexuality and relationships, which can explicitly be faith-based, and what is taught in the school, comprehensive sexuality education. The parents 'were free to educate their children after school … thus their right to educate their children in conformity with their religious convictions was not restricted in a disproportionate manner.'[86] The Court held that there is still scope for religion and cultural beliefs but due to the fundamental human rights at stake, these beliefs cannot be used to justify limits on comprehensive sexuality education in school. It is the weight of the human rights at stake, such as the right to education and the need to ensure children's right to live without violence, that explains why sexuality education is necessary and should be compulsory. Daly and O'Sullivan argue that comprehensive sexuality education is the right of children in order to ensure that they have information to protect and empower themselves.[87] Going forward, a potential instrument on comprehensive sexuality education should adopt a children's rights approach and recognise that mandatory comprehensive sexuality education fulfils children's rights to education, health, well-being, equality and autonomy and that the fundamental importance of these human rights outweighs resistance to mandatory comprehensive sexuality education.

82. Article 18(1)-3 of ICCPR, Article 13(3) of ICESCR and Article 14 of CRC; GREVIO, *Baseline Report: Ireland* GREVIO/Inf(2023)22, [79].
83. *Dojan* (n 58), 15.
84. ibid, 15-16.
85. UN Special Rapporteur on the freedom of religion or belief, *School Education* (2011) A/HRC/16/53, [38].
86. *Dojan* (n 58), 16.
87. Daly and Sullivan (n 13).

Part 3.

Lessons from research on the relationship between comprehensive sexuality education and gender-based and sexual violence

54. Comprehensive sexuality education can protect children from gender-based and sexual violence and prevent them from engaging in harmful sexual and violent behaviour. Part 3 begins by setting the context and experiences of children as victims and persons who engage in gender-based and sexual violence. It then proceeds to review studies that have evaluated programmes that seek to meet the twin aims of protection and prevention in the field of gender-based and sexual violence to identify what differentiates those that work from those that do not. Included in this discussion is a disaggregation of the concepts of protection and prevention and insights from children whose views on the content and teaching of comprehensive sexuality education were canvassed in qualitative and mixed methods research.

A. CHILDREN AS VICTIMS OF AND/OR ENGAGING IN ACTS OF GENDER-BASED AND SEXUAL VIOLENCE

55. Child sexual abuse is an endemic, pervasive, and heavily gendered phenomenon both in terms of victim and perpetrator. Globally, the lifetime prevalence of sexual abuse for girls is 18% and 7.6% for boys.[88] It is estimated that self-reported child sexual abuse is 30 times greater than is reported in official statistics.[89] A 2014 UNICEF Report approximated that 120 million girls and women aged 20 and under have experienced some form of forced sexual contact. [90] This would amount to more than 1 in 10 girls and women worldwide. The median prevalence rates of sexual abuse victimisation were also found to be higher for girls than boys in Europe, Asia, Australia, and North America.[91] Focusing on European studies, scholars have found that girls had a median lifetime prevalence of 14% for sexual abuse compared to 6% for boys.

56. The prevalence of sexual violence against women and girls is indicative of the gendered nature of this form of violence but it must be acknowledged that sexual violence against children is not exclusively gender-based in origin. It also reflects other power imbalances between abuser and abused, with the abuser exploiting the vulnerability of the child victim. The introduction of mandatory reporting obligations on professionals who work with children in respect of suspected cases of child sexual abuse has led to increasing numbers of male victims being identified.[92] This points to a historic under-reporting of this harm by boys who have experienced it, thought to be connected to the dissonance of being a male victim of a form of violence that is gendered female. Gender-specific barriers to reporting experienced by male victims include them not recognising that they have been abused, fearing that they would not be believed,

88. Marije *Stoltenborgh and others 'A Global Perspective on Child Sexual Abuse: Meta-Analysis of Prevalence Around the World' (2011) 16(2) Child Maltreatment 79.*
89. Alexander Butchart and Susan Hillis, *INSPIRE: Seven Strategies for Ending Violence Against Children* (WHO 2016), 12.
90. UNICEF, *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children* (2014), 167.
91. Gwenllian Moody and others, 'Establishing the International Prevalence of Self-Reported Child Maltreatment: A Systematic Review by Maltreatment Type and Gender' (2018) 18(1) BMC Public 1164, Figure 2.
92. Ben Mathews and others, 'Reports of child sexual abuse of boys and girls: Longitudinal trends over a 20-year period in Victoria, Australia' (2017) 66 Child Abuse & Neglect 9; Ben Mathews and others, 'Comparing reports of child sexual and physical abuse using child welfare agency data in two jurisdictions with different mandatory reporting laws' (2020) 9(5) Social Sciences 75.

and/or fearing that their masculinity/(hetero)sexuality would be brought into question.[93] Recent national research from Spain has found that, in line with other research, sexual victimisation of girls (24%) is greater than that of boys (11.2%).[94] However, it also found that boys were subjected to more severe forms of sexual victimisation.

57. Concerns about the prevalence of sexual abuse of children by persons known to them, or within the victim's 'circle of trust', prompted the Lanzarote Committee to monitor what legal frameworks states have in place to protect children from this form of abuse and to respond to it when perpetrated.[95] One of the key findings from the first report was the lack of data on the extent of such perpetration.[96] However, research worldwide has consistently found that most victims know their abusers. Children are most commonly abused by family members, family friends or persons in positions of trust or authority over them.[97] Research also tells us that sexual violence is perpetrated mostly by men and boys.[98] Perpetrators typically first engage in harmful sexual behaviour as adolescents and 50-75% of men who ever commit rape first do so when they are teenagers.[99] Between a quarter and a third of all sexual violence against children is engaged in by children (often older children nearing adolescence),[100] although it should be noted that children who engage in sexually harmful behaviours are often simultaneously victims of such harm[101] and they are more likely to come to the attention of authorities than adults.[102] Intimate partners are frequently identified by victims as perpetrators of serious sexual violence. In formal unions where the girl is aged 15–19 years, it has been estimated that around 84 million girls globally, or one in three, were subjected to emotional, physical or sexual violence by their intimate partners.[103] In informal relationships, sexual violence is frequently engaged in by boyfriends and girlfriends.[104] There are worryingly high prevalence rates of teen dating violence (TDV). There are also worryingly high levels of acceptance of behaviours that can lead to and are part of TDV. For example, the Brussels Wallonia Federation found that 38% of 12–21-year-olds believed that jealousy was proof of love.[105]

58. More recent research has considered online sexual abuse which has been found to be gendered and to co-occur with TDV. In cases where the now 18–19-year-old victim was a minor at the time of the sextortion (sexual extortion)[106], it was found that the purpose of the sextortion was either to coerce them into producing more sexual images (66%) or to try to force them to return to or stay in a relationship (42%). While three-quarters (75%) had shared the sexual image with the perpetrator, for two-thirds (67%) this sharing was the result of pressure, threats, force, or trickery.[107] In Ireland, Women's Aid found that the partners of 93% of young respondents threaten to post intimate images or videos of them when they fight.[108]

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93. Kieran O'Gorman and others, 'Childhood Sexual Abuse in Boys and Men: The Case for Gender-Sensitive Interventions' (2024) 16 (S1) Psychological Trauma: Theory, Research, Practice, and Policy S181, S183.
94. Noemi Pereda and others, *La victimización sexual en la adolescencia: un estudio nacional desde la perspectiva de la juventud Española* (Universitat de Barcelona, 2024). (in Spanish only)
95. The definition of 'circle of trust' adopted by the Lanzarote Committee includes abuse perpetrated by peers in addition to that by family members and persons in authority, see Lanzarote Committee, *Protection of Children Against Sexual Abuse in the Circle of Trust: The Framework* (2015) <https://rm.coe.int/1st-implementation-report-protection-of-children-against-sexual-abuse-/16808ae53f> accessed 29 January 2024.
96. ibid, 19. The first implementation report was the result of the Lanzarote Committee's first monitoring round. The third monitoring round was launched on 20 June 2023 to follow-up on progress on the 26 countries that were monitored in the first round and to seek data from 22 countries that were not included in that round. The deadline for submission of responses was 20 September 2023. Further information on the third monitoring round can be accessed here: https://www.coe.int/en/web/children/3rd-monitoring-round, accessed 14 February 2024.
97. Paulo Sérgio Pinheiro, *World Report on Violence Against Children* (UN 2006), 55.
98. Simon Hackett, *Sexual Violence and Harmful Sexual Behaviour Displayed by Children: Nature, Causes, Consequences and Responses* (Council of Europe 2020), 18.
99. Sarah DeGue and others 'A Systematic Review of Primary Prevention Strategies for Sexual Violence Perpetration' (2014) 19(4) Aggression and Violent Behavior 346, 356; Rachel Jewkes, Michael Flood and James Lang, 'From Work with Men and Boys to Changes of Social Norms and Reduction of Inequities in Gender Relations' (2015) 385 (9977) The Lancet 1580, 1581.
100. Hackett (n 99), 10.
101. ibid, 12, 29. For example, Hackett and others found that 50% of male adolescents and 69% of female adolescents who were engaging in sexually harmful behaviour had been sexually abused; Simon Hackett and others, 'Individual, Family and Abuse Characteristics of 700 British Child and Adolescent Sexual Abusers' (2013) 22 Child Abuse Review 232.
102. Gemma McKibbin and others, 'Pathways to Onset of Harmful Sexual Behavior' (2023) Victims and Offenders 1, 1.
103. UNICEF, *Hidden in Plain Sight* (n 90).
104. Lorraine Radford, Debra Allnock and Patricia Hynes, *Preventing and responding to child sexual abuse and exploitation: Evidence review* (New York: UNICEF, 2015) 18.
105. Brussels Wallonia Federation, 'NO VIOLENCE – La Violence en chiffres' <aimesansviolence.be> accessed 30 January 2024; data comes from a 2008 study.
106. For further details: https://www.ohchr.org/sites/default/files/TerminologyGuidelines_en.pdf
107. Radford, Allnock and Hynes (n 104) 18.
108. Women's Aid 'Media Release: Young Peoples Relationship Quiz' <https://www.womensaid.ie/about/newsevents/news/2023/02/14/media-release-young-peoples-relationship-quiz-reve/> accessed 21 August 2023.

Teen-Dating Violence Studies: Gender-Based and Sexual Violence

A meta-analysis undertaken by Wincentak and others[109] found that 20% of teens in opposite-sex relationships reported experiencing physical TDV and 9% sexual TDV. Breaking this down by gender, girls were nearly twice as likely as boys to self-report experiencing sexual TDV (14% and 8% respectively); 21% of both genders reported being the victim of physical TDV. Tomaszewksa and Schuster's review[110] focused on European teens involved in opposite-sex relationships found that girls consistently reported higher rates of sexual TDV perpetrated against them than boys.

59. The easy availability of pornography online has also been a matter of recent concern with a 2022 Report from the French Senate highlighting the intersection of various factors including the early age at which children acquire smart phones, the unsolicited promotion of pornographic content on social media platforms, and the lack of meaningful age authentication measures on pornography sites.[111] The average age of first pornography consumption in France is 14 and 12 in the US.[112] A study of 19 European countries found that between 21% to 50% of children aged 9 to 16 had seen a sexual image in the past year.[113] Research from Australia found that, on average, boys view pornography 3.2 years before their first sexual experience with a partner and girls do so 2 years prior.[114] This means that children's expectations of what sex is are being set long before they engage in sexual practice with another person. Children also report that pornography shapes their sexual practices.[115] Accordingly, these representations of unsimulated sex matter. As Chatterjee and Kar write, '[t]he major issue with the cognitive development of adolescents is that they might not be able to differentiate between "reel life" and "real life," in turn promoting problematic sexual behaviour.'[116]

60. Although it is too simplistic to say that watching pornography causes sexual violence, given that representations of unsimulated sex in pornography do not prioritise consent and often contain abusive and misogynistic behaviour and values,[117] pornography consumption is a perpetration risk factor. In their identification of pathways for children towards engaging in harmful sexual behaviour, McKibbin and others found that access to pornography was present in 3 of 10 pathways.[118] A study of five European countries found that pornography was regularly consumed by between 39% and 59% of boys and that these boys were more likely to agree with a statement that: 'women lead men on sexually and then complain about the attention they get.'[119] They were also more likely to engage in sexual coercion and abuse.[120] A more recent Italian study reaffirmed that pornography consumption increased boys' acceptance of strict gender roles and tolerance for discriminatory, violent and deviant behaviours.[121] Both studies recommended that comprehensive sexuality education was needed to provide children with the necessary tools to recognise and critique the abusive and

109. Katherine Wincentak, Jennifer Connolly and Noel Card 'Teen dating violence: a meta-analytic review of prevalence rates' (2017) 7(2) Psychology of Violence 224.
110. Paulina Tomaszewska and Isabell Schuster, 'Prevalence of teen dating violence in Europe: A systematic review of studies since 2010' (2021) 178 New Directions for Child & Adolescent Development 11.
111. Annick Billon and others, 'Porno: L'enfer du Décor' (2021-22) 27(1) French Senate Information report no 900 77-78, 82, 84-5. (in French). Following this report, the Senate adopted a resolution on March 1, 2023 'calling for the fight against pornographic violence to be made a public policy priority' (in French only).
112. Women's Aid (n 108), 83; Michael Robb and Supreet Mann, 'Teens and Pornography' (Common Sense 2022), 8 <www.commonsensemedia.org/sites/default/files/research/report/2022-teens-and-pornography-final-web.pdf> accessed 21 August 2023.
113. David Smahel and others, *EU Kids Online 2020: Survey Results from 19 Countries* (2020), 89 <www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-March2020.pdf> accessed 21 August 2023.
114. Maree Crabbe, Michael Flood & Kelsey Adams, 'Pornography exposure and access among young Australians: a cross-sectional study' (2024) Australian and New Zealand Journal of Public Health. Advance online publication (19 March 2024).
115. Crabbe and Flood (n 36), 5-6. See too Children's Commissioner for England, *Evidence on Pornography's Influence on Harmful Sexual Behaviour among Children* (May 2023), available https://assets.childrenscommissioner.gov.uk/wpuploads/2023/05/Evidence-on-pornographys-influence-on-harmful-sexual-behaviour-among-children.pdf.
116. Surobhi Chatterjee and Sujita Kumar Kar, 'Teen pornography: an emerging mental health challenge' (2023) 5(1) Journal of psychosexual health 30, 32.
117. As part of the process of writing the French Senate Report, the six most popular pornographic sites in France were visited and a high proportion of the videos were found to be categorised using descriptions that would amount to crimes in France such as the sexual abuse of children and incest. The categorises used also risked inciting violence through the promotion of racial stereotypes and dangerous sexual practices. Billon and others (n 111), 88-89.
118. McKibbin and others (n 102), 32.
119. Nicky Stanley and others, 'Pornography, Sexual Coercion and Abuse and Sexting in Young People's Intimate Relationships: A European Study' (2018) 33(19) Journal of interpersonal violence 2919, 2929, 2936. The five countries were Bulgaria, Cyprus, England, Italy and Norway.
120. ibid, 2936.
121. Loredana Cerbara and others, 'The (Un)Equal Effect of Binary Socialisation on Adolescents' Exposure to Pornography: Girls' Empowerment and Boys' Sexism from a New Representative National Survey' (2023) 13(6) Societies 146, 12-13 of 15.

gendered values contained within pornography.[122] Education was also identified as a means of countering sexist representations of women in pornography in the Council of Europe Committee of Ministers' Recommendation on preventing and combatting sexism,[123] while the French Senate Report recommended that this education needs to be provided to primary-school aged children to prepare them for 'the almost inevitable exposure today to such content, in a way that is not experienced as normalizing or violent'.[124] Parents too need to be educated about the ease with which their children can access pornography and how to discuss this issue with them.[125]

Pornography Use and Abuse: Children's Commissioner for England

In January 2023, results of focus groups with teenagers and a survey of over a thousand 16-21-year-olds were released. It was found that the average age at which children first view pornography is 13 years old and that frequent users of pornography were also more likely to have real-life experience of an aggressive or degrading sex act.[126] A May 2023 Report collected data from 370 Achieving Best Evidence (ABE) transcripts of interviews with children who have been harmed and children who have harmed another child and were provided by the police force investigating the allegation. It also collected data from 123 Sexual Assault Referral Centre forms, which include paediatric safeguarding medical reports and referral documentation, for children who were harmed by other children from one National Health Service foundation trust.[127] A review of the ABE interviews revealed that in 50% of cases the interview transcripts included words referring to at least one specific act of sexual violence commonly seen in pornography. The most common acts were sexist and derogatory name calling and punching. The most common category of sexual violence was physical aggression, with 35% of cases involving slapping, strangulation, hairpulling, gagging, spanking, whipping, punching, or kicking.

61. There is also growing awareness of the availability of child sexual abuse material online and the use of the digital environment to sexually exploit and abuse children.[128] Childlight, a University of Edinburgh initiative to understand the prevalence of such harms, estimated in their first Index report in 2024 that 12.6% of children globally (approximately 302 million) have been victims of the non-consensual taking, sharing and exposure to sexual images and video in the past year and that a similar proportion (12.5%) were solicited for such purposes.[129] Boys (7.5%) and girls (8.7%) appear to be subject to similar levels of digital victimisation, but girls appear in more online child sexual abuse material.[130] The most common online content depicted prepubescent children (approximately aged between 0-13) followed by content depicting pubescent and post-pubescent children (approximately 14-17).[131] Childlight also conducted surveys with representative samples of adult men from three countries which revealed that 11% of American men, 7% of British men and 7.5% of Australian men admitted that they had perpetrated online offending against children during their lifetime.[132] On the release of the Report, Childlight CEO Paul Stanfield observed, '[t]his is on a staggering scale that in the UK alone equates to forming a line of male offenders that could stretch all the way from Glasgow to London – or filling Wembley Stadium 20 times over.'[133]

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122. ibid, 13 of 15; Stanley and others (n 119), 2940-1. See too Crabbe and Flood (n 36); Child Commissioner for England, *Our Recommendations for making the online world safer for children* (2022) https://assets.childrenscommissioner.gov.uk/wpuploads/2022/03/cco-online_safety_commission_from_government_our_recommendations_for_making_the_online_world_safer_for_children_report_mar_2022.pdf.
123. Committee of Ministers of the Council of Europe, *Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism* (27 March 2019), 7, I.B.7 <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168093b26a> accessed 30 August 2023.
124. Billon and others (n 111), 140: "Il convient de donner aux jeunes des grilles de lecture pour qu'ils puissent faire face à une exposition quasiment inévitable aujourd'hui à de tels contenus, d'une manière qui ne soit pas vécue comme normalisatrice ou violente".
125. Committee of Ministers of the Council of Europe, *Preventing and combating sexism* (n 123), 7, II.I.3.
126. Children's Commissioner for England, '*A lot of it is actually just abuse': Young people and pornography* (January 2023), available https://www.childrenscommissioner.gov.uk/resource/pornography-and-harmful-sexual-behaviour/.
127. Children's Commissioner for England, *Evidence on Pornography's Influence* (n 115).
128. See, e.g., Lanzarotte Committee, *ICTs* (n 35).
129. Childlight – Global Child Safety Institute, *Into the Light Index on Child Sexual Exploitation and Abuse Globally: 2024 Report* (Edinburgh: Childlight, 2024), 7, 42, <https://childlight.org/sites/default/files/2024-05/into-the-light.pdf> accessed 11 June 2024.
130. ibid, 10, 37.
131. ibid, 38.
132. ibid, 21.
133. Ryan McDougall, 'More than 300 million children a year face sexual abuse online, study suggests first global estimate of crisis' *Irish Independent* (27 May 2024), <https://www.independent.ie/world-news/britain/more-than-300-million-children-a-year-face-sexual-abuse-online-study-suggests-first-global-estimate-of-crisis/a1300270842.html> accessed 27 May 2024).

62. In terms of legal responses, concern has been expressed that children who engage in harmful sexual behaviour can face significant legal consequences and are frequently treated as if they were adult offenders. However, unlike adult offenders, evidence tells us that children who engage in harmful sexual behaviour typically desist and rarely repeat the impugned behaviours once detected and appropriate interventions are made.[134] Appropriate interventions are educative, therapeutic and child welfare orientated.[135] Educative interventions would include secondary prevention programmes[136] but may also incorporate assessment, safety planning and therapeutic interventions. Therapeutic interventions would have to be designed specifically for children as the needs of adults and children differ.[137] Child welfare responses are required because, as noted above, a majority of children who engage in sexually harmful behaviours are also sexually victimised.[138]

63. There are also issues around the age of consent. Many children are engaging in non-exploitative and willing sexual activity below the age of consent. Although the table below is missing data on some countries and it is not clear whether the sexual activity was exploitative or not, significant minorities of children have sex on or before the age of 15. This is despite the fact that the age of consent is set at 14 and/or 15 in only half (24 of 46) of these countries. For others who are of age, the age of consent is relevant only to some but not all child-sex offences. For example, in Ireland the age of consent to some sexual activities, including penetrative sex, is 17 although a peer-exemption exists where certain conditions are met.[139] However they and their same-age or near-age partners remain children for the purposes of child sexual abuse material production until they turn 18. This means that a male or female 17-year-old who engages in consensual sexual relations with another 17-year-old is acting within the law, but they break it if they document that sexual activity because they have produced illegal child sexual abuse material.

Country	Age of Consent for Sex with an adult[140]	Proportion who have had sex by the age of 15[141]
Albania	14	5% girls, 45% boys
Andorra	14	---
Armenia	16	1% girls, 27% boys
Azerbaijan	16	---
Austria	14	14% girls, 20% boys
Belgium	16	Francophone: 14% girls, 21% boys Flemish: 18% girls, 16% boys
Bosnia and Herzegovina	14 and 15[142]	---
Bulgaria	14	25% girls, 37% boys
Croatia	15	6% girls, 23% boys
Cyprus	17[143]	---
Czechia	15	18% girls, 21% boys
Denmark	15	24% girls, 26% boys
Estonia	16	18% girls, 16% boys

134. Hackett (n 98), 34.
135. Although criminal justice responses are generally not appropriate, Hackett acknowledges that for a small proportion of children engaging in sexually harmful behaviours, a criminal justice response may be necessary. Ibid.
136. These will be discussed in Part 3B(i) below.
137. Hackett (n 98), 39.
138. See fn 101 above.
139. *Criminal Law (Sexual Offences) Act 2006*, s3(8) as replaced by s17, *Criminal Law (Sexual Offences) Act 2017*. A lower age of 15 applies to acts that would be a sexual assault if perpetrated on an adult without their consent; s 14, *Criminal Law Amendment Act 1935*.
140. This is subject to the limitation that different ages of consent may apply where the person is part of the young person's circle of trust, e.g., in Ireland the general age of consent is 17 but the age is 18 where the other party is a person in authority over the minor. Similarly, certain relationships are entirely prohibited by law, e.g. incest. Data in this column is taken from Domenico Rosani, 'Comparative study of the legal age for sexual activities in the State Parties to the Lanzarote Convention' (Council of Europe 2023), Chapter 3 < https://rm.coe.int/comparative-study-of-the-legal-age-for-sexual-activities-in-the-state-/1680ac9320> accessed 30 January 2024. Reference is not made to peer-exemption clauses.
141. As of 2017-18; WHO, *Spotlight on Adolescent Health and Well-Being* (Vol 2, WHO: Regional Office for Europe 2020), 76 <https://apps.who.int/iris/handle/10665/332104> accessed 14 August 2023. Note that this source does not include data for every country in the table.
142. The age of consent differs according to the laws set in decentralised self-governing legislatures. The age of consent in the Federation of Bosnia and Herzegovina and in the Brčko District is 14. The age of 15 is set for the Republika Srpska; see Rosani (n 140), 15.
143. Subject to the exception that a 16-year-old can marry in Cyprus with parental consent; ibid, 16.

Country	Age of Consent for Sex with an adult[140]	Proportion who have had sex by the age of 15[141]
Finland	16	24% girls, 28% boys
France	15[144]	9% girls, 26% boys
Georgia	16	3% girls, 45% boys
Germany	14	17% girls, 19% boys
Greece	15	19% girls, 34% boys
Hungary	14	18% girls, 27% boys
Iceland	15	24% girls, 27% boys
Italy	14	18% girls, 28% boys
Ireland	17[145]	11% girls, 19% boys
Latvia	16	11% girls, 17% boys
Liechtenstein	14	---
Lithuania	16	10% girls, 22% boys
Luxembourg	16	17% girls, 26% boys
Malta	16	15% girls, 25% boys
Republic of Moldova	16	4% girls, 23% boys
Montenegro	14	---
Monaco	15	---
Netherlands	16	13% girls, 16% boys
Norway	16	---
Poland	15	10% girls, 16% boys
Portugal	14[146]	15% girls, 22% boys
Romania	16[147]	8% girls, 29% boys
San Marino	14	---
Serbia	14	9% girls, 14% boys
Slovenia	15	15% girls, 25% boys
Slovakia	15	11% girls, 17% boys
Spain	16	16% girls, 18% boys
Sweden	15	23% girls, 21% boys
Switzerland	16	10% girls, 20% boys
Tunisia	18	---
Türkiye[148]	18	---
Ukraine	16	7% girls, 19% boys
United Kingdom	16	England: 18% girls, 22% boys Wales: 26% girls, 23% boys Scotland: 19% girls, 21% boys Northern Ireland: ---

Figure 1: Age of consent and sexual debut by the age of 15

144. In France, the law provides that no adult can claim that a child consented if the child is under 15 years of age, or under 18 years of age in the case of incest. In addition, the law criminalises any act of a sexual nature between an adult and a minor over 15 years of age if the adult is a person in authority over the minor.
145. The general age of consent for more serious sexual activities is 17 but is set at 18 where the other party is a person in authority. The age of 15 applies for lesser forms of sexual activity.
146. The legal situation in Portugal is not clear-cut as the age of 16 is also sometimes the relevant age of consent; ibid, 14-15.
147. For acts involving penetration and 14 for other sexual activities; ibid, 15.
148. Subject to the exception that an 18-year-old can marry in Türkiye with parental consent. There is also a grey area where sexual activity between 15 and 18 is illegal but a prosecution will only ensue if a complaint is made by the victim or a representative; ibid, 16.

B. COMPREHENSIVE SEXUALITY EDUCATION AS A MEANS OF PROTECTION AND PREVENTION

(i) Protection or prevention or both?

64. As discussed in Part 2, various international treaties provide that children have the right to be protected from sexual abuse and sexual exploitation. It is therefore obligatory that comprehensive sexuality education programmes include information and skills designed to protect from and prevent violence. Programmes focused on self-protection and risk-reduction, such as those where girls and women are taught how to be assertive and remove themselves from dangerous situations, have proven to be successful. They have been found to reduce sexual violence victimisation and increase disclosures.[149] Similarly, comprehensive sexuality education courses provided in secondary schools that included a refusal skills component were found to reduce the risk of sexual assault in university by 8% overall and by 10% for women.[150]

65. However, to repeat the point made earlier in Part 2, the Explanatory Memorandum discussion of Article 6 of the Lanzarote Convention makes it clear that educating children how to protect themselves does not relieve the state or adults of their duties to protect children from all forms of sexual exploitation and sexual abuse.[151] Therefore it is important that a programme to combat gender-based and sexual violence is not framed entirely through a protection lens because that would risk placing the onus for violence prevention on the prospective victim. This framing can minimise or ignore the perpetrator's responsibility for the violence and endorse gendered scripts where girls and women are expected to be gatekeepers of male sexuality. This can then lead to victim-blaming and self-blaming when sexual violence occurs.[152] Moreover, the assumption that the person being subjected to a sexual attack can exercise refusal skills by saying 'no' is based on erroneous understandings of how people respond to perceived or actual danger. Studies which popularised the idea – originating in 1929[153] – that the typical response to danger is 'fight or flight' tended to exclude women and were not focused on sexual violence. When women are included, two additional adaptive protective responses – 'freeze and fawn' – are utilised which preclude the use of 'no.'[154] The freeze and fawn responses exist because active resistance or saying 'no' can sometimes be more dangerous than the alternative.[155] Given the disparate and unequal power dynamics between children and those who abuse or exploit them, it is probable that children may engage in any of these adaptive responses to violence. As noted above, there is a growing awareness of the power dynamics inherent in child sexual abuse in addition to the gender-power dimension and children need to be assured that their reactions do not negate the harm done to them.[156]

66. It is important to move beyond protection-focused programmes, while still recognising that risk reduction knowledge and skills have a role to play. The key difference between protection and prevention programmes is that the former typically orientate their content to the prospective victim while prevention looks to the prospective offender. Primary prevention programmes seek to identify what risks can lead to the perpetration of sexual violence and use education to target these risks. Secondary prevention programmes are directed at perpetrators and victims. Some focus on providing targeted interventions to perpetrators to prevent recidivism; others provide victims with strategies to enable them to recognise that they have been abused, telling them that they did nothing to deserve that abuse, and empowering them to report it thus preventing secondary victimisation.[157] In this way victim-directed secondary protection measures challenge victim-blaming.

67. Prevention-focused interventions also recognise that the factors conducive to abuse perpetration are broader than those specific to the individual perpetrator. Scholars have noted that 'achieving long-term

149. Brittany Thiessen, Linzi Williamson and Carie Buchanan, '"Be Proactive Not Reactive": Understanding Gaps in Student Sexual Consent Education' (2021) 30(3) Canadian Journal of Human Sexuality 349, 356.
150. John Santelli and others 'Does Sex Education Before College Protect Students from Sexual Assault in College?' (2018) 13(11) PloS one e0205951, 12.
151. Council of Europe, *Explanatory Report on the Protection of Children* (n 48), [59].
152. Thiessen, Williamson and Buchanan (n 149), 440.
153. Walter Cannon, *Bodily Changes in Pain, Hunger, Fear, and Rage* (Appleton 1929).
154. Alternatively labelled 'tend or befriend'; Shelley Taylor and others, 'Biobehavioral responses to stress in females: tend-and-befriend, not fight-or-flight' (2000) 107(3) Psychological Review 411.
155. Brooke de Heer and Lynn Jones, 'Investigating the self-protective potential of immobility in victims of rape' (2017) 32(2) Violence and victims 210.
156. See above [56].
157. Mary Ellsberg and others 'Prevention of Violence Against Women and Girls: What Does the Evidence Say?' (2015) 385 (9977) The Lancet 1555, 1556.

behaviour change with [individual focused] programs is unlikely when they are delivered in a social, cultural, or physical environment that counteracts those messages and discourages safe, healthy behaviours or rewards violent behaviour.'[158] This explains why programmes that positively change participants' attitudes about sexual violence do not seem to result in a reduction in sexual violence.[159] For individual attitudinal change to persist and for a reduction of sexual violence to result, changes are also needed in the wider ecology of risk factors for sexual violence perpetration. This means, drawing from the Committee of Ministers' 'Gender Equality Strategy (2024-2029)', that it is essential to recognise and involve boys 'as agents and beneficiaries of change, and strategic partners and allies'.[160] The following illustration provides various points in the social ecology at which efforts to target male violence against women and girls could be directed:[161]

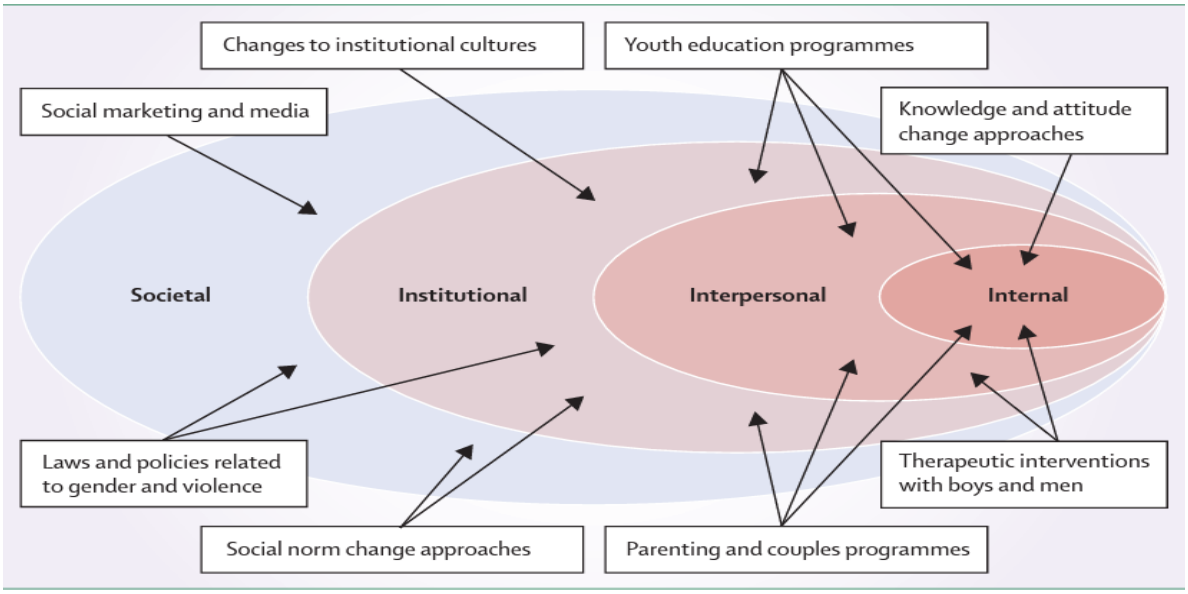

Figure 2: The Social Ecological Model

68. Comprehensive sexuality education programmes should explicitly build in protective and preventive elements. While protection may be a consequence of prevention programmes and vice versa, particularly when programmes are mandatory in a school-setting, this cannot be happenstance. Both are necessary parts of solving or attempting to solve the problem of gender-based and sexual violence. An iterative comprehensive sexuality education programme that is delivered over multiple years throughout the child's school career has the capacity to tackle the multifaceted problem of gender-based and sexual violence through the incorporation of protective and preventive skill sets.

(ii) Do these programmes work?

69. The clearest evidence that comprehensive sexuality education programmes provided in formal school-settings and in informal and non-formal settings can change behaviour is to be found in the personal health domain. Comprehensive sexuality education is proven to provide physical and mental health protective benefits to children and if it can change behaviour in one domain, then a properly designed programme can change behaviour in others. Regarding physical health, research shows that the better the quality of the education in terms of its comprehensiveness, the better it protects.[162] Data from 2017 found that the overall chlamydia rate in the US, where the federal government spent nearly US$80m to mostly fund abstinence-only-until-marriage (AOUM) programmes, was 50% higher than in the UK and 259% higher than the average in the EU.[163] Countries with well-established comprehensive

158. DeGue and others (n 99), 360.
159. ibid.
160. *Gender Equality Strategy (2024-2029)* (n 10), [5].
161. Jewkes, Flood and Lang (n 99), 1586, Figure 3.
162. UNESCO, *International Technical Guidance on Sexuality Education*, (n 6), 13-7.
163. Jessica Corcoran and others 'Adolescents' Perceptions of Sexual Health Education Programs: An Integrative Review' (2020) 84 Journal of Adolescence 96, 96-97.

sexuality education programmes, such as Sweden, Norway and the Netherlands, also have lower teenage pregnancy rates than countries that do not.[164]

Case example: Finland

Finland provides a very strong example of the correlation between comprehensive sexuality education programmes and positive sexual health outcomes for young people. Following the introduction of compulsory comprehensive sexuality education in schools and an increase in funding for sexual health services in the 1970s, teenage pregnancy, abortion and STI rates began to drop and continued to drop as those services developed and improved. When recession hit in the 1990s, funding for preventive sexual health services in schools was cut and sexuality education was decentralised becoming an optional subject. Abortion rates increased by 50%, STIs increased, and young people self-reported engaging in risky sexual practices such as unprotected sex. A new curriculum was introduced in 2002 and comprehensive sexuality education became compulsory again in 2006.[165] There has been a clear downward trajectory in teenage pregnancies and abortions since 2002.[166]

70. Comprehensive sexuality education also provides personal mental health benefits because its focus on respect, autonomy, equality, and diversity encourages self-esteem, challenges restrictive gender-norms, promotes healthy relationships, educates about the continuums of SOGIESC and discourages bullying and harassment. Such lessons 'act as protective factors against depression and suicide.'[167] It is also known that sexual coercion in adolescent relationships around self-created sexual images and other sexual practices has 'pronounced implications for the mental and emotional' health of girls and women so providing them with the resources to deconstruct, oppose and report such pressures where adult support is needed.[168] Boys and the men they become must also be educated not to apply these pressures and be provided with the resources to critically analyse and reject the abusive and gendered values contained in pornography. As the research set out in Part 3A above indicates, pornography consumption is a sexual violence perpetration risk factor.[169]

71. Sexual abuse prevention programmes provided in school-settings have also been found to have protective knowledge-based effects. This is for two reasons. First, while re-acknowledging that the obligation to protect children from sexual exploitation and abuse is on adults and the state, children cannot protect themselves from these harms if they are unaware of their existence or how to respond to them. Courses taught to children have resulted in greater awareness of abuse and grooming in the children who participated. The children developed assertiveness, were better able to identify unsafe situations, and were able to distinguish between reporting unsafe behaviour to trusted adults and 'tattling'.[170] A synthesis of reviews of various child maltreatment prevention programmes similarly found that school-based programmes directed at preventing sexual abuse were successful in strengthening participants' ability to protect themselves against this type of abuse.[171] A meta-analysis by Walsh and others found that primary and secondary school children who had participated in programmes were more likely to disclose sexual abuse than those who did not.[172] The second

164. UNESCO, *A Global Review* (n 6), 19.
165. Dan Apter, 'Recent developments and consequences of sexuality education in Finland' (2011) 2 Sexuality Education and Family Planning 3.
166. Eerika Jalanko and others, 'Municipal contraceptive services, socioeconomic status and teenage pregnancy in Finland: a longitudinal study' (2011) 11(2) BMJ open e043092. This data was updated to 2019 and the downward trajectory continued. Information presented to Council of Europe by Dr Raisa Cacciatore and Henriikka Kangaskoski (2nd ENF-VAE meeting, 11-12 October 2023).
167. Rebekah Rollston, 'Comprehensive Sex Education as Violence Prevention' (29 May 2020). <https://info.primarycare.hms.harvard.edu/review/sexual-education-violence-prevention> (accessed 21 August 2023).
168. Campbell, 'The Challenges of Girls' Right to Education' (n 12), 1226. As discussed at [65] above, children cannot be responsibilised for protecting themselves.
169. See in particular [59]-[60] above.
170. Candice Fryda and Polly Hulme, 'School-Based Childhood Sexual Abuse Prevention Programs: An Integrative Review' (2015) 31(3) The Journal of School Nursing 167; Donna Brown, 'Evaluation of Safer, Smarter Kids: Child Sexual Abuse Prevention Curriculum for Kindergartners' (2017) 34(3) Child and Adolescent Social Work Journal 213. 'Tattling' can be defined as the reporting by one child of another's wrongdoing to a person in authority to curry favour with that person. Children are often told not to 'tattle' on or 'tell tales' about others and it has a similar connotation to an act of 'snitching' where adults are concerned.
171. Christopher Mikton and Alexander Butchart, 'Child Maltreatment Prevention: A Systematic Review of Reviews' (2009) 87 Bulletin of the World Health Organization 353, 354.
172. Kerryann Walsh and others 'School-Based Education Programs for the Prevention of Child Sexual Abuse: A Cochrane Systematic Review and Meta-Analysis' (2015) 28(1) Cochrane Database of Systematic Reviews 33.

reason sexual abuse prevention programmes provided in school-settings have protective knowledge-based effects is that children often pay more attention when information is presented to them by professionals such as teachers.[173]

72. The next question is whether sexual abuse prevention programmes contribute to the public health goal of bringing about behavioural change and reducing perpetration. Mikton and Butchart's synthesis found insufficient evidence to answer this question.[174] Lameiras-Fernández and others found that half of the programmes evaluated in their systematic review were not effective in promoting healthy sexual behaviours and/or in reducing risky sexual behaviour.[175] At first glance the lack of behavioural change findings are troubling. However, they do not mean that prevention programmes administered in school and other settings do not work.

73. DeGue and others' review of sexual violence prevention programme outcome evaluations shows that, in some cases, the lack of evidence for a programme's success may simply be because such evidence was not gathered. They found that the majority of programmes they reviewed did not measure sexual violence perpetration or victimisation in their follow-up assessment despite being the intended public health outcome of the programme or that the only follow-up assessment was immediately at the close of the programme whereas a follow-up at a later stage would measure sustained success.[176] Even if sexual violence perpetration and/or victimisation is in fact reduced, if it is not measured then there can be no evidence of programme success in this regard.[177]

74. In other instances, a programme might not result in behavioural change because it lacked the necessary content to bring about that change. For example, Goldfarb and Lieberman found that 80% of the sexuality education programmes they considered were focused on the limited goals of preventing unwanted pregnancies and the acquisition of STIs.[178] Lameiras-Fernández and others' review found the same narrow bio-medical focus and that sex was constructed as a problem behaviour.[179] However, Haberland found that programmes that address gender and power issues in relationships are five times more effective in reducing STIs and pregnancy rates than those that do not.[180] Moreover, as will be discussed further below, if children perceive that the content provided to them is biased, judgemental or medically inaccurate then it is unsurprising that they choose to ignore it.[181]

75. A recent systematic review of programmes that seek to achieve goals that are in alignment with those of a human rights-based approach to comprehensive sexuality education as argued for in Part 2 found that they can be effective if properly constructed. The most effective programmes were ones that were provided on an iterative basis from early ages and were framed with a social justice pedagogy. For example, programmes in Quebec, California and the Netherlands all had positive impacts in lowering homophobic attitudes (attitudinal changes) and reducing homophobic bullying (behavioural changes).[182] DeGue and others' review provides direction on how to design and deliver an effective programme. They found that the three initiatives that evidenced success in gender-based and sexual violence reduction met Nation and others' nine principles of effective prevention interventions.[183] As set out below, five of these principles focus on programme characteristics, two on matching the intervention to the target population, and two on the implementation and evaluation of the programme. These principles overlap and echo the human rights-based approach advocated for in Part 2.

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173. Lanzarote Committee, *ICTs* (n 35), [379].
174. Mikton and Butchart (n 171), 354.
175. María Lameiras-Fernández and others, 'Sex Education in the Spotlight: What is Working? Systematic Review' (2021) 18(5) International Journal of Environmental Research and Public Health 2555, 3.4.1.
176. DeGue and others (n 99), 346.
177. Some of the programmes had the potential to prove that they worked if they were subjected to a rigorous evaluation; ibid, 359.
178. Eva Goldfarb and Lisa Lieberman, 'Three Decades of Research: The Case for Comprehensive Sex Education' (2021) 68(1) Journal of Adolescent Health 13, 13.
179. Lameiras-Fernández and others (n 175), 4.1.
180. Nicole A. Haberland, 'The case for addressing gender and power in sexuality and HIV education: a comprehensive review of evaluation studies' (2015) 41(1) International perspectives on sexual and reproductive health 31.
181. Corcoran and others (n 163), 110.
182. Goldfarb and Lieberman (n 178), 16.
183. ibid, 356, citing Maury Nation and others 'What Works in Prevention: Principles of Effective Prevention Programs' (2003) 58(6-7) American psychologist 449.

The Nine Principles	Defined	Applied by DeGue and others to identify shortcomings in the sexual violence prevention programmes reviewed
Programme Characteristics		
1. comprehensive	multiple interventions (provided more than once and in more than one way) and focused on multiple settings (looks beyond the individual)	less than 10% of the programmes reviewed situated gender-based and sexual violence in its broader social-ecological context
2. utilises varied teaching methods	active skills-based learning, including verbal or written practice in negotiating sexual boundaries	only one-third of programmes reviewed used interactive, skills-based methods. The remainder either used two modes of delivery (40%) or a single mode of delivery (under a third)
3. provides a sufficient educational dosage	provide enough interventions in the initial dosage to achieve the desired end; booster-interventions are necessary to ensure retention of the preventive dose	sexual violence is complex due to the broader social ecology within which it occurs and requires higher dosages of the initial intervention (i.e. several contact hours) to change behaviour and have lasting effects; 75% of interventions reviewed involved a single session and 50% lasted for an hour or less
4. theory-driven	focus on the cause of the problem (etiological theory) and identify and apply the best methods, as based on empirical evidence, to address these causes (intervention theories)	review found that attention was given more to some risk factors (attitudes and knowledge about sex and law) than to others (hostility towards women, traditional gender role adherence and hypermasculinity[184]) despite evidence suggesting that the latter were more important to address in order to bring about behavioural change
5. fosters positive relationships with peers, parents and others	expose participants to adults and peers who role model and support appropriate behaviours	not possible in short didactic programmes
Matching Intervention to the target population		
6. given at the correct time	early enough to affect the developmental trajectory of the problem behaviour	two-thirds of the programmes were directed at university students which is too late as children engage in and/or experience sexual violence prior to attending university
7. socio-culturally relevant	tailored to social and community norms; the target population should be included in the programme planning and implementation	only three interventions had racially/ethnically specific content; two-thirds of programmes were implemented with majority white samples
Implementation and Evaluation		
8. implementation	programme is provided by well-trained staff	three-quarters of programmes were provided by peer facilitators or school/agency staff without requisite expertise
9. evaluation	programme should have clear goals and evaluations should assess whether those goals are achieved; there should be a focus on continuous quality improvement	few programmes had repeat evaluations post participation in the programme or after 5-months; only 21 programmes measured sexually violent behaviour as an outcome

Figure 3: The nine principles of an effective prevention intervention

184. Hypermasculinity is an ideal of masculinity where some traits associated with masculinity, such as strength, aggression and physical dominance are exaggerated; European Institute for Gender Equality. Hypermasculinity is associated with toxic masculinity which is connected to gender-based and sexual violence.

(iii) What do children want?

76. Consistently, when asked what they want from sexuality education, children want more topics covered and for sex to be covered more positively. This is as true of studies conducted in regions where AOUM is the model taught as in countries where the education is more comprehensive,[185] although children who received AOUM sexuality education had significantly less favourable perceptions than those who received more comprehensive forms.[186] Research with children has identified three common problems in the delivery and content of sexuality education and shared their solutions to these problems. These recommendations align with the principles of effective preventive interventions detailed above.

77. The first common problem identified was that the 'specialness' of comprehensive sexuality education was ignored by schools with curricula adopting a bio-medical model of teaching about sex.[187] Children perceive that this information is provided to induce fear rather than to promote health-protective behaviours[188] and they complain that the bio-medical approach de-erotises and disembodies the subject.[189] This approach also has multiple negative consequences for children including exposing them to risks of bullying and humiliation. The sexual reputations of girls are often called into question, operating to silence their participation.[190] This has been found to occur even in a country whose sexuality education is held up as an exemplar. Research with Dutch children has found that children who were encouraged to be open about their experiences were bullied.[191]

78. Second, sexual activity on the part of children is regarded as problem behaviour and is consequently stigmatised. Negative value-laden content leaves children vulnerable to unsafe sexual practices. Another is excluding children with SOGIESC who report feeling particularly poorly served by the heteronormative and cisnormative education that they received.[192] Dutch children felt that the discussion of SOGIESC was tokenistic, i.e. included for the appearance of being inclusive rather than actually being inclusive.[193] Goldfarb and Lieberman's systematic literature review found that TDV programmes generally do not address same-sex relationships and they also found that children with disabilities are often excluded from sexuality education programmes.[194] This is inconsistent with a human-rights based approach to comprehensive sexuality education argued for in Part 2.

79. When sexual practice is framed as problem behaviour, this also means that the content of curricula does not reflect children's lived sexual experiences, with the consequence that much of what they are taught is delivered too late (as they have already experienced sexual debut), irrelevant to them, and undermines the educator's credibility.[195] Timing matters because the earlier sexual maturation of children due to improved health and nutrition has been found to result in an earlier sexual debut[196] and a review of a HIV/AIDS programme found that it reduced risky sexual behaviour for all participants apart from those who were sexually active prior to commencing the programme.[197] When British respondents aged 16-24 were asked to reflect on whether the sexuality education they received had prepared them for their first sexual experiences, 68.1% of male and 70.6% of female respondents wished they had known more.[198] Similarly, when Polish respondents aged 18-26 were asked to evaluate the current utility of the sexuality education

185. Pandora Pound, Rebecca Langford and Rona Campbell, 'What Do Young People Think About Their School Based Sex and Relationship Education? A Qualitative Synthesis of Young People's Views and Experiences' (2016) 6(9) BMJ open e011329, 11.
186. Corcoran and others (n 163), 107. For further discussion on what is known about the content of sexuality education in Europe see Part 4 below.
187. Pound, Langford and Campbell (n 185), 11.
188. Corcoran and others (n 163), 109.
189. Pound, Langford and Campbell (n 185), 7.
190. ibid.
191. Marianne Cense, Steven de Grauw and Manouk Vermeulen, '"Sex is Not Just About Ovaries": Youth Participatory Research on Sexuality Education in The Netherlands' (2020) 17(22) International Journal of Environmental Research and Public Health 8587.
192. Corcoran and others (n 163), 108; Shefaly Shorey and Crystal Min Siu Chua, 'Perceptions, Experiences, and Needs of Adolescents About School-Based Sexual Health Education: Qualitative Systematic Review' (2023) 52 Arch Sex Behav 1665, 1681.
193. Cense, de Grauw and Vermeulen (n 191), 8587.
194. Goldfarb and Lieberman (n 178), 23.
195. Pound, Langford and Campbell (n 185); Corcoran and others (n 163), 107.
196. Hildie Leung and others 'Development of Contextually Relevant Sexuality Education: Lessons from a Comprehensive Review of Adolescent Sexuality Education Across Cultures' (2019) 16(4) International journal of Environmental Research and Public Health 621.
197. Nation and others (n 183).
198. Clare Tanton and others, 'Patterns and Trends in Sources of Information About Sex Among Young People in Britain: Evidence from Three National Surveys of Sexual Attitudes and Lifestyles' (2015) 5(3) BMJ open e007834, 3.

that they received in school, 53.6% reported that it was helpful while 18.7% found that it was not.[199] The overall result of these findings was that, as retrospectively judged by them, 31.1% either had no or poor sexuality education in school.[200] It is also worth recalling the data on TDV presented above.[201]

80. Third, children generally dislike being taught by their regular teachers. This is because the teacher was often uncomfortable with the subject and/or the lack of anonymity it affords the children. Although peer-educators were also often found to be under-prepared and lacking the ability to manage disruptive children, children generally found them more credible than ordinary teachers.[202] Medical health professionals were also favoured by many as they were less judgemental. Children perceived that external educators were more likely to provide reliable and relatable education.[203] In the French-speaking cantons of Switzerland, sexuality education is taught by external sexual health specialists, and this was positively commented upon by governmental and non-governmental representatives during GREVIO's visit as part of the first baseline evaluation procedure in 2022.[204] Research with Dutch children found that some were embarrassed by being taught by their own teacher, but that most were comfortable with it as long as that teacher was sensitive to the risk of bullying and exposure.[205]

81. Children also make concrete suggestions about how to address these problems. Comprehensive sexuality education should be acknowledged as a special form of education. Children need to feel safe, be afforded opportunities to ask questions anonymously, want to engage in skills-based exercises, and would prefer to be taught in small group settings.[206] The provision of safe spaces would also enable the development of positive and pro-social relationships with peers, the fifth of Nation's principles (see table above). There were conflicting findings on whether there should be sex- or gender-segregated classes. While some thought it would allow for sensitive topics to be discussed openly, and many highlighted the problem of male children disrupting co-educational classes,[207] others feared (or had experience) that it would result in the gender-streaming of educational content. Specific concerns raised included that girls/women should not be responsibilised for the prevention of unwanted pregnancies (and the concomitant endorsement of the gendered script that girls/women are gatekeepers of male sexuality)[208] and the perpetuation of male ignorance about menstruation and female pleasure due to the failure to discuss female anatomy in boys-only settings.[209] Research from Canada has found that boys can also benefit from sex- or gender-segregated spaces. Participants in WiseGuyz, a programme targeted at boys aged 13-15 years to support the development of healthy and positive constructions of masculinity, emphasised how important it was to have a safe-space where they could openly discuss masculine stereotypes and pressures without judgement from girls.[210] It would seem that some sex- or gender-segregation of teaching could afford children valuable safe space to discuss sensitive matters in countries where co-education is common but, if it is provided, care should be taken to guard against the issues identified above and ideally co-education of content should also be provided. Consideration should also be given to how to safely include trans students, non-binary students and students with variations in sex characteristics in sexuality education classes if co-educational groups are occasionally streamed along sex or gender lines.

82. An additional strategy to increase safety proposed by Dutch children was using film and literature to engage with issues.[211] Research has confirmed that the use of literature is a very effective strategy for discussing matters around masculinity, femininity, SOGIESC, sexual violence and sexual health.[212] Cohorts from high-income countries have also positively commented on the use of animations and video games

199. Zbigniew Izdebski and others, 'What One Gets Is Not Always What One Wants—Young Adults' Perception of Sexuality Education in Poland' (2022) 19(3) International Journal of Environmental Research and Public Health 1366.
200. ibid.
201. See above [57]-[58].
202. Pound, Langford and Campbell (n 185), 10.
203. Corcoran and others (n 163), 107-8.
204. GREVIO, *Baseline Evaluation Report: Switzerland* (2022) GREVIO/Inf(2022)28, [85].
205. Cense, Grauw and Vermeulen (n 191), 15.
206. Pound, Langford and Campbell (n 185), 6-7; Corcoran and others (n 163), 107-8.
207. Young men self-report that this disruptive behaviour is often an attempt by them to deflect from what they perceive is their lack of expected knowledge/experience; see Pound, Langford and Campbell (n 185), 4.
208. ibid, 7; Shorey and Chua (n 192), 1680.
209. Cense, Grauw and Vermeulen (n 191), 9, 11. The negative consequences of this ignorance are discussed further at [86]-[87] below.
210. Caroline Claussen, 'The WiseGuyz Program: Sexual Health Education as a Pathway to Supporting Changes in Endorsement of Traditional Masculinity Ideologies' (2017) 25(2) Journal of Men's Studies 150, 160.
211. ibid, 10.
212. Margaret Palmer and Jennifer Hirsch, 'Putting the 'comprehensive' in comprehensive sexuality education: A review exploring young adult literature as a school-based intervention' (2022) 19(4) Sexuality Research and Social Policy 1867.

in their sexuality education.[213] The use of varied teaching methods is consistent with Nation and others' second principle and non-governmental organisations (NGOs) in various jurisdictions have developed teaching materials to facilitate the provision of such education.[214]

83. Varied teaching methods also feed into solving the second problem on how to improve curriculum content, as does consideration of timing (principle 6), dosage (principle 3), and comprehensiveness (principle 1). Children are clear that they want sexual behaviours de-stigmatised and emotional sexual health and relationship dynamics included in the curriculum. They also want to learn the skills to put this knowledge into practice (how to communicate with a partner, how to negotiate safe-sex practices, how to break-up, how to refuse sex).[215] The wish to learn how to refuse sex is not confined to girls with boys also looking for strategies for how to do this without calling their (hetero)sexuality and masculinity into question.[216] Where girls are concerned, it is reiterated that the teaching of refusal skills must not responsibilise them for the prevention of sexual violence.[217] The desire for more psychosexual knowledge was expressed by a fifth (23.2%) of male and a third (29.7%) of female respondents in Britain.[218] As Canadian college students explained, more information about how to protect themselves was important because not providing that information did not prevent them from engaging in sexual acts.[219] The importance of including emotional sexual health in comprehensive sexuality education is supported by literature on positive youth development.[220]

84. Whether studies are conducted in Western, African, Asian or Oceanian regions, children consistently report that sexuality education is delivered too late.[221] In addition to wanting sexuality education classes delivered earlier,[222] children also want this education to continue throughout their school career, with each iteration building on what was learned previously.[223] As one Dutch child explained:

> *"I have the idea our teachers think you should know it all when you are 16. But that is not true for everyone. If you are 16, you don't know all the implications. They throw you in at the deep end. Go discover it yourself, we won't help you anymore."* [224]

85. Comprehensiveness is defined by Nation and others as 'multicomponent interventions that address critical domains (family, peers, community) that influence the development and perpetuation of the behaviours to be prevented.'[225] Applying this to gender-based and sexual violence prevention, comprehensive sexuality education curricula need to challenge norms that are conducive to these forms of violence. As argued in Part 2, challenging such norms is a crucial element to a human rights-based approach to comprehensive sexuality education. One of the means of doing this is to discuss pleasure and desire in developmentally appropriate ways and connect it to mutuality, respect, consent, and human rights. This is because sexual violence, which is an affront to the human rights of the victim, and sexual pleasure are crosscut by cultural and societal understandings of gender roles. This is recognised by Dutch female children who want sexual double-standards to be challenged and more information about their rights.[226] Yet Ketting and others found that 5 of the top 6 topics most commonly addressed in the 19 curricula that they were able to review were bio-medical in focus.[227] Gender roles appeared 7th on the list, sexual abuse and violence was 10th, human rights and sexuality was 14th and sexual pleasure 15th.

86. The failure to talk about desire and pleasure paves the way to sexual violence and victim-blaming. Dutch children were concerned that not talking about female sexual pleasure risked boys thinking that 'sex is just

213. Shorey and Chua (n 192), 1682.
214. For further discussion see Part 4E below.
215. Corcoran and others (n 163); Pound, Langford and Campbell (n 185), 8.
216. Shorey and Chua (n 192), 1681.
217. Corcoran and others (n 163); Pound, Langford and Campbell (n 185).
218. Tanton and others (n 198), 5.
219. Thiessen, Williamson and Buchanan (n 149), 353-4.
220. Leung and others (n 196).
221. Shorey and Chua (n 192), 1680.
222. Pound, Langford and Campbell (n 185), 7.
223. Corcoran and others (n 163), 108.
224. Cense, Grauw and Vermeulen (n 191), 15. See too the views of Canadian students; Thiessen, Williamson and Buchanan, (n 149), 354-5.
225. Nation and others (n 183), 452.
226. Cense, Grauw and Vermeulen (n 191), 15.
227. Evert Ketting, Laura Brockschmidt and Olena Ivanova, 'Investigating the "C" in CSE: Implementation and Effectiveness of Comprehensive Sexuality Education in the WHO European region' (2021) 21(2) Sex Education 133, 138.

for them.'[228] The potential consequences of this belief are obvious. Interviews with Portuguese children found that the majority of male respondents thought that sexual desire was primarily a male characteristic and that female respondents felt unable to express their sexual desires. They also reported being pressured into sex despite not being ready and not using or being allowed to use contraception.[229]

87. The slide from sexual pressure to sexual violence, and how it was not adequately addressed in sexuality education, was observed by one Canadian participant, who noted:

> *"They teach on how to give consent, but there is less focus on what counts as consent. In my personal experience, some boys take certain actions as consent. Sometimes they act like if you have done other sexual acts, you owe them sex."*[230]

Focusing on sexual violence, another stated:

> *"I can confidently say that my friends and I knew what to do if we accidentally got pregnant, but we were so lost when we faced our own rapes and sexual assaults. We had NO idea what to … do other than to confide in each other and let it go. I think better sex education in school in regard to that would help so many people with an issue that is more prevalent than teen pregnancy."*[231]

88. The implementation of the solutions proposed by children would require well-trained staff. This would meet Nation and others' eighth principle and, as argued in Part 2, it would ensure a transformative approach to sexuality education. Children had firm ideas about what qualities an effective sexuality education teacher needed. The educator should be professional, knowledgeable with expertise in sexual health, confident, comfortable with the curriculum and their own sexuality, unembarrassed, straightforward, use everyday language, use relevant life stories to teach, be good at working with children, be willing to answer questions, be respectful of children and their autonomy, treat children as equals, have similar values, provide balanced information and be non-judgemental. Dutch children additionally proposed that classes could typically be taught by a teacher in the school but supplemented by invited experts to expose them to multiple viewpoints and empower them to form their own ideas.[232] Finally, as is clear from the research reviewed, children have a lot to say about what and how they are taught. There is much that policymakers and curriculum developers can learn from listening to them (Nation and others' seventh principle) and doing so would align practice with the right of the child to be heard (Article 12, CRC) and meet the participation dimension of the right to equality as argued above in Part 2A(v).

(iv) When should children receive comprehensive sexuality education?

89. For preventive education to be effective, Nation and others state that '[i]nterventions should be timed to occur in a child's life when they will have maximal impact.'[233] They also need to be timely in order to be protective. For example, children cannot be properly protected from the potential harms of pornography after they encounter it.[234] As noted previously, a study of 19 European countries found that between 21% to 50% of children aged 9 to 16 had seen a sexual image in the past year.[235] Similarly, research with children from various states found that 48% of respondents said that the risks associated with the digital environment, including the sharing of self-produced sexual material, were not discussed in school.[236] Building on all the arguments in this study, it is contended that comprehensive sexuality education should begin from early childhood education and should continue for the duration of the child's career in school. Negotiators involved in drafting of Article 6 of the Lanzarote Convention recognised the importance of age-appropriate and timely education, which is why the phrase 'adapted to their evolving capacity' was included.[237]

228. Cense, de Grauw and Vermeulen (n 191).
229. Sofia Santos, Laura Fonseca and Helena Araújo, 'Sex Education and Views of Young People on Gender and Sexuality in Portuguese Schools' (2012) Educação, Sociedade and Culturas 35.
230. Thiessen, Williamson and Buchanan (n 149), 354.
231. ibid.
232. Cense, de Grauw and Vermeulen (n 191).
233. Nation and others (n 183), 453.
234. Billon and others (n 111), 140.
235. Smahel and others (n 113).
236. Lanzarote Committee, *ICTs* (n 35), [34]. The states were Albania, Bulgaria, Cyprus, Georgia, Hungary, Portugal, Republic of Moldova, Serbia, Ukraine and Italy.
237. Council of Europe, *Explanatory Report on the Protection of Children* (n 48).

90. From a primary prevention perspective, the inclusion of age-appropriate comprehensive sexuality education from pre-school onwards helps children to understand and respect their own and others' boundaries before they develop the attitudes and attributes conducive to sexual violence perpetration. As Schneider and Hirsh write,

> *the formation of gender roles and cognition begins in childhood. … [S]chools are often a vehicle through which this occurs. … Starting instruction as early as possible could help mitigate rigid and harsh gender stereotypes from forming, reducing potential perpetration behaviour that stems from these risk factors later on in life.*[238]

The same point is made in the discussion of Article 14 in the Explanatory Report to the Istanbul Convention where the importance of inculcating the values of gender equality, mutual respect in interpersonal relationships and non-violence from an early age is emphasised.[239]

91. Comprehensive sexuality education also has a protective role. It teaches children that matters related to the body are topics that can be discussed with trusted adults. Research with sex offenders has found that children who know the correct names for genitals are less likely to be targeted because this shows that they have been educated about bodily autonomy and there is a risk that they will report the abuse.[240]

92. From a secondary prevention perspective, not having a comprehensive sexuality education curriculum in pre-school settings means that teachers may silence sexuality-related conversations that emerge naturally for reasons of shame or discomfort. The risk of such silencing is that, if a child is the victim of sexual exploitation or abuse, they do not disclose it to a trusted adult.[241] It also ensures that when children disclose sexual exploitation or abuse they use terminology that is readily understood by the initial recipient of the disclosure enabling immediate action to protect them from future abuse. The use of proper terminology is also key should the child be required to be a witness in any subsequent legal proceedings. There is also the benefit that, with training on the curriculum, teachers will be better able to recognise signs of abuse and pro-actively respond to suspected cases of sexual exploitation or abuse thus supporting children who do not realise and/or are unable to articulate that they are being harmed. The Lanzarote Committee has emphasised the importance of education and training for persons in regular contact with children on child sexual exploitation and abuse and highlighted several promising practices where states have developed training and lesson plans for teachers on related topics.[242]

93. Yet despite the general recognition that early educational intervention can promote the well-being of children and the adults they become, there is resistance to comprehensive sexuality education starting in early childhood education. Some of this resistance derives from the idea that pre-school children are too young and cannot understand or retain such information. However, research has shown that children as young as three can be taught self-protection skills[243] and that 4-year-olds expressed inclusive understandings of marriage, sexual orientation and gender identity rights after being introduced to literature on these issues.[244] A study with children aged 6-12 years found that they appreciated the *Who Do You Tell?* Prevention programme because of the skills and information it gave them.[245] Goldfarb and Lieberman examined child sexual abuse prevention efforts in elementary schools in the US and UK and found strong evidence for the effectiveness of these efforts in such schools. These programmes typically encourage parental involvement and use behavioural practice and role-play to deliver education. The content of the programmes involves teaching about body ownership, children's right to control their bodies, and about communication and self-protection. Significant effects on numerous outcomes were observed in the research, including children's

238. Madeline Schneider and Jennifer Hirsch, 'Comprehensive Sexuality Education as a Primary Prevention Strategy for Sexual Violence Perpetration' (2020) 21(3) Trauma, Violence and Abuse 439, 449.
239. Council of Europe, *Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence* (2011) Istanbul, 11.V.2011, [94].
240. Maureen Kenny and Sandy Wurtele, 'Preschoolers' Knowledge of Genital Terminology: A comparison of English and Spanish Speakers' (2008) 3(4) American Journal of Sexuality Education 345, 346.
241. Alice-Simone Balter and others, 'Supporting the Development of Sexuality in Early Childhood: The Rationales and Barriers to Sexuality Education in Early Learning Settings' (2021) 30(3) Canadian Journal of Human Sexuality 287, 290.
242. Lanzarote Committee, *ICTs* (n 35), [415] et seq.
243. Maureen Kenny and others, 'Child Sexual Abuse: From Prevention to Self-protection' (2008) 17(1) Child Abuse Review: Journal of the British Association for the Study and Prevention of Child Abuse and Neglect 36, 45 citing Esther Deblinger, Lori Stauffer and Robert Steer, 'Comparative Efficacies of Supportive and Cognitive Behavioral Group Therapies for Children Who Were Sexually Abused and their Nonoffending Mothers' (2001) 6(4) Child Maltreatment 332.
244. Goldfarb and Lieberman (n 178), 20, citing Dana Frantz Bentley and Mariana Souto-Manning, 'Toward Inclusive Understandings of Marriage in an Early Childhood Classroom: Negotiating (Un)readiness, Community, and Vulnerability Through a Critical Reading of *King and King*' (2016) 36(2) Early Years 195.
245. Leslie Tutty, 'Listen to the Children: Kids' Impressions of Who Do You Tell™' (2014) 23(1) Journal of Child Sexual Abuse 17 cited in Pound, Langford and Campbell (n 185), 8.

behaviours in simulated at-risk situations.[246] The *Stay Safe* programme in Ireland for 7–10-year-olds demonstrated gains in knowledge, skills, and self-esteem. These gains were maintained at 3-month follow-up and notably were greatest for younger children.[247] This indicates that there is great value to early education of this kind, and that it is safe to discuss sensitive subjects of this nature with young children.[248]

94. Resistance also stems from the juxtaposition of 'children' and 'comprehensive sexuality education' with adults from various countries feeling that the two terms are incompatible or have uncomfortable connotations.[249] In a study with Finnish early childhood education and care professionals, it was noted that time with parents was often wasted explaining what comprehensive sexuality education was (and was not) rather than guiding them in the provision of such education.[250] There is also the erroneous belief that the provision of sexuality education sexualises children and promotes earlier sexual debut.[251] However, research tells us that comprehensive sexuality programmes decrease sexual activity better than AOUM programmes.[252] The preponderance of data also indicates that the age of sexual debut is later for children who receive comprehensive sexuality education than those who do not.[253] Recent research from Mexico found that children who did not receive comprehensive sexuality education were 4.7 times more likely to have sex earlier than those who did.[254] Data from the online EU-LGBTI II Survey of 139,799 LGBTI persons aged 15 years or older tells us that nearly half of respondents (varied from 49% to 51% between states) in 2019 became aware of their SOGIESC between the ages of 10 and 14.[255] Between 8-10% became aware of their SOCIESC aged 6-9 years. Failure to include SOGIESC discussion in sexuality education curricula risks leaving children vulnerable to bullying and exploitation and is not consistent with a human rights-based approach to comprehensive sexuality education which seeks to foster respect for differences.

95. It must also be acknowledged that most children are not asexual and sexuality is not just about sex. The problem is in viewing sexuality and sexual expression through an adult lens. Children express themselves in a variety of sexually-related ways from very early ages and the purpose of these expressions is not sexual gratification.[256] At a behavioural level, children are naturally curious about their bodies and the bodies of others (playing doctor) and about gender roles (playing house).[257] In a study with Finnish early education teachers and nurses who work with children aged 1-6, it was found that 47.1% of professionals often witnessed children engaging in sexual exploration and games and 36% sometimes did.[258] At an emotional level, children frequently express and show infatuation for one another from early ages and kiss-chase games are common world-wide.[259]

96. The recognition that most children are not asexual underscores the importance of children receiving comprehensive sexuality education to prevent them from engaging in inappropriate behaviour which can cause serious harm to the recipient of this behaviour even though the child did not intend harm. It also has implications for the content and delivery of such education. First, although the model of teaching comprehensive sexuality education in Switzerland to kindergarten and early primary school where teachers

246. Goldfarb and Lieberman (n 178), 22.
247. Deirdre MacIntyre and Alan Carr, 'Helping Children to the Other Side of Silence: A Study of the Impact of the Stay Safe Program on Irish Children's Disclosures of Sexual Victimization' (1999) 23(12) Child Abuse and Neglect 1327.
248. Goldfarb and Lieberman (n 178), 22-3.
249. Paul Flanagan, 'Unpacking Ideas of Sexuality in childhood: What do Primary Teachers and Parents Say?' (2014) 1(1) Open Review of Educational Research 160; Gail Hornor, 'Sexual Behavior in Children: Normal or Not?' (2004) 18(2) Journal of Paediatric Health Care 57; Kerry Robinson, Elizabeth Smith and Cristyn Davies, 'Responsibilities, Tensions and Ways Forward: Parents' Perspectives on Children's Sexuality Education' (2017) 17(3) Sex Education 333.
250. Raisa Cacciatore and others, 'An Alternative Term to Make Comprehensive Sexuality Education More Acceptable in Childhood' (2020) 10(1) South African Journal of Childhood Education 1, 7.
251. Zbigniew Izdebski and others, 'What One Gets Is Not Always What One Wants—Young Adults' Perception of Sexuality Education in Poland' (2022) 19(3) International Journal of Environmental Research and Public Health 1366.
252. Chris Collins and others, 'Abstinence Only vs. Comprehensive Sex Education: What are the Arguments? What is the Evidence?' (AIDS Research Institute 2002), cited in Safe Project, *Sexual and Reproductive Health and Rights of Young People in Europe* (IPPF European Network 2007), 17.
253. ibid.
254. Dolores Ramírez-Villalobos and others 'Delaying Sexual Onset: Outcome of a Comprehensive Sexuality Education Initiative for Adolescents in Public Schools' (2021) 12 BMC Public Health 1439.
255. LGBTI Survey II Data Explorer (2019) <https://fra.europa.eu/en/data-and-maps/2020/lgbti-survey-data-explorer> accessed 25 March 2024.
256. Hackett (n 98), 21.
257. Raisa Cacciatore and others, 'The Steps of Sexuality—A Developmental, Emotion-Focused, Child-Centered Model of Sexual Development and Sexuality Education from Birth to Adulthood' (2019) 31(3) International Journal of Sexual Health 319, 323-4.
258. Cacciatore and others 'Verbal and Behavioral Expressions of Child Sexuality Among 1–6-year-olds as Observed by Daycare Professionals in Finland' (2020) 49 Archives of Sexual Behavior 2725, 2729.
259. Cacciatore and others 'The Steps of Sexuality' (n 257), 323-4.

only answered questions when directly asked was approved of by the Court in *AR & LR v Switzerland,*[260] waiting until children ask questions is not ideal because very young children tend to express themselves not by asking questions but behaviourally.[261] Children were also found to be aware of sexual norms – by hiding some of the behaviours they were engaging in and/or by respecting the privacy of others[262] – which means that they may not ask questions and thus not receive an intervention at a developmentally appropriate time.[263]

97. Second, it requires a complication of teaching beyond 'good' and 'bad' touching. Sexual abuse, particularly in the early grooming stages may not feel 'bad.' It may feel 'good'/pleasurable.[264] Moreover, even when the abuse feels 'bad' psychologically, it may feel 'good' physiologically. The issue of physiological arousal for boys is particularly difficult as their physical response is visible not only to them but also to their abusers. Their physical response is remarked upon and cited as evidence of their complicity in the sexual abuse.[265] It is therefore important that children are taught about the difference between wanted and unwanted touching and that physiological responses do not negate abuse or equate to consent. Consent is being used here in the non-legal sense of agreement to wanted touching. A child who is being exploited may think that they are 'consenting' even if they have not reached the legal age of consent. They also need to be taught about their ability to withdraw their agreement to touching when it becomes unwanted. The grooming process desensitises the child to sexual touch and by the time the child is uncomfortable with the progression, they may feel that it is too late to say 'stop' or to seek help.[266] It is also important that sexuality education informs the child that they can still seek help regardless of the nature of the encounter(s) or their adaptive response. On this point, a troubling finding from the second monitoring report by the Lanzarote Committee was that 35% of children who participated in focus groups were not aware of the existence of national helplines while 6% were aware but did not know the number.[267] This move away from framing touching as 'good' or 'bad' is also helpful because young children are often quite rigid in their thinking and struggle with the dissonance of a person they regard as 'good' (a parent or relative) doing 'bad' things or think that if they are the recipient of 'bad' touching then they must also be 'bad.'[268]

98. To move beyond the impasse around the naming of this education, Cacciatore and others coined a new term to replace the loaded term comprehensive sexuality education for that education when it is provided to 0–6-year-olds.[269] They choose 'body-emotion education' as a synonym which best reflected the focus of children in their verbal and physical expressions of sexuality. They argue, '[u]sing different words for children's sexuality is not a repressed, evasive or euphemistic representation, but can help adults to see the difference and to overcome their rejections, misunderstandings and objections.'[270] They reported in 2020 that their term was adopted in some municipalities in Finland, with it reaching approximately 37% of Finnish 0–6-year-olds. In March 2022, the National Agency of Education of Finland published a universal, mandatory national core curriculum for early education and care, which recognises that '[c]hildren's age-appropriate curiosity about sexuality and the human body is to be directed with respect'.[271]

260. (n 80). It is not clear whether this practice is still in place from the GREVIO, *Baseline Report: Switzerland* (n 204) as pre-school education was not discussed in the Report.
261. Cacciatore and others, 'Verbal and Behavioral Expressions' (n 258).
262. ibid.
263. ibid.
264. Kenny and others, 'Child Sexual Abuse' (n 243), 47.
265. Paul Gerber, 'Victims Becoming Offenders: A Study in Ambiguities' in Mic Hunter (ed) *Sexually Abused Male: Prevalence, Impact, and Treatment* (Lexington Books 1990) 153, 173.
266. Jon Conte, Steven Wolf and Tim Smith, 'What Sexual Offenders Tell Us About Prevention Strategies' (1989) 13(2) Child Abuse and Neglect 293, 330; Michele Elliott, Kevin Browne and Jennifer Kilcoyne, 'Child Sexual Abuse Prevention: What Offenders Tell Us' (1995) 19(5) Child Abuse and Neglect 579, 585-6.
267. Lanzarote Committee, *ICTs* (n 35), [36].
268. Kenny and others, 'Child Sexual Abuse' (n 243), 47.
269. Cacciatore and others, 'An Alternative Term' (n 250), 1.
270. ibid.
271. Cacciatore and Kangaskoski (n 166).

Body-Emotion Education: The Adult Perspective[272]

The Family Federation of Finland (Väestöliitto) offers a body-emotion educator course. Childcare professionals who have taken the course report increased confidence in their ability to respond naturally to children's questions. Topics are also introduced in a planned way. They also notice that children are more likely to advocate for themselves. The wellbeing of the group as a whole has improved as the children respect each other's boundaries.

Parents are involved in the education of their children. Each child's individual early childhood education plan is made together with the child's parents. However, the contents of the curriculum are mandatory. In feedback surveys carried out with parents in 2020-21, they have been appreciative of their children's increased knowledge about their own bodies and safety skills. They also report that it is now easier for them to bring up difficult topics, including personal safety, with their children. Väestöliitto has also created online resources for parents to further support them in creating an open and safe environment at home which ultimately protects children from misinformation and reduces their risk of gender-based and sexual violence.[273]

272. ibid.
273. See https://www.hyvakysymys.fi/artikkeli/lapsi-ja-seksuaalisuus/ for further information.

Part 4.

Lessons from the implementation of comprehensive sexuality education

99. Drawing on the human rights standards articulated in Part 2 and the best practice on the content and delivery of comprehensive sexuality education in ending violence in Part 3, this section draws lessons from examples of legal and policy practice in the implementation of comprehensive sexuality education in Europe and around the world. Sweden made history in 1955 when it became the first country in the world to make comprehensive sexuality education mandatory in schools.[274] Likewise, Austria has a comprehensive, well-accepted and well-embedded comprehensive sexuality education system.[275] In Wales, parents are not permitted to exempt their children from comprehensive sexuality education.[276] In Switzerland and Cyprus, comprehensive sexuality education is also mandatory.[277] Yet, even in countries that hold a reputation for best practice, there are deficiencies in implementation and accountability. A range of challenges are explored in this part including the legal status of comprehensive sexuality education, the provision of this education for disadvantaged and marginalised groups and monitoring.

A. WIDE ACCEPTANCE, LIMITED PROVISION

100. In many countries, particularly throughout Europe and Central Asia, the importance of comprehensive sexuality education is recognised in education policy.[278] There has been little mapping, however, of the nature of comprehensive sexuality education.[279] Most literature in the area relates to the efficacy of this education, delivery models, or critiques the lack of comprehensive sexuality education. There is little overview of what precisely is being delivered at the national level. There is also a lack of research outlining good practice case studies. However, there is sufficient material available to present an overview of provision in Europe (and to a lesser extent, elsewhere), and to reflect on practice in different countries and contexts.

101. There are a handful of studies which have collated some useful data on sexuality education across Europe. In 2020 the European Commission produced the study *Sexuality Education Across the European Union: An Overview*. In 2019, a survey on comprehensive sexuality education was conducted by the School Education Gateway, the EU online platform for education. The International Planned Parenthood Federation (IPPF), in 2018, produced country profiles on sexuality education in 13 EU member states (or regions), namely: Austria, Belgium (Flanders), Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, Ireland, Latvia, Netherlands, Spain, Sweden and the UK.[280] There are a number of studies by NGOs on the provision of comprehensive sexuality education.[281] There are also academic journal articles highlighting practice in particular countries, or presenting comparative work across countries.[282]

274. Evert Ketting and Olena Ivanova, *Sexuality Education in Europe and Central Asia: State of the Art and Recent Developments* (IPPF 2018), 152 <https://shop.bzga.de/pdf/60596046.pdf> accessed 30 August 2023; Maria Ekstrand and others, 'Sex Education in Swedish Schools as Described by Young women' (2011) 16 (3) The European Journal of Contraception & Reproductive Health Care 210, 210; Skolverket (Swedish National Agency for Education), *Sex Education Gender Equality, Sexuality and Human Relationships in the Swedish Curricula* (Skolverket, 2014), 5, <https://www.skolverket.se/download/18.6bfaca41169863e6a65bd27/1553966490106/pdf3580.pdf> accessed 30 August 2023.
275. Ketting and Ivanova, ibid, 44.
276. R. Adams, 'Welsh parents lost opt-out for sex, relationship and religious education' *The Guardian* (21 January 2020) <https://www.theguardian.com/politics/2020/jan/21/sex-relationship-and-religious-education-to-be-compulsory-in-wales> accessed 30 August 2023.
277. GREVIO, *Baseline Evaluation Report: Switzerland* (n 204); GREVIO, *Baseline Evaluation Report: Cyprus* (n 73).
278. Ketting and Ivanova (n 274), 44.
279. European Commission, *Sexuality Education Across the European Union: An Overview* (European Commission, Directorate-General for Employment 2020) <https://data.europa.eu/doi/10.2767/869234> accessed 30 August 2023.
280. Ketting and Ivanova (n 274).
281. ibid.
282. G.F.J. Alvarez and R.I.C. Vergara, 'Comprehensive Sex Education, Sexual Risk, and Religion: Comparative Analysis of National Youth Surveys of Guatemala, Peru, Chile, Mexico, and Uruguay' (2023) 7 International Journal of Latin American Religions 100.

B. LAW AND POLICY

102. Significant progress has been made in Europe in developing and integrating comprehensive sexuality education curricula in schools.[283] European Commission research in 2020 found that by November 2019 it was mandatory in 19 EU member states for schools to offer some form of comprehensive sexuality education, though education remained optional in a further eight member states.[284] For those countries that had comprehensive sexuality education the age at which it begins varies.

103. The majority of EU member states have an education policy framework or a law which ensures the explicit obligation to provide comprehensive sexuality education, or at least ensures the right to health promotion knowledge. Of the 25 countries surveyed by the IPPF in 2018, 21 were found to have a legal framework for comprehensive sexuality education in schools. Of these 21, 18 had a law in this regard, two had adopted a policy and one had adopted a strategy. It is rare for a country to have a separate law specifically dealing with comprehensive sexuality education alone.[285] Having a legal basis for comprehensive sexuality education and comprehensive sexuality education being mandatory are, however, different things, as laws may leave much discretion for local authorities and schools.

Austria: Legal Provision and Policy Commitment

Sexuality is considered in Austria as an integral part of children's development as a person. Comprehensive sexuality education is designed to support their sexual health from physical, cognitive and emotional perspective. Provision in Austria is considered comprehensive, and has been developed in line with international standards, and with the input of NGOs and other stakeholders.[286] The legal basis for sex education in Austria is the Fundamental Decree on Sexuality Education (Grundsatzerlass Sexualpädagogik), which was adopted in 2015. This decree aims to ensure 'adequate competence development in the field of sexuality, and development of positive self-awareness'.[287] It has been drafted on the basis of the standards of the IPPF Framework for Comprehensive Sexuality Education. At the Salzburg University of Education, the Federal Centre for Sexuality Education was created in 2015 for the purpose of delivering comprehensive sexuality education in Austria. The Centre trains professionals, focusing on research and quality standards.[288]

104. In some countries however, where the legal basis is weak, there can still be evidence of widespread implementation of comprehensive sexuality education. At the time Ketting and Ivanova conducted their study, this was the case in Spain, where there was no law requiring schools to deliver comprehensive sexuality education, and there was no national curriculum. Yet the reality was that comprehensive sexuality education was a firm feature in many schools. Since then, Organic Law 3/2020 has been introduced, providing a legal basis for comprehensive age-appropriate sexual education in Spain, with curricula for each stage of education.[289]

105. In Europe more broadly, comprehensive sexuality education has been found to have been piloted with success in some schools and regions, with the support of governments and NGOs.[290] In France, the Ministry for Equality between Women and Men and the Fight against Discrimination fund the 'Espaces vie affective, relationnelle et sexuelle' (EVARS). These are services of first reception, information and guidance in matters of emotional and sexual life, carried out by associations, most of which are members of the French Family Planning.[291] EVARS intervene in schools in particular: in 2022, they carried out nearly 14,000 sexuality education interventions in schools and higher education establishments and reached nearly 175,000 pupils and students.[292] In addition, the Ministry finances experiments in secondary schools, such as raising awareness of menstrual and sexual health, to the tune of €300,000 per year.[293] The age at which children first receive this education

283. Ketting and Ivanova (n 274).
284. European Commission, *Overview* (n 279). The countries that have optional comprehensive sexuality education are Bulgaria, Croatia, Hungary, Italy, Lithuania, Romania, Slovakia and Spain (see Figure 1 European Commission, *Overview*, ibid, 6).
285. Ketting and Ivanova (n 274).
286. European Commission, *Overview* (n 279).
287. Federal Ministry of Education and Women, *Grundsatzerlass Sexualpädagogik* (Wien, 2015) <https://healtheducationresources.unesco.org/sites/default/files/resources/22155.pdf> accessed 30 August 2023.
288. Federal Centre for Sexuality Education (Austria) <https://www.phsalzburg.at/ueber-uns/organisation/bundeszentren-ncoc/sexualpaedagogik/> accessed 30 August 2023.
289. Ketting and Ivanova (n 274).
290. ibid.
291. Yearbook of the "Espaces vie affective, relationnelle et sexuelle" (EVARS) | ivg.gouv.fr (in French only).
292. Education in affective, relational and sexual life. Exchange with DGSC | CNNum | Translator and Pathfinder of Digital Transformations (cnnumerique.fr) (in French only).
293. Promoting Women's Health and Access to Rights | Gender equality (egalite-femmes-hommes.gouv.fr) (in French only).

varies considerably. In some EU countries, sexuality education is provided (in some form) from primary school to upper secondary education, while in other countries, it is only offered at a lower or upper secondary level. The European Commission's 2020 study also found that provision across EU member states varies greatly in terms of the content of the sexuality education provided. This is in spite of the fact that EU member states are expected to adhere to international standards on the content of sexuality education, including the WHO Standards for sexuality education and the UNESCO International technical guidelines on sexuality.[294] The nine principles that should underpin the design and delivery of comprehensive sexuality education and when it should begin were addressed in Part 3.

106. How comprehensive sexuality education is delivered is left largely to the discretion of local governments, schools and individual teachers. There are varying levels of national involvement. There can even be considerable variation in comprehensive sexuality education within member states, between different regions, schools and even classes. This means that, in reality, even where comprehensive sexuality education is ostensibly mandatory, certain children may not receive it, and this speaks to the importance of ensuring that laws and policies on comprehensive sexuality education are monitored as advocated for in Part 2.

Germany: Varying Provision

In Germany, federal authorities set a comprehensive sexuality education framework, which can be interpreted differently in different states. Consequently various aspects, such as the amount of time devoted to it, and topics covered, differ significantly across the country.[295] Even though a number of topics are to be covered in detail in German schools, for example 'biological aspects, pregnancy, contraception, sexually transmitted infections, gender roles, love, marriage', in practice, the topics chosen and the time spent on them differ among individual states and even among individual schools.[296]

107. The European Commission's 2020 study found considerable variation across EU countries in terms of the nature and extent of comprehensive sexuality education provided by schools. This research, however, primarily mapped comprehensive sexuality education not in practice but rather how it is set out in policies, strategies and legislation.[297]

C. CONTENT OF THE CURRICULUM

108. Reflecting the arguments made in Part 2, Miedema and others identified four key components in the UNESCO, UNFPA, IPPF and SIECUS guidelines for comprehensive sexuality education content – (i) human rights participation and agency; (ii) sexual and reproductive health and behaviours (including emotional, psychological and social sexual health); (iii) gender equality and power; and (iv) positive sexualities and respectful relations.[298] A number of Council of Europe standards, including the Istanbul Convention, have emphasised the importance of age-appropriate comprehensive sexuality education for the promotion of gender equality.[299] Recommendation 10-1 of the Lanzarote Committee emphasises that educational contexts should address the issue of the risks of child sexual exploitation and sexual abuse.[300] Guidelines adopted by the Committee of Ministers in 2023 on strengthening reporting systems on violence against children encourage governments to:

> *d. ensur[e] that comprehensive sexuality education is mandatory, sufficiently resourced and mainstreamed across the education system from the early years of school. It should include teaching on gender norms and stereotypes, the meaning of consent and responsible behaviour in intimate relationships,*

294. European Commission, *Overview* (n 279), 5.
295. Ketting and Ivanova (n 274).
296. ibid; see also IPPF and Federal Centre for Health Education, *Sexuality Education in Europe and Centra Asia* (2018) <https://www.bzga-whocc.de/fileadmin/user_upload/Dokumente/BZgA_IPPFEN_ComprehensiveStudyReport_Online.pdf> accessed 12 June 2024.
297. European Commission, *Overview* (n 279), 10.
298. Esther Miedema, Marielle L.J Le Mat, and Frances Hague, 'But is it Comprehensive? Unpacking the "Comprehensive" in Comprehensive Sexuality Education' (2020) 79(7) Health Education Journal 747, 750.
299. Committee of Ministers of the Council of Europe, *Preventing and combating sexism* (n 123), 13; Other examples include Res. 2284 Addressing the health needs of adolescents in Europe, 24/05/2019; Res. 2330 Addressing sexual violence against children: stepping up action and co-operation in Europe, 26/06/2020; Res. 2412 Gender aspects and human rights implications of pornography, 26/11/2021.
300. Lanzarote Committee, *2nd Implementation Report: Protection of Children Against Sexual Abuse in the Circle of Trust: The Strategies* (adopted 31 January 2018) T-ES(2017)12_en final, 24 < https://rm.coe.int/2nd-implementation-report-protection-of-children-against-sexual-abuse-/16808d9c85> accessed 19 June 2024.

e. regularly evaluat[e] and revis[e] sexuality education curriculums, to ensure that they are accurate, evidence based and meet the existing needs of boys and girls ….[301]

109. The European Commission's 2020 study found that almost all EU member states for which information is available were found to have a focus on biological matters in their sexuality education (for example sexual anatomy, human bodies and sexual reproduction).[302] In the School Education Gateway Sex Education Survey, 86% of respondents indicated that sexuality education in their school involved teaching about 'the human body and development' and 'sexual and reproductive health'.[303] In the IPPF research in 2019, it was found that out of the 25 European countries examined, 10 countries had a 'clear comprehensive' style for this education, four had increasingly comprehensive programmes, and the remaining nine focused only on biological aspects. However, it bears repeating that there can be a discrepancy between the official status of comprehensive sexuality education in a country and its implementation in practice. Ketting and others observed that Ireland was a rare instance of this disjuncture in Europe, with comprehensive sexuality education having legal status but AOUM being the most commonly provided model of sexuality education.[304]

110. The various components of comprehensive sexuality education can be taught as one subject, or it can alternatively be taught as part of different lessons. Sexuality education was found by IPPF research to usually be integrated into broader subjects (like biology, religion, or life-skills education). The European Commission research indicates that this is the case in around half the member states (Austria, Croatia, Cyprus, Finland, France, Ireland, Lithuania, Latvia, Malta, Portugal, Slovakia and Slovenia):

In these Member States, different topics and strands within sexuality education may be covered in appropriate classes, such as biology, religious and ethical studies, citizenship education, environmental studies and broader health education classes. For example, in Croatia, sexuality education is often included in biology and religious studies classes, while in Luxembourg the subject is spread between citizenship, biology and religion classes (depending on the topic in discussion).[305]

111. In other countries, teachers in all subjects are expected and prepared to cover various elements of sexuality education as they may arise (Belgium, Czech Republic, Denmark, Germany, Latvia, the Netherlands and Sweden). This mode of comprehensive sexuality education was often present when national governments did not have a particular comprehensive sexuality education curriculum, but rather set particular goals relating to comprehensive sexuality education, and schools/teachers/authorised operators are required to pursue those goals (Belgium, Denmark, Finland and the Netherlands).[306] However it also features in countries which have a national or federal-level curriculum on comprehensive sexuality education but there is still this expectation on teachers. Part 3B(iii) considers the perspective of children on the delivery of comprehensive sexuality education.

112. In a few EU countries, the European Commission's 2020 study points out that sexuality education programmes focus largely on biological elements of sex alone (such as Cyprus, Italy, Romania and Slovenia).

Italy: Focusing on the Biological Elements of Sexuality Education

In Italy, sexuality education is optional, and provision is dependent on the preference of school principals. Research indicates that education, where provided, tends to focus solely on the biological aspects, rather than on the psychological, societal or emotional elements of sex education.[307] Cappelletti and others determined that contraception (along with love, marriage, partnerships, and family) were the main themes of sexuality education in Italian schools (92%), followed by biological aspects (83%). Themes relating to disability, human rights, and online issues were much less common (33%).[308]

113. The European Commission research has found that many EU countries focus on risk-prevention (such as contraception, STIs and HIV/AIDs) in their sexuality education, and on pregnancy and birth. Many also focus on gender-based violence. Some other countries focus on both biological and risk-prevention elements (Bulgaria,

301. Committee of Ministers of the Council of Europe, *Guidelines* (n 54), 17.
302. European Commission, *Overview* (n 279), 6.
303. ibid 6.
304. Ketting, Brockschmidt and Olvanova (n 227), 139.
305. European Commission, *Overview* (n 279), 8. In France sexuality education is included in all teaching, in particular life and earth sciences, moral and civic education, history and geography, as well as through dedicated session; See: Éducation à la sexualité | Ministère de l'Education Nationale et de la Jeunesse.
306. European Commission, *Overview*, ibid.
307. ibid.
308. Toni Cappelletti and others, 'Sexual Education in the School Setting: An Overview of the Italian Situation' (2022) 32(3) European Journal of Public Health 131.

Croatia, Czech Republic, Ireland and Lithuania). This infographic shows just how prevalent the biological elements of sexuality education are as opposed to other themes.[309] It has been found that where sexuality education focuses on biological/risk-prevention elements in a country, this is correlated with it not being a mandatory subject for schools (this is the case in Bulgaria, Croatia, Italy, Lithuania and Romania).

Topics covered in sexuality education	Member states
Biological aspects / body awareness / puberty and anatomy	AT BE BG CZ EE FI DE IE LV ES SE PL LU MT SK SI HR CY EL HU IT LT NL HR
Love, marriage, partnerships, family	AT CZ EE DE IE SE PL LU SK HU NL PL BE BG FI LV ES HR
Sexual / domestic abuse and gender-based violence	AT BG CZ BE DK IE NL PT SI LU FR HU FI DE LV ES SE HR
Pregnancy and Birth	AT BE CZ EE FI DE IE ES SE BE LU SK HU LT BG LV HR
Sexual orientation / LGBTI Issues	IE SE BE LU DK FR NL PT AT BG CZ FI DE LV ES HR
HIV / AIDs and STIs	AT BE BE CZ FI DE IE ES SE BE LU SK HU LT LV
Contraception	AT BE BG EE FI DE ES SE LU CZ IE LV
Gender roles	AT DE ES SE MT BG CZ FI IE LV
Mutual consent	BG CZ EE BE DK AT FI DE IE ES
Human rights	AT SE LU BG CZ FI DE LV
Online media	CZ FI DK AT BG DE ES SE

Figure 4: The content of comprehensive sexuality education provided across EU states

114. Figure 4 shows that the majority of EU member states offer topics around love, marriage, partnerships or family within their sexuality education. This is in line with standards of UNESCO and the WHO. Yet the European Commission report points out that the type of information provided within these topics seems to vary considerably.[310] Slovakia's sexuality education for example frequently includes traditional matrimonial and family values – the curriculum is entitled 'Education for Marriage and Partnership'. Fewer countries cover issues relating to gender, consent, SOGIESC issues or online media and failing to cover these topics is contrary to the arguments in Part 2 on a human rights-based approach to comprehensive sexuality education and WHO and UNESCO guidance.[311] It also fails to meet obligations under the Lanzarote Convention where, for example, the Lanzarote Committee has expressed concern about the general lack of or inconsistent provision of education by states parties about the dangers of self-generated sexual material in formal, informal or non-formal educational contexts.[312]

309. This infographic is sourced from European Commission, *Overview* (n 279). The research notes that limited data was available for Croatia, Cyprus, Denmark, France, Greece, Lithuania, Malta, the Netherlands. In the preparation of this Report, France provided further information here: https://www.education.gouv.fr/media/9419/download.
310. ibid.
311. ibid, 6.
312. Lanzarote Committee, *ICTs* (n 35), [383]-[386].

115. There are, however, some countries which are described as particularly progressive in their provision of sexuality education, taking a very comprehensive approach. Data collected for the European Commission report suggest that approximately half of EU member states offer a holistic comprehensive sexuality education, in line with WHO and UNESCO guidance. In the Netherlands and Sweden sexuality education is comprehensive and widespread, and love and maturity are considered to be preconditions for sex.[313] In Austria, Denmark, Finland, and Norway, comprehensive sexuality education appears to be consistent with international guidance and based on children as rights holders who have rights to information (Article 13 of the CRC) and education (Article 28 of the CRC, Article 13 of ICESCR and Article 11 of CEDAW).[314]

116. As set out in Part 3, research indicates that children themselves want quality comprehensive sexuality education in schools.[315] The IPPF points out that in order to ensure that programmes reflect and respond to their needs, children should be key to the development, implementation and evaluation of these programmes.[316] This would be consistent with the right to be heard (Article 12 of the CRC) and the right to equality (Article 14 of the ECHR).

117. One example of promising practice is the progress made in developing rights-based sex education in Albania.

Albania: Introducing Human Rights-Based Comprehensive Sexuality Education

Significant progress has been made in developing and implementing comprehensive sexuality education in Albania. A position paper was adopted by the Ministry of Health in 2012 which called for sexuality education to be comprehensive, based in human rights and multi-sectoral. Mandatory 'sexuality and life skills' education was introduced in 2018 for students aged 10–18. This was despite strong resistance from segments of the population.

The process was led by the Ministry of Education. Considerable investment was made in teacher training which included participatory teaching methods. Approximately 3000 teachers have been trained to deliver comprehensive sexuality education in Albania.[317] The new module was piloted in four schools, and the results showed high satisfaction amongst students and teachers. It is reported that:

> *Students felt they understood the concept of comprehensive sexuality education, and trained teachers felt prepared to teach the sexuality education modules in line with standards.*[318]

At present the comprehensive sexuality education programme is only implemented in public schools, however, Albania's progress is due largely to the work of the Ministry of Education, as well as its Institute of Educational Development. There has also been financial and technical support from UNFPA Albania. NGOs such as the Albanian Center for Population and Development also were an important part of efforts to advocate for comprehensive sexuality education. [319]

D. COUNTRIES OUTSIDE OF THE COUNCIL OF EUROPE

118. There is much less information available on comprehensive sexuality education for other regions of the globe. Alvarez and Vergara note that there is a diversity of ways for providing comprehensive sexuality education in South America. There are countries such as Uruguay and Colombia that have passed specific laws establishing that it is compulsory. On the other hand, there are countries such as Chile and Peru, which have passed general education or health laws, in which sexuality education is referenced. Other countries do not have laws in the area but do have sexuality education programmes which may be in co-ordination with specific social sectors (Brazil) or may be developed only by state agencies (Bolivia).[320]

313. Janet Helmer and others, 'Improving Sexual Health for Young People: Making Sexuality Education a Priority' (2015) 15(2) Sex Education 158, 165.
314. European Commission, *Overview* (n 279).
315. Rachel Heah, *Sex and Relationships Education (SRE) in English Schools: A Children's Rights Perspective* (PhD thesis, University of Liverpool 2019) < https://livrepository.liverpool.ac.uk/3087803/> accessed 30 August 2023.
316. Ketting and Ivanova (n 274).
317. ibid.
318. ibid.
319. ibid.
320. Alvarez and Vergara (n 282).

119. Outside of Europe, however, there are frequent reports that sexuality education is not human rights-based, comprehensive, or in line with international standards. A surprising one third of students in the US are reported as receiving AOUM education. Only a small minority in the US can access comprehensive sexuality education.[321] It is reported that in Canada, sexuality education varies greatly by province. The content and duration of such education is still a controversial topic in the media.[322] Although almost every province in Canada has a high school curriculum which contains formal sexuality education, its provision has been described as out of line with both international best practice, and Canada's own 2019 guidelines for comprehensive sexuality education.[323]

120. In many countries in Sub-Saharan Africa, it is reported that almost half of the people who received sexuality education received no information on crucial topics such as contraception, pregnancy, STIs, or consent.[324] In Malawi, 66% of females aged 15–19 who had attended school reported having received no sexuality education at all.[325] It is also frequently the case that sexuality education is limited to its biological elements and STIs, with an emphasis on abstinence, as is the case in El Salvador, Senegal and Chile.[326]

E. ADDITIONAL FACTORS TO CONSIDER IN THE PROVISION OF COMPREHENSIVE SEXUALITY EDUCATION IN FORMAL, INFORMAL AND NON-FORMAL EDUCATIONAL SETTINGS

121. The research of Lameiras-Fernández and others suggests that online platforms hold promise for comprehensive sexuality education.[327] However, there is also a large amount of content online which could be harmful to children as it may be poorly informed or involve exploitation or violence.[328]

122. UNESCO has an Institute of Information Technologies in Education (IITE). It works with children and content creators to create digital comprehensive sexuality education tools which are of high quality and include appropriate material.[329] The online toolkit is aimed not just at programme designers at UN agencies, but also those in governments, development partners or NGOs. There is material available to design national level comprehensive sexuality education programmes and local or school level programmes. UNESCO encourages research and investment to better understand the impact of, and potential for, digital comprehensive sexuality education, and how it can work together with more traditional curriculum-based comprehensive sexuality education.

123. There are also examples of good practice in national jurisdictions in relation to online sexuality education programmes. In Germany, loveline.de[330] provides information about love, sex, contraception and partnership. It is used mainly by those aged 12 to 17 years. The content and design are created to appeal to both sexes. Gender-specific aspects are also dealt with. Amongst the information provided are the addresses of various services throughout Germany relating to sexual health and wellbeing.[331] There are also programmes which aim to help protect children online. In Austria, 'SeXtalks 2.0' is a project in which a team of psychologists holds workshops with children. It facilitates understanding around how to differentiate between reliable and unreliable information online on love and sexuality. It is funded in part by the Austrian Ministry for Families and Youth.[332]

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321. KFF, 'Abstinence Education Programs: Definition, Funding, and Impact on Teen Sexual Behavior' (*KFF.org,* 01 June 2018) <https://www.kff.org/womens-health-policy/fact-sheet/abstinence-education-programs-definition-funding-and-impact-on-teen-sexual-behaviour/> accessed 30 August 2023.
322. Abortion Coalition of Canada, 'Sex Education in Canada' (Position Paper 39, Vancouver, July 2017). <https://www.arcc-cdac.ca/media/position-papers/39-Sex-Education-in-Canada.pdf> accessed 30 August 2023.
323. Action Canada for Sexual Health & Rights, 'The State of Sex-Ed in Canada' (April 2020). <https://www.actioncanadashr.org/sites/default/files/2019-09/Action%20Canada_StateofSexEd_F%20-%20web%20version%20EN.pdf> accessed 30 August 2023.
324. Campbell, 'The Challenges of Girls' Right to Education' (n 12), 1222.
325. ibid, 1221.
326. ibid, 1222.
327. Lameiras-Fernández and others (n 175), 2555.
328. See above [59].
329. UNESCO, *Comprehensive Sexuality Education Implementation Toolkit* (UNESCO 2014-2023) <https://csetoolkit.unesco.org/> accessed 30 August 2023.
330. See www.loveline.de (in German only).
331. Ketting and Ivanova (n 274).
332. Martina Strilic, *Einstellungen zu Sexualität bei Jugendlichen und jungen Erwachsenen* (*Attitudes toward sexuality among youth and young adults*) (PhDThesis, University of Wien Vienna 2012) <https://utheses.univie.ac.at/detail/18048> accessed 30 August 2023.

Kyrgyzstan Focus: An Innovative Chatbot

In 2022, the educational chatbot 'Oilo'[333] (which in Kyrgyz means 'knowing') was introduced in Kyrgyzstan. UNESCO IITE together with the NGO Bishkek Feminist Initiatives[334] developed the service. The bot aims to help children with questions that they may have on health, relationships, sexuality and other matters. It is anticipated that some children may be reluctant to ask parents, doctors or others about these intimate issues. The bot provides a non-judgmental and accurate source of information on such matters, and it provides the information in the dialogue style.

Oilo is a form of artificial intelligence – the more people ask questions of the bot, the better equipped that the bot will be able to answer them in the future. Oilo has to date processed over 80,000 questions. The number of subscribers to Oilo is growing as the team works with media in Kyrgyzstan to create materials relating to sexual health, consent and other important matters in comprehensive sexuality education.[335]

(i) Girls and marginalised and disadvantaged groups

124. As argued in Part 2, the right to equality requires that the state attend to the needs of marginalised groups or children at higher risk such as girls, children with diverse SOGIESC, disabled persons, children with a migrant, refugee or asylum-seeker background, children from national and ethnic minorities and those living in rural communities.[336] Some children may be confronted with intersectional forms of violence when several of those characteristics interact to create particular situations of vulnerability. Although scope is given to states under international law to provide culturally appropriate sexuality education,[337] the exclusion of gender and SOGIESC issues[338] or the discriminatory non-factual equation of those with SOGIESC with the sexual abuse of children is not permitted.[339] Instead, the provision of factual, non-stigmatising and age-appropriate information about diverse SOGIESC is imperative to prevent and combat homophobia, transphobia, and all forms of LGBT+ phobia at school and beyond, and to create a safer and more inclusive learning environment for children in all their diversity.

125. As argued in Part 3, various programmes have been found to have positive impacts in lowering homophobia and reducing homophobic bullying.[340] However programmes have also been found to inadequately address same-sex relationships and children with disabilities are often excluded from sexuality education programmes.[341] Even in states where comprehensive sexuality education has a long history and is well accepted, like Sweden, research indicates that curricula may neglect education on SOGIESC issues or fail to be inclusive of other disadvantaged or marginalised children.[342]

126. Some countries are noted as taking measures for addressing comprehensive sexuality education for marginalised or groups at risk. For example, in Bulgaria, significant attention is paid to such groups. Guidelines have been developed in relation to the comprehensive sexuality education of children with disabilities, for young Roma and children with diverse SOGIESC.[343] The Netherlands is particularly cited as providing strong measures for comprehensive sexuality education for marginalised or groups at risk.

333. See the website: A chatbot for teenagers about puberty, relationships, and health launched in Kyrgyzstan – UNESCO IITE.
334. See the website of the NGO Bishkek Feminist Initiatives and UNESCO, 'A Chatbot for Teenagers about Puberty, Relationships and Health launched in Kyrgystan' (UNESCO 24 May 2022) <https://iite.unesco.org/highlights/oilo-chatbot-sex-ed-kyrgyzstan-en/> accessed 30 August 2023.
335. ibid. See also https://www.instagram.com/oilobot/.
336. Aoife Daly, Rebecca Thorburn Stern and Pernilla Leviner, 'UN Convention on the Rights of the Child, Article 2 and Discrimination on the Basis of Childhood: The CRC Paradox?' (2022) 91(3) Nordic Journal of International Law 419.
337. *International Centre for the Legal Protection of Human Rights v Croatia (n 46).*
338. *Folgerø and Others v Norway (2007) Application No 15472/02, [84] (European Court of Human Rights); International Centre for the Legal Protection of Human Rights v Croatia (n 46).*
339. European Commission against Racism and Intolerance, *Sixth Report on Hungary (2023)* <https://rm.coe.int/ecri-6th-report-on-hungary-translation-in-hungarian-/1680aa687b> accessed 30 January 2024; Council of Europe, Venice Commission, *Opinion on the compatibility with international human rights standards of Act LXXIX of amending certain Acts for the protection of children, 13.12.2021, Opinion no.1059 / 2021,CDL-AD(2021)050, in particular §§ 73-87.*
340. Goldfarb and Lieberman (n 178), 16.
341. Kristien Michielsen and Laura Brockschmidt, 'Barriers to sexuality education for children and young people with disabilities in the WHO European region: a scoping review' (2021) 21(6) Sex Education 674.
342. Hannele Junkala, Maria Berge, and Eva Silfver, 'Diversity in Sex and Relationship Education: Limitations and Possibilities in Swedish Biology Textbooks' (2022) 22(5) Sex Education 521, 537.
343. Ketting and Ivanova (n 274), 67.

Netherlands: Provision for Sexuality Education for Special Groups

The Netherlands has special sexuality education programmes for groups, including LGBT children and children with disabilities, those in correctional institutions and young migrants. 'Learning Line' (*Leerlijn*) is a special education package for pupils with disabilities.[344] Pre-existing mainstream sexuality education programmes are also being adapted for children with special educational needs. 'Long Live Love' (*Lang leve de liefde*), a programme developed by Rutgers for secondary school children is an example.[345] This shows that it is possible to ensure that all children receive the same information, albeit tailored to their specific needs.

127. However, despite the Netherlands' exemplar status, a 2012 survey of young Dutch people found that only 41% of respondents mentioned having received information at school about homosexuality.[346] Moreover, as noted in Part 3, more recent research has found that Dutch children regard the teaching of SOGIESC issues as either perfunctory or tokenistic.[347]

128. In Finland, also, there are programmes directed at groups in situations of vulnerability, developed and implemented by various NGOs. Those include children with diverse SOGIESC and HIV-positive children, those with disabilities, young sex-workers, out-of-school youth, and those in correctional institutions. The work is reported however to be primarily project-based, rather than long-lasting or ongoing education.[348] In Germany, a number of NGOs focus on comprehensive sexuality education for these special groups. Youth centres and AIDS organisations provide education to children with diverse SOGIESC, and information materials are made available for drug users to prevent STIs. There are training programmes for professionals working in institutions for people with disabilities, and specially developed materials for this group.[349] A video film entitled 'Love and such things' (*Liebe und so Sachen*) is available to children with disabilities and their teachers, and a pedagogical handbook accompanies this.[350]

(ii) Prevention of and protection from violence

129. As stated in Part 2 children have a right under Article 19 of the CRC to be free from violence. Article 6 of the Lanzarote Convention provides that all parties must ensure provision of information to children in relation to child sexual exploitation and sexual abuse. This information should be contained in national curricula or other educational contexts outside of the formalised educational system. As discussed in Part 3, children are not only at risk of sexual exploitation and sexual abuse from adults if they do not receive education to help them recognise abuse when it occurs but are also at risk of engaging in such behaviours themselves even if harm is not intended. This is why good quality comprehensive sexuality education must be broader than bio-medical in focus and should aim to equalise power dynamics in intimate peer-relationships. In this way, it should contribute to the prevention of peer-to-peer abuse. It should encourage partnerships based on consent and respect.[351]

130. Comprehensive sexuality education programmes must also be continually revised to ensure that they continue to meet prevention and protection goals as new forms of gender-based and sexual violence abuse evolve. The dangers of online pornography and the importance of proactively educating children about it before they are exposed to it is an example that has been mentioned previously.[352] So too the absence from many curricula of content about sexting and how the sharing of self-generated sexual images may pose a risk to the person who produced them (in that the intended recipient may circulate them more widely) and to the person who receives (possession of child sexual abuse material) or shares (distribution of child sexual abuse material) them. In Austria, the national curriculum includes awareness-raising about child sexual abuse and sexting. Media and digital education also includes information about safe use of internet. In Croatia, there is a prevention project entitled 'Living a Life Without Violence' implemented by the Ministry of the Interior and the United Nations Development Programme in collaboration with NGOs and others. It is focused on preventing violence and

344. ibid, 154-155.
345. Dutch Government, *Report submitted by the Netherlands pursuant to Article 68, paragraph 1, of the Council of Europe Convention on preventing and combating violence against women and domestic violence* (2018), 29-30 <https://rm.coe.int/netherlands-state-repot-grevio/16808d91ac> accessed 29 January 2024.
346. ibid, 134.
347. Cense, de Grauw and Vermeulen (n 191), 8587.
348. ibid, 87.
349. ibid, 99.
350. ibid, 100.
351. BZgA and UNFPA, 'Sexuality Education: Policy Brief Number 3' <https://eeca.unfpa.org/sites/default/files/pub-pdf/CSE%20Policy%20Brief%203_FINAL_WEB_EN.pdf> 4 accessed 30 August 2023.
352. See [59]-[61] above.

developing a culture of non-violence.[353] The new sexuality education curricula being proposed in France, from école maternelle/kindergarden to lycée/high school, will also include content on pornography and cyberviolence.[354]

(iii) Age appropriate

131. Article 6 of the Lanzarote Convention and the Lanzarote Committee in its monitoring rounds[355] emphasise that where information is given to children in relation to child sexual exploitation and sexual abuse it should be adapted to the evolving capacity of the children and must be appropriate for their age and maturity. This accords with Article 5 of the CRC which emphasises that children should enjoy the exercise of their rights in line with their evolving capacities. As noted in Part 3, there is frequently a misplaced concern that sexuality education is inappropriate or sexualises children.[356] Practice shows that it is very possible to provide sexuality education to young children in an age-appropriate way. Experts in child protection and public health at national (e.g. the National Society for the Prevention of Cruelty to Children) and international (e.g. inter-governmental organisations such as the UN and the Council of Europe) levels advocate for such education and provide tool kits to facilitate it. A lead example of one such practical guidance is 'Kiko and the Hand' which teaches the Underwear Rule[357] to children aged 3-7 years. Developed by the Council of Europe as part of its One in Five campaign (run from 2010 to 2015) to stop sexual violence against children, the initiative provides essential education for children and their parents and caregivers. As a follow-up and additional resource, a Training for Trainers Manual was designed for preschool professionals to help prevent child sexual abuse using the Kiko and the Hand.[358] Originally created for use within the Republic of Moldova, the manual has since been adapted and utilised by other Council of Europe member states. The manual not only provides guidance on how to run sessions about the prevention of sexual abuse with children but it also educates professionals about how to detect and report incidents of suspected child sexual abuse and exploitation.

132. In the 2nd implementation report of its 1st monitoring round, the Lanzarote Committee emphasised that states parties should undertake greater efforts to adapt the information on violence prevention given to children to their evolving capacity (and to therefore make it age-appropriate). The report also highlights a promising practice from Ukraine. Ukraine's 'health basics' course for grades 1-9 aims to educate on protection and improvement of health. Under the 'social aspects of health' (one aspect of the programme) the risk of sexual abuse, and how to prevent it, are covered. The topic is tailored to different grades in a way that is adapted to the age and maturity of the children.[359] There is also good practice evident in the Netherlands.[360]

Teaching younger children: Netherlands focus

Annual lessons begin with 4-, 5-, and 6-year-olds in Dutch schools that use the country's most popular sexuality education curriculum, 'Butterflies in Your Stomach' (*Kriebels in je buik*). This programme involves discussing 'differences between male and female bodies, learning about reproduction, and discovering their own sexual likes, dislikes, and boundaries.'[361] Those in third grade learn about love, including how to be kind to those for whom you may have romantic feelings.[362] At age 8-9 same sex attractions are discussed at age 10-11, topics will include changes to the body during puberty, love and dating, and how the role of men and women is covered in the media. Next the 'Long Live Love' (*Lang leve de liefde*) curriculum is implemented for teenagers. This curriculum aims to give teenagers the ability to make their own decisions about relationships. The focus is on the biological aspects of reproduction but also includes topics such as values, attitudes and communication.[363]

353. Government of Croatia, 'Sixth Report' (Advisory Committee on the Framework Convention for the Protection of National Minorities, Council of Europe, 15 June 2023) < https://rm.coe.int/6th-sr-croatia-en/1680aba0e3> accessed 1 September 2023.
354. Ministère de L'Éducation Nationale et de la Jeunesse, *Éducation à la sexualité* (March 2024). The new programmes were due to be implemented at the start of the 2024 school year.
355. Lanzarote Committee, *Circle of Trust* (n 95); Lanzarote Committee, *ICT* (n 35).
356. See Part 3B(iv) above.
357. 'The Underwear Rule: Sexual Abuse Prevention Guides for Children and Parents': https://www.coe.int/en/web/children/kiko-and-the-hand accessed 18 April 2024.
358. F. Javier Romeo-Biedma and Pepa Horno, *Kiko and the Hand. Training for Trainers Manual. Protective Teachers, Protected Children: Preschool Training to Prevent Child Sexual Abuse* (Strasbourg: Council of Europe, 2020), <https://rm.coe.int/kiko-and-the-hand-training-for-trainers-manual-protective-teachers-pro/1680a0855c> accessed 27 March 2024.
359. Lanzarote Committee, *2nd Implementation Report: Circle of Trust* (n 300), 31.
360. Lanzarote Committee, *ICT* (n 35), 166.
361. Bonnie J. Rough, 'How the Dutch do Sec Ed' *The Atlantic* (theatlantic.com, 27 August 2018) <https://www.theatlantic.com/family/archive/2018/08/the-benefits-of-starting-sex-ed-at-age-4/568225/> accessed 01 September 2023.
362. ibid.
363. M.H, S.K, 'The Benefits of Progressive Sex Education – A Look into the Dutch Curriculum' (*Seisen International School,* 11 November 2019) <https://www.seisen.com/student-life/seisen-post/features/~board/seisen-post/post/the-benefits-of-progressive-sex-education-a-look-into-the-dutch-curriculum> accessed 01 September 2023.

(iv) Monitoring, evaluation and revision

133. Monitoring, evaluation and revision are generally accorded very little attention. The IPPF study of 15 EU countries indicated that only a third of the countries examined systematically monitored or evaluated a comprehensive sexuality approach. A human rights-based approach requires that states monitor the implementation of comprehensive sexuality education. IPPF make the point that it is of course good practice to engage in this:

> *In the development phase of a sexuality education programme/curriculum or in the evaluation of pilot project results, monitoring and evaluation serve the clear purpose of finding out how a draft programme should be adapted and improved before its finalisation.*[364]

The UNFPA emphasises that this should not happen only at national or regional level, but also at the individual school level, where close co-operation with other local actors will be important. Such actors should include youth-friendly services.[365] The importance of revising curricula, and involving young people in this process, has already been addressed in Part 4E(ii).

Sweden: Prioritising Evaluation

It was reported by IPPF that there was no monitoring system for the implementation of comprehensive sexuality education in Sweden in 2018. A process evaluation was conducted in 1999 however, which surveyed 80 schools. It was found that comprehensive sexuality education varied from one school to another. It could even vary within schools, depending on the teacher. Few schools in 1999 had specific objectives or goals for comprehensive sexuality education in a written plan or policy. The findings during the 1999 evaluation led to an update and revision of the curriculum for comprehensive sexuality education in Sweden. The state also decided to make an evaluation of comprehensive sexuality education during 2017 with the intention of proposing measures to improve or further develop comprehensive sexuality education.[366]

(v) Health

134. Children have a right to the highest attainable standard of health under Article 24 of the CRC and, as identified in Part 2, the CRC Committee anchors its analysis of comprehensive sexuality education in this provision. It is noted above that the majority of EU member states have an education policy framework or a law which ensures the explicit obligation to provide comprehensive sexuality education or at least ensures the right to health promotion knowledge. The prominence of the topic of health in comprehensive sexuality education is evident in the fact that almost all EU member states (where information was available) have been found to have a focus on biological matters in their comprehensive sexuality education (for example sexual anatomy, human bodies and sexual reproduction).[367] Furthermore, in the School Education Gateway Sex Education Survey it was found that for the vast majority of those surveyed (86%), sexuality education in their school involved teaching about 'the human body and development' and 'sexual and reproductive health'[368].

Spain: a school-based programme to promote sexual health (COMPAS)

A school-based programme has been developed for students in Spain (COMPAS –'Competencias para adolescentes con una sexualidad saludable' – 'Competencies for adolescents for sexual health'). It involves five 50-minute group-based intervention sessions, with the purpose of reducing STIs and unplanned pregnancies in adolescents. Contents of the programme include information about STIs, sexual health, decision making about sex, partner communication skills, and self-care. It is based on Social Cognitive Theory as developed by the psychologist Bandura. Research has indicated that amongst adolescents who engaged in the programme in Spain, COMPAS is effective in both promoting sexual health and reducing high-risk sexual behaviours such as early sexual initiation and unprotected sex in the short-term, 12- month and 24-month post-intervention follow ups.

364. Ketting and Ivanova (n 274), 4.
365. ibid, 152.
366. ibid, 154-155.
367. European Commission, *Overview* (n 279), 6.
368. ibid.

(vi) Consent

135. Consent is the basis for respectful and healthy sexual interactions. It is also the legal boundary between permissible and impermissible sexual contact. Yet there is no consistent legal definition of consent across the Council of Europe member states and only 8 of 41 states have a written definition of consent.[369] However, as set out in Figure 1,[370] every member state has an age of consent, and every member state has prohibitions on sexual violence. Unfortunately, research from Europe indicates that parents find it difficult to discuss sex with their children despite wanting to do so,[371] that the majority of children in the US have never had a conversation with an adult about sexual consent,[372] and in Australia only 37% of young women surveyed were taught about consent.[373] Troubling survey findings from Europe also indicate that large minorities of children appear to believe that it is appropriate to have sexual intercourse with a woman without her consent where she was drunk or under other circumstances.[374] There is clearly a great need for consent to be at the heart of comprehensive sexuality education programmes. It is reported however in the IPPF report that there seems to be a lack of attention to consent in some national sexuality education provision. The research found that Germany and Austria, which have extensive, comprehensive, and well embedded sexuality education, are reported to cover consent only briefly.[375] In Ukraine and Ireland it is also covered briefly. In Spain it is covered 'sometimes'. In Latvia, North Macedonia, Czech Republic, Finland, Bosnia and Bulgaria however, it is covered extensively.[376] Building upon the arguments in Part 2, states have an obligation to ensure that children understand the concept of consent to prevent them from engaging in criminal activity and to protect them from victimisation.

An Increase in Emphasis on Consent in US Comprehensive Sexuality Education Programmes

There are reports that after the emergence of the #MeToo movement, legislation was introduced in several US states to ensure that public school comprehensive sexuality education includes language on consent and healthy relationships.[377] Research has found that student activists and female legislators have led much of the progress in modernising comprehensive sexuality education.

(vii) The role of parents

136. As mentioned above, it is important to create space for parents to be consulted and provided with knowledge about the content and benefits of comprehensive sexuality education so they can support and strengthen the protection of their children from all forms of violence, including gender-based and sexual violence. However, one must still be mindful that comprehensive sexuality education engages the child's rights. The Lanzarote Committee, in the 2nd implementation report of its 1st monitoring round, recommends states parties to further involve parents (and adults exercising parental responsibilities) in providing information given to children on sexual abuse.[378] The Committee stated that:

> *Many Parties claim that their preventive measures target both children and parents. This is certainly positive in terms of awareness-raising but it is not the purpose of Article 6 which concerns parent's involvement in informing children about the risks of sexual abuse.*[379]

369. Rosani (n 140), [75].
370. See Part 3B(i) above.
371. Maaike A.J. Noorman, Chantal den Daas & John B.F. de Wit, 'How Parents' Ideals are Offset by Uncertainty and Fears: A Systematic Review of the Experiences of European Parents regarding the Sexual Education of Their Children' (2023) 60(7) The Journal of Sex Research 1034.
372. Richard Weissbourd and others, *The Talk: How Adults Can Promote Young People's Healthy Relationships and Prevent Misogyny and Sexual Harassment* (Making Caring Common Project, Harvard Graduate School of Education, 2017) <https://mcc.gse.harvard.edu/reports/the-talk> accessed 01 September 2023.
373. Sienna Aguliar, 'Sex Education Needs a Lesson in Consent' *Huffington Post* (Australia, 06 March 2016) <https://www.huffpost.com/archive/au/entry/sex-education-needs-a-lesson-in-consent_n_9352420?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAGADk85VwzdNupczg9GF8u-vST9TXyuJgCs_UZePTPuLcDD8s14OKE7x2XZZE8NPTvotk8006MyezEIUOrje2CsueaDMWKSfQ4AlGCzTlN9gKCfspGVSQuD2NgFjn9ImOZaQN13r05d-JXcCOkci2asiOOg08D-rEq3D06K2y3lx.> accessed 01 September 2023.
374. See Part 3.
375. Ketting and Ivanova (n 274).
376. ibid.
377. Sarah Jones, 'States Introduce Sex Education Legislation Following #MeToo Movement' (*Edweek.org,* 30 May 2019) <http://blogs.edweek.org/teachers/teaching_now/2019/05/states_introduce_sex_ed_legislation_following_me_too_movement.html> accessed 1 September 2023; Daly and O'Sullivan (n 13).
378. Lanzarote Committee, *Circle of Trust* (n 94), Recommendation No 13.
379. Lanzarote Committee, *2nd Implementation Report: Circle of trust* (n 300).

137. While there is very strong support for including information about SOGIESC in schools,[380] some parents may be amongst those opposing the state provision of comprehensive sexuality education. IPPF research found that, in about half of the countries reviewed, there is still some lack of understanding about the benefits of comprehensive sexuality education for the health and well-being of children and the human rights that are fulfilled through it discussed in Part 2. Those who oppose comprehensive sexuality education include religious organisations, conservative political parties and parent groups.[381] They oppose discussing sex with children, may contribute to entrenched gender stereotyping, and oppose gender diversity and the rights of people with diverse SOGIESC.[382]

138. One issue which has been prevalent at national level has been the question of whether parents should have the right to withdraw their children from sexuality education in school. Some countries such as Sweden do not permit parents to withdraw their children from such lessons. There are many cases which have been heard by the Court, as argued in Part 2, whereby parents have resisted the provision of sexuality education by the state.[383] As mentioned above, the Court's stance is generally that as long as the education provided is objective, and parents have the right to educate their children at home, states are not in breach where they do not provide an opt out option.

The Ability of Parents to Opt Out of Comprehensive Sexuality Education for their Children: Differing Approaches in England and Wales

Comprehensive sexuality education became mandatory in all schools in England and Wales in 2020 in accordance with new statutory guidance.[384] In primary schools in England, schools must allow parents a right to withdraw their children from comprehensive sexuality education. In secondary schools, parents can ask that their child (under 16 years) be withdrawn from some or all of comprehensive sexuality education. Head teachers do not have to comply; they simply have to consider the request. Some "good practice" guidelines are provided to head teachers by the Statutory Guidance.

A different approach has been taken in Wales. In this country, parents no longer have a right to withdraw. The new curriculum was launched in Wales in 2022 and involves mandatory teaching to pupils from the age of seven. A group of parents recently lost a legal challenge against the curriculum. They launched a judicial review in the High Court of England and Wales against the Welsh government arguing that traditional ideas relating to family life were not prominent enough, and that SOGIESC themes were too prominent.[385] In the case, the judge emphasised that mandatory comprehensive sexuality education would enable pupils to 'develop as healthy, confident individuals, and as ethical, informed citizens of Wales and the world',[386] and were therefore 'entirely consonant with the principles of pluralism and objectivity'.[387]

(viii) Implementation and funding

139. As mentioned in Part 2, a human rights-based approach requires de facto implementation of comprehensive sexuality education. In some contexts, comprehensive sexuality education is provided by school-employed teachers in publicly funded schools who also teach other subjects. In other contexts, professional teachers of comprehensive sexuality education are paid to deliver programmes in schools. Issues of provision and a lack

380. 71% of respondents to a special Eurobarometer on discrimination either totally agreed with or tended to agree with the statement that 'school lessons and materials should include information about sexual orientations (for example being lesbian, gay or bisexual)' and 68% that information about 'the existence of multiple gender identities (for example being transgender)' should be included; European Commission, 'Special Eurobarometer 535: Discrimination in the European Union' (2023), 159, available https://europa.eu/eurobarometer/surveys/detail/2972 (date accessed 27 March 2024).
381. Ketting and Ivanova (n 274), 4.
382. ibid, 38-43.
383. Daly and O'Sullivan (n 13).
384. Department of Education, Government of the United Kingdom, *Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory Guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers* (Updated 13 September 2021) <https://www.gov.uk/government/publications/relationships-education-relationships-and-sex-education-rse-and-health-education> accessed 01 September 2023.
385. *R (Isherwood) v Welsh Ministers* [2022] EWHC 3331; see Steven Morris, 'Parents in Wales lose legal fight against 'woke' sex education in primary schools' (*The Guardian*, 22 December 2022). <https://www.theguardian.com/world/2022/dec/22/parents-wales-lose-legal-fight-gender-sexuality-tuition-primary-schools> accessed 01 September 2023; See further Aoife Daly and Rachel Heah, 'Mandatory Relationships and Sex Education (RSE) in England—Educators' Views on Children's Rights' (2023) 3 *Youth* 1013.
386. *R (Isherwood)*, ibid, 200.
387. ibid, 201.

of funding or commitment by the state can mean that sexuality education is sporadic, of mixed quality, and possibly not equally available.

140. The IPPF has identified that training of teachers to deliver comprehensive sexuality education is a challenge in many countries and feedback from students confirms that poorly prepared teachers do not provide high quality sexuality education, as discussed above. However, in some countries (Estonia and Finland), it was found that teachers' skills have been strengthened through teacher training at colleges and universities. In most countries, the IPPF found, teachers are trained through specific courses or workshops, though a minority of teachers usually participate in such courses in a given country.[388] It has been identified that in almost half of EU member states where sexuality education is mandatory, it is reported that training sessions for teachers are merely ad hoc and voluntary (Belgium, Denmark, Germany,[389] Ireland, Latvia, Malta,[390] Poland, the Netherlands and United Kingdom).[391] Given that any teacher could be approached by a student seeking support following an experience of gender-based and/or sexual violence and that many jurisdictions place mandatory reporting obligations on teachers if they suspect that a child is being sexually exploited or abused, all teachers should be given training on these matters to better enable them to fulfil their protective duty in respect of their students.

141. In Austria, comprehensive sexuality education in schools is mostly provided by external associations. In Vienna, the 'Sex in the City' programme offers free workshops in schools and youth centres about matters such as safer sex and contraception, gender roles, as well as sexuality, and pleasure. It was founded in 2020 and has been extended several times due to high demand. There is limited provision however, so not all youth can access the programme. In Austria, there is a responsibility placed on all teachers by a 2015 decree for comprehensive sexuality education in Austrian schools. An interdisciplinary focus ensures responsibility for comprehensive sexuality education between biology teachers, and teachers of all other subjects. Yet teachers reportedly lack the resources and opportunities for training. As a result, it is argued that there is a dilution of responsibility which harms provision.[392]

Estonia and the Netherlands: Cost Effective Provision

Estonia and the Netherlands have both implemented comprehensive sexuality education programmes which are large-scale and intra- curricular. These programmes have involved a total cost of US$ 33 per learner. The additional per-student costs of these comprehensive sexuality education programmes appear to cost US$ 8 in Estonia and US$ 10 in the Netherlands where regular expenses on teacher salaries are not included in the cost. These figures are much lower than 1 % (0.1-0.2 %) of all expenses per student. The largest costs of these comprehensive sexuality education programmes are implementation costs.[393]

388. Ketting and Ivanova (n 274), 3.
389. Efforts are being made in Germany to address this. In 2023, the KMK published *Guidelines for the Development and Practical Implementation of Protection Concepts and Measures against Sexual Violence in Schools to make teachers and the entire school community more familiar with the issue of sexual violence against children and adolescents;* <https://www.kmk.org/fileadmin/Dateien/pdf/Bildung/AllgBildung/Broschuere_Leitfaden_KMK-16-03-2023.pdf> accessed 19 June 2024. It remains to be seen if they will have had the hoped-for effect.
390. In Malta it is mandatory for teachers of personal, social and career development.
391. European Commission, *Overview* (n 279).
392. Antonia Frank, 'Let's Talk about Sex (Education), Baby!- Examining the Current State of Sex Education in Austria and what the Future could look like' *Europe & Me* <https://europeandme.eu/lets-talk-about-sex-education-baby-examining-the-current-state-of-sex-education-in-austria-and-what-the-future-could-look-like/> accessed 01 September 2023.
393. UNESCO Global Coordinator for HIV and Aids, *School-Based Sexuality Education Programmes: A Cost- and Cost-Effectiveness Analysis in Six countries* (UNESCO 2011) <https://www.unesdoc.unesco.org/ark:/48223/pf0000207055> accessed 01 September 2023; Jari Kempers-Kivela, Evert Ketting and Rob Baltussen, 'Cost Analysis of School-Based Sexuality Education Programs in Six Countries: Cost Effectiveness and Resource Allocation' (2013) 11 (17) Cost Effectiveness and Resource Allocation 1, cited in Ketting and Ivanova (n 274).

Part 5.
Conclusions and Recommendations

142. In this feasibility study, we come to the following conclusions and make the following recommendations as to what a potential instrument could cover:

(i) Human rights-based

143. The following overarching principles and rights of the child derived from the UN Convention on the Rights of the Child, the Lanzarote Convention, the Istanbul Convention and other key international and European human right standards should inform the basis of a potential instrument. The instrument must conceptualise children as rights-holders.

144. A potential instrument should recognise that preventing and eliminating violence against children requires respecting the integrity and human dignity of the child.

145. Any legal and policy approach to comprehensive sexuality education should recognise that children possess:

- The right to life;
- The right to health;
- The right to education;
- The right to equality, including gender equality; and
- The right to be free from all forms of violence.

146. States have a positive obligation to protect these rights. The mandatory provision of comprehensive sexuality education is an appropriate means for states to meet these obligations. Legislation or policies that allow individual students to be exempt from comprehensive sexuality education severely impairs the ability of comprehensive sexuality education to protect these rights.

147. The potential instrument should include the hallmarks of a human-rights based approach to comprehensive sexuality education including:

- accurate, evidence-based information that is adapted to the child's age and developing maturity;
- information and critical understanding of the biological, social, cultural, emotional and psychological aspects of sex, sexuality and relationships including content about healthy and respectful relationship and sexual behaviour, empathy and personal integrity;
- information on and critical understanding of gender equality including girls' equality and equality for children with diverse SOGIESC;
- information and critical understanding about personal and bodily autonomy and integrity, the concept of consent and relevant laws around the age of consent to sexual activity and prohibitions on all forms of violence including gender-based and sexual violence;
- equip children through active skills-based learning with the necessary competences to be able to recognise and respond to harmful sexual behaviour, whether engaged in by adults or peers and whether committed online or offline;
- empowering children to prevent violence by:
  - developing their self-confidence and critical thinking to help them exercise their rights and act as responsible members of the community now and as they transition into adulthood;
  - encouraging them to report violence, whether experienced by themselves or others;
  - informing them about the availability of child-friendly reporting procedures and how to access them;
  - informing them about the full-range of support services, such as hotlines and helplines, available for those who have experienced violence; and
- is mandatory.

148. The relationship between the right to equality and comprehensive sexuality education requires states to have a special focus on gender equality and gender sensitive information in the design and implementation of comprehensive sexuality education. Comprehensive sexuality education should address the sexual and reproductive health and rights of individuals, including those with diverse SOGIESC, as well as other groups in situations of vulnerability such children with disabilities, children in rural communities, children from national and ethnic minorities, children in alternative care, children in street situations and children who are migrants, refugees and asylum-seekers as they are most at risk of disproportionate negative health consequences, violence and stigma.

149. To guarantee children's right to be free from violence, comprehensive sexuality education should be informed by a protective and preventive ethos and develop protective and preventive skill sets regarding all forms of violence including gender-based and sexual violence.

150. Flowing from the human rights-based approach to comprehensive sexuality education, the design, delivery, implementation, monitoring and accountability of comprehensive sexuality education should include the voice and participation of children. For example, children should be involved in the co-creation, implementation and monitoring of curricula with children-led accountability mechanisms to ensure that content is socio-culturally relevant.

151. Laws and policies on comprehensive sexuality education should be implemented, properly resourced, evaluated and monitored, including with the participation of children. Failures to ensure access to human-rights based comprehensive sexuality education should be held to account at the national level. Laws, policies, and curricula need to be updated in light of new evidence, sex-disaggregated data and data-disaggregated by SOGIESC, information gathered from monitoring and new obstacles to sexual and reproductive health and rights. Education curricula on comprehensive sexuality education should be evaluated and reviewed at regular intervals by the competent national authorities to keep pace with developments in research and society. Monitoring should feed into the continuous development and improvement of the programme.

(ii) Programme design

152. The specialness of comprehensive sexuality education needs to be recognised. Programme design should reflect a commitment to human rights, children's participation and agency, sexual and reproductive health and behaviours, and gender equality.

153. Programmes and curricula should be evidence-based and accurate and not focus only on the biological aspects of reproduction and prevention of HIV/STIs and unwanted pregnancy but also should cover sexuality through a positive lens. The spectrum of topics that are addressed should be broadened to include the topics advised above.

154. Educators need to be provided with specialised training and support on an on-going basis to ensure that they recognise the specialness of comprehensive sexuality education, understand its roots in human rights duties and can meet the needs of children. This should be complemented with training on safeguarding to ensure that educators are equipped to recognise suspected sexual exploitation and abuse and respond to disclosures to further protect children from all forms of violence.

155. Comprehensive sexuality education needs to be age-appropriate, tailored to children's developing capacities, and delivered on an iterative basis throughout the child's school career. To ensure that children are taught at a developmentally appropriate time, research on the ways that they express themselves should inform the content and delivery of comprehensive sexuality education. Consideration should be given to the naming of age-appropriate comprehensive sexuality education when delivered to younger children to accurately reflect its content.

156. Programmes should be developed and implemented which aim to help protect children online. The potential for providing information about sex and relationships online should be examined.

157. In countries where co-education is standard, consideration should be given to the value of providing some aspects of sexuality education in sex- or gender-segregated settings. However, this should not be at the expense of ensuring equality in the provision of this education and should not result in gender-streaming the content of sexuality education.

(iii) Legal and policy basis for age-appropriate comprehensive sexuality education

158. There should be a legal basis for comprehensive sexuality education in every member state.

159. The legal basis for comprehensive sexuality education should clarify that it is mandatory that this education is made available to all children in order to meet states obligations to children's rights. The compulsory nature of comprehensive sexuality education is in line with Article 6 of the Lanzarote Convention and Article 2 of Protocol 1 of the ECHR and consistent with the case law of the Court.

160. There should be a national or federal (as appropriate) curriculum for formal comprehensive sexuality education. Comprehensive sexuality education should also be made available across informal and non-formal education settings.

(iv) Other aspects of age-appropriate comprehensive sexuality education

161. Greater research and mapping of the nature of the sexuality education received by children in Europe is required.

162. An information campaign is needed to address misunderstandings about comprehensive sexuality education in the community. The campaign should elucidate the need for comprehensive sexuality education, linking it to ending violence against children, stress the age-appropriate dimension to comprehensive sexuality education and debunk commonly held myths. There is a strong need to make known the importance of comprehensive sexuality education and to explain the results of scientific research to the public at large as well as to specific stakeholders such as parents, policy makers and schools.

163. The unconditional right of children to comprehensive sexuality education stems from the rights to life, health, education, equality and the right to be free from all forms of violence. Parents should be supported by states in developing their competence to protect their children from sexual abuse and exploitation and be involved in consultation and other activities in relation to comprehensive sexuality education.

164. Regardless of the nature of the educational setting, comprehensive sexuality education must be properly resourced.

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