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CONSEIL DE L'EUROPE

Strasbourg, 3 March 2025
ENF-VAE(2025)02 Rev

Committee of experts on the Prevention of Violence (ENF-VAE)

DRAFT RECOMMENDATION

CM/Rec of the Committee of Ministers to member States on age-appropriate Comprehensive Sexuality Education to strengthen responses for inter alia preventing and combatting violence against children

Draft submitted for stakeholder consultations

enf.vae@coe.int
www.coe.int/enf-vae

Content

Preamble.....	3
Appendix to Recommendation CM/Rec(202X)Y : Guidelines on age-appropriate Comprehensive Sexuality Education to strengthen responses for <i>inter alia</i> preventing and combatting violence against children	6
1. Aim and Scope	6
2. Definitions	6
3. General Principles	8
4. Equality	9
5. Prevention of Violence.....	9
6. Child Participation	10
7. Evolving Capacities	11
8. Design of Age-Appropriate comprehensive sexuality education.....	11
9. Legal and Mandatory Basis	12
10. Implementation and Evaluation.....	13

Preliminary Draft Recommendation CM/Rec of the Committee of Ministers to member States on age-appropriate Comprehensive Sexuality Education to strengthen responses for *inter alia* preventing and combatting violence against children

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

- A. Considering that the aim of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and promoting the ideals and principles which are their common heritage, and that it works towards this aim, *inter alia*, by promoting common policies and standards;
- B. Recalling that the essential mission of the Council of Europe is the promotion of human rights, democracy and the rule of law;
- C. Recognising that violence against children is a violation of their rights and bearing in mind the Council of Europe Strategy for the Rights of the Child (2022-2027) which includes the strategic objective of “freedom from violence for all children”;
- D. Reaffirming that the well-being of children and the equality of all children are fundamental values shared by all member States;
- E. Underlining that the best interest of the child is a guiding principle shared by all member States;
- F. Noting with grave concern that children are particularly vulnerable to all forms of violence, and that their vulnerability is increased as a result of rapid technological change;
- G. Recognising that gender-based violence, notably sexual violence, disproportionately impacts girls;
- H. Conscious that specific groups of children are more vulnerable to violence, 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 and children with diverse sexual orientations, gender identities and expressions, or sex characteristics;
- I. Recognising that age-appropriate comprehensive sexuality education is a positive measure to respect, protect and fulfil the rights to life, health, security of the person, education, and equality of children, including gender equality; that it can be an effective tool to prevent and protect against all forms of violence against children, including sexual

violence, sexual exploitation and sexual abuse as well as gender-based violence against girls; and that it can positively shape health and promote respectful relationships beyond childhood into adulthood;

- J. Recalling the key activities and long-standing experience of the Council of Europe in the field of the rights of the child, including as regards ending all forms of violence against children;
- K. Reaffirming the obligations towards children as set out in relevant Council of Europe Conventions, notably the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No 5) and its additional protocols, the European Social Charter (ETS No. 35 and its revised version, ETS No. 163), the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No 201) (the Lanzarote Convention), and the Convention on Preventing and Combating Violence Against Women and Domestic Violence (CETS No 210) (the Istanbul Convention);
- L. Recalling the following recommendations of the Committee of Ministers to member States:
- Recommendation CM/Rec(2009)10 of the Committee of Ministers to member States on integrated national strategies for the protection of children from violence;
 - Recommendation CM/Rec(2010)7 of the Committee of Ministers to member States on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education;
 - Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18;
 - Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education;
 - Recommendation CM/Rec(2018)7 of the Committee of Ministers to member States on Guidelines for respecting, protecting and fulfilling children's rights in the digital environment;
 - Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism;
 - Recommendation CM/Rec(2019)10 of the Committee of Ministers to member States on developing and promoting digital citizenship education;
 - Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls;
 - Recommendation CM/Rec(2023)8 of the Committee of Ministers to member States on strengthening reporting systems on violence against children;
- M. Recalling the following adopted texts of the Parliamentary Assembly of the Council of Europe:
- Resolution 2412(2021) on gender aspects and human rights implications of pornography;
 - Resolution 2331(2020) on empowering women: promoting access to contraception in Europe;

- Resolution 2439(2022) on access to abortion in Europe: stopping anti-choice harassment;
 - Resolution 2429(2022) for an assessment of the means and provisions to combat children's exposure to pornographic content;
 - Resolution 2490(2023) on innovative approaches to sexual and reproductive health and rights;
 - Resolution 2547 (2024) on the protection of children against online violence;
- N. Taking account of the United Nations Convention on the Rights of Child (1989) (UNCRC) and its Optional Protocols, The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979), the International Convention on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) the United Nations Convention on the Rights of Persons with Disabilities (2006);
- O. Wishing to provide guidance to member States on the design, delivery, implementation and monitoring of age-appropriate comprehensive sexuality education;
- P. Acknowledging the views and opinions of children who have been consulted in the elaboration of this Recommendation;

Recommends that the governments of the member States

1. provide a legal basis for and necessary financial and human resources devoted to the provision of age-appropriate comprehensive sexuality education in all educational settings;
2. be guided in their legislation, policies and practice by the principles set out in the Guidelines appended to this Recommendation;
3. take measures to prevent and protect children against all forms of violence, including sexual exploitation and sexual abuse, gender-based violence, particularly against girls, and technology- facilitated violence through the provision of age-appropriate comprehensive sexuality education, drawing on the Guidelines, including the definitions, appended to this Recommendation;
4. ensure that this Recommendation, including the Guidelines in the Appendix, be translated into official languages of member States and disseminated in accessible formats to relevant authorities and stakeholders, paying particular attention to ensuring the Recommendation and Guidelines are disseminated in child-friendly formats;
5. review regularly the implementation of this Recommendation and the appended Guidelines, with the participation of relevant stakeholders, and keep the Committee of Ministers informed of progress made and remaining challenges.

Appendix to Recommendation CM/Rec(202X)Y : Guidelines on age-appropriate Comprehensive Sexuality Education to strengthen responses for *inter alia* preventing and combatting violence against children

1. Aim and Scope

1.1. The aim of this Recommendation and its Guidelines is to promote the development, adoption, implementation and monitoring of age-appropriate comprehensive sexuality education curricula as an essential element of national strategies to prevent and combat all forms of violence against children, including sexual violence, sexual exploitation and sexual abuse, gender-based violence, and technology-facilitated forms of violence.

1.2. The Recommendation and its Guidelines also aim to guide member States in developing age-appropriate comprehensive sexuality education curricula that will support children in developing the critical skills and competencies to recognise and respect their own and others' personal integrity and bodily autonomy.

1.3. The Recommendation applies to all contexts where age-appropriate comprehensive sexuality education can be taught, including formal, non-formal and informal educational settings whether offered by public or private entities.

1.4. While general in scope, the Recommendation recognises that in the case of some individuals and groups, particularly those in vulnerable or disadvantaged situations, special measures may be required to ensure the delivery of high-quality age-appropriate comprehensive sexuality education.

2. Definitions

2.1 For the purpose of this Recommendation:

“Child” or “children” refers to any persons under the age of 18 years;

“Early childhood” refers to the period from birth to the age of 8;

“Comprehensive sexuality education” is a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sex, sexuality and relationships, tailored to the needs of children according to their age, and maturity and evolving capacity. It aims to equip children in all their diversity, with knowledge, skills, attitudes, values and critical competences that will empower them to respect, protect and fulfil their health, well-being and dignity, to develop safe, healthy, equal and respectful relationships, to consider how their choices affect their own well-being and that of others, and to understand and ensure the protection of their rights throughout their lives;

“Sexual abuse”

- (a) is the intentional conduct of engaging in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities;
- (b) is the intentional conduct of engaging in sexual activities with a child where use is made of coercion, force or threats; or abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence;

and is not intended to govern consensual sexual activities between children.

“Sexual Violence” refers to other non-consensual sexual activities with a child who has reached the legal age for sexual activities according to the relevant provisions of national law, where a person:

- (a) engages in non-consensual vaginal, anal or oral penetration of a sexual nature of the child’s body with any bodily part or object,
- (b) engages in other non-consensual acts of a sexual nature, or
- (c) causes the child to engage in non-consensual acts of a sexual nature with a third person;

“Sexual exploitation” refers to recruiting, coercing, profiting from or using a child for sexual activities whether with or without any form of remuneration, promise or consideration; intentionally causing, for sexual purposes, a child to witness abuse or sexual activities, even without having to participate; producing child sexual abuse material through recruiting or causing a child to engage in sexual activities for oneself or for another person; and soliciting a child who has not reached the age of consent in their home jurisdiction through information and communication technologies to engage in any of these sexual activities;

“Harmful sexual behaviour” is developmentally inappropriate sexual behaviour engaged in by a child that harms another child and/or is harmful to the child engaging in the behaviour;

“Violence Against Children” refers to all forms of violence against children whether committed by adults or engaged in by other children which violate the rights of the child and result in actual or potential harm to the child’s health, physical, psychological and emotional integrity, survival or development, including but not confined to gender-based violence, , harmful sexual behaviour, sexual abuse, sexual exploitation, sexual violence, and technology-facilitated violence.

“Gender-based Violence” is violence that is directed against a person because of that person’s gender or violence that affects persons of a particular gender disproportionately,

and results in, or is likely to result in, physical, mental, emotional, sexual, psychological or economic harm. Gender-based violence is disproportionately directed against women and girls;

“Technology-facilitated violence” means any act of violence against children that is committed, assisted, aggravated or amplified through technology;

“Intersectionality” is when two or more identity characteristics, experiences and circumstances operate simultaneously and interact in an inseparable manner to create a distinct and specific experience; an intersectionality or an intersectional approach pays attention to how the intersection of identity characteristics shapes unique lived experiences;

3. General Principles

3.1. Member states have the duty to prevent and protect children from violence,. The provision of age-appropriate comprehensive sexuality education does not shift responsibility for this obligation onto children.

3.2. Age-appropriate comprehensive sexuality education should equip children with the necessary skills to recognise all forms of violence against children, whether committed by adults or engaged in by children. It should empower children by developing their skills on how to recognise the risks of violence, how to identify it when they are subjected to it, and how to respond to it. This would include providing them with information on how to report it and on the full range of support services within the member State for those who have experienced violence.

3.3. Age-appropriate comprehensive sexuality education should be anchored in and reflect the human rights of children, including the right to life, health, education, freedom from violence, equality, with particular attention to gender equality and participation.

3.4. Age-appropriate comprehensive sexuality education should be evidence-based, scientifically accurate and adapted to children’s developing capacities.

3.5. Age-appropriate comprehensive sexuality education should enable children to develop a critical understanding and competence in the social, cultural, emotional, psychological and biological aspects of interpersonal interactions and relationships, sex and sexuality, including sexual and reproductive health rights.

3.6. Age-appropriate comprehensive sexuality education should include learning on personal integrity and bodily autonomy and should enhance critical understanding and competence on healthy, responsible and respectful interpersonal interactions and respectful behaviours within relationships, empathy and personal integrity.

3.7. Age-appropriate comprehensive sexuality education should also play a preventive role, imparting information on the value and importance of consent in respecting the personal integrity and bodily autonomy of self and others. It should also inform children about the age(s) at which

one can legally consent to sexual activities according to the relevant provisions of national law; the laws on consent to sexual activity; and that, for certain age-based offences, consent is irrelevant to whether the offence has been committed or not.

3.8. Age-appropriate comprehensive sexuality education should raise awareness on the prohibition of all forms of violence against children.

3.9. Parents, caregivers and guardians are primary stakeholders in the protection of children from violence. They should be provided with:

- (a) knowledge about the content and benefits of age-appropriate comprehensive sexuality education so they can support their children or the children within their care as they develop preventive and protective skill sets;
- (b) details about the full range of support services within the member State should they need to access them for their children or the children within their care; and
- (c) accessible educational resources and training opportunities to enable them to respond in an age-appropriate, evidence-based and scientifically and legally accurate way to questions from their children or the children within their care about sex, relationships and sexuality-related matters, and to support them in their role of fostering the values of non-discrimination, equality, particularly gender equality, mutual respect in all interpersonal interactions and relationships in their children or the children within their care.

4. Equality

4.1. Age-appropriate comprehensive sexuality education should be directed towards achieving equality,.

4.2. Member States should pay particular attention to achieving gender equality for girls .

4.3. Member States should also pay particular attention to preventing and countering inequality affecting children in vulnerable situations, 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 and children with diverse sexual orientation, gender identities and expressions and sex characteristics.

5. Prevention of Violence

5.1. Age-appropriate comprehensive sexuality education should be directed towards the goal of ending violence against children by supporting the development of children who recognise and respect their own and others' personal integrity and bodily autonomy and who will, as children and as adults, engage in responsible and respectful behaviours in interpersonal interactions and within relationships.

5.2. Member States should promote and implement measures aimed at raising awareness among children, parents, educators and the general public about

- (a) the prohibitions of violence against children;
- (b) the role of age-appropriate comprehensive sexuality education in preventing and protecting children from all forms of violence;
- (c) the risks and prevalence of violence against children, including harmful sexual behaviours engaged in by children, and their effects. This should be informed by data on the prevalence of violence against children within the member State. The data collected should be disaggregated in an intersectional manner taking account of sex, age and any other relevant identity characteristics.
- (d) the correlation between harmful sexual behaviour engaged in by children and the consumption of pornography containing gender stereotypes, gender-based violence, particularly against women and girls, and sexual violence;
- (e) the importance of reporting violence or the suspicion of violence; and
- (f) the easily accessible and child-friendly means, including child-friendly complaint mechanisms, to signal any violence and receive support, through hotlines or helplines for example.

5.3. Through legal and policy frameworks, member States should create an enabling environment for professionals who work with children to report all forms of violence against children. The creation of such an environment will prevent further violence against children who are currently being subjected to violence.

5.4. Member States should ensure that systems for reporting all forms of violence against children are well publicised and should remove barriers that prevent victims and witnesses from reporting these behaviours. In particular, children should be empowered to report violence, and their reports should be treated with the respect that the seriousness of the nature of such reports warrants.

6. Child Participation

6.1. Children should be empowered to participate, according to their age, maturity and evolving capacities, in the development, implementation and review of age-appropriate comprehensive sexuality education curricula. Participation should reflect the equality of all children and pay attention to the intersectionality of children. Necessary financial and human resources should be made available to ensure children's active and meaningful participation.

7. Evolving Capacities

7.1. The content of comprehensive sexuality education should be tailored to meet the needs of children according to age, maturity and evolving capacities. Experts on child development should be included in the development of curricula.

7.2. Age-appropriate comprehensive sexuality education should be provided to children from early childhood and on an iterative basis to reflect and support their growing and evolving capacities.

7.3. Member States should promote and implement measures aimed at raising awareness among the general public about how comprehensive sexuality education is tailored to age, maturity and evolving capacities of children with the aims of protecting children's rights, supporting the development of children who recognise and respect their own and others' personal integrity and bodily autonomy, and preventing and protecting children from all forms of violence.

7.4 The name given to comprehensive sexuality education may vary when it is delivered to different age cohorts to reflect the age-appropriate nature of this education and, as this education is provided on an iterative basis, the name can change to reflect children's growing and evolving capacities.

8. Design of Age-Appropriate comprehensive sexuality education

8.1. Age-appropriate comprehensive sexuality education should be taught to children as a gradual process, starting from early childhood to help them understand and respect their own and others' boundaries and develop self-confidence. To ensure that children are taught at a developmentally appropriate time, research on how children express themselves should inform the scientifically accurate, evidence-based content of age-appropriate comprehensive sexuality education and its delivery.

8.2. The curricula should be informed by the values of non-discrimination, gender equality, non-violence and mutual respect in all interpersonal interactions and relationships. Those curricula should seek to help children to develop protective and preventive skill sets regarding all forms of violence against them, whether committed by adults or engaged in by other children.

8.3. The curricula should involve multiple interventions over the life-course of children, using active skills-based learning to ensure that they are equipped with the necessary competence and critical understanding to be motivated and empowered not to engage in, and to be able to identify and respond to, all forms of violence against children, – whether committed by adults or engaged in by other children online or offline – as well as to seek help.

8.4. The curricula should be gender-responsive and socio-culturally relevant, situating violence in its broader social and cultural context. It should engage with sociocultural and community norms and help children to develop their critical thinking skills and become responsible life-long learners and members of society. This includes the development of critical thinking regarding the content

of books, television, video and other games, online content and other audiovisual material, including pornography containing gender stereotypes, gender-based violence, particularly against women and girls, and sexual violence, which shapes the attitudes, behaviour and identity of children.

8.5. The curricula should foster positive relationships with peers, parents and others by exposing children to adults and peers who are role model and support appropriate behaviours. The curricula should support parents in their role in fostering the values of non-discrimination, gender equality, mutual respect in all interpersonal interactions and relationships, as well as non-violence.

8.6. Age-appropriate comprehensive sexuality education should be inclusive and provided in a safe, non-judgmental, secure and non-violent learning environment in which the rights of all are respected and promoted. Educators should be trained about the special nature of age-appropriate comprehensive sexuality education and how to deliver it. Educators should be committed to continuous professional development and supported in that development.

8.7. Training programmes should be put in place for those who deliver all forms of age-appropriate comprehensive sexuality education to ensure consistency in the content and delivery of this education, in line with the present Guidelines. This should be complemented with training on safeguarding to ensure that educators are equipped to identify signs of violence against children and respond appropriately to disclosures or to when possible cases emerge in order to further protect children from violence. Safeguarding policies should be continually under review to adapt to new evidence about the ways in which violence against children can be perpetrated.

8.8. Where co-education of girls and boys is provided, consideration should be given to the value of providing some aspects of age-appropriate comprehensive 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, should not discriminate against any children, and should not result in the teaching of content that does not promote gender equality.

8.9. Where single-sex education is provided, the content of the curriculum should not alter based on the sex or gender of the child receiving it. This does not mean that there cannot be differences in the delivery of the education to meet the intersectional needs of different cohorts of children; it means that all children are entitled to the same information to ensure equality, in particular gender equality, in their education provision.

9. Legal and Mandatory Basis

9.1. There should be a legal basis for, and necessary financial and human resources devoted to the provision of age-appropriate comprehensive sexuality education in the member States. This could include legislation, regulation or official government policy which sets the general framework within which this education is provided, and which ensures its quality and availability.

9.2. All children within the territory of member States should have equitable access to age-appropriate comprehensive sexuality education to protect their right to life, health, education, freedom from violence, equality, including gender equality and participation. The legal basis for this education should include making its provision mandatory, and allocating the necessary financial and human resources, regardless of whether the education is provided by a public or private entity, in formal, non-formal or informal settings. De jure or de facto exemptions to age-appropriate comprehensive sexuality education undermine the protection of children from all forms of violence.

10. Implementation and Evaluation

10.1. Member States should choose the means of delivering age-appropriate comprehensive sexuality education best suited to their own context while upholding children's right to life, health, education, freedom from violence, equality, including gender equality, and participation. Consideration should be given to formal, non-formal and informal delivery of this education and whether and how delivery through multiple routes can complement one another and provide children and others with the resources to prevent and protect them from violence.

10.2. The content of age-appropriate comprehensive sexuality education should be scientifically accurate, evidence-based and regularly reviewed, monitored and regulated at national or federal level, as appropriate. Member States should regularly consult with experts on international best practice to ensure the delivery of the highest quality age-appropriate comprehensive sexuality education.

10.3. Member States should set up accountability mechanisms to ensure that the provision of age-appropriate comprehensive sexuality education upholds children's right to life, health, education, freedom from violence, equality, including gender equality and participation. Such mechanisms should be child-friendly and accessible to children in all their diversity, paying attention to the intersectional needs of children. Member States should undertake regular consultations with children on their experiences of age-appropriate comprehensive sexuality education to maximise the utility of the education in best meeting the equal needs of all children in fast-changing sociocultural, offline and online environments.

10.4. Member States should recognise, encourage and support the work of relevant civil society organisations active in providing age-appropriate comprehensive sexuality education and advice, and in preventing and combating all forms of violence against children.

10.5. Member States should allocate necessary resources to finance effective communication and awareness-raising campaigns on the role of age-appropriate comprehensive sexuality education in preventing and combating violence against children, on reducing risky or harmful sexual behaviour by children, and on the existence of support groups.