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Committee for Education,  
NI Assembly

29th October 2024

Issued via email to: [committee.education@niassembly.gov.uk](mailto:committee.education@niassembly.gov.uk)

Dear Committee for Education members,

### **RE: Inquiry into Relationship and Sexuality Education (RSE) in Schools**

We write in response to the Committee for Education's Inquiry into Relationship and Sexuality Education (RSE) in Schools.

At the Committee's 15 October session with children and young people, we heard a range of representatives from organisations such as NICCY Youth Panel, NI Youth Assembly and Diverse Youth NI, provide their views on RSE. We welcome that the Committee engaged directly with children and young people and recommend that you continue to engage across the equality groups.

Recognising the value and importance of access to education, and of maximising attendance at school, and participation in class while there, and noting the value of education in shaping an individual's life chances and in addressing wider societal issues and inequalities, we highlight:

- the importance of access to age-appropriate, comprehensive, and scientifically accurate education.
- the need to ensure that teaching and information is accessible to, and inclusive of, pupils across the equality groups— for example, children with a disability, including those with Special Educational Needs; those from across a range of religious backgrounds; or for whom English is an additional language.
- the Curriculum should also include a focus on challenging stereotypes, tackling prejudice-based bullying, and encourage a greater understanding of and respect for pupils across the equality grounds.
- the importance of supporting teachers via teacher training and continuous professional development.
- that any provision for parental opt-out of their child from elements of the RSE curriculum should ensure the best interests of the child in line with their right to an education, and not be at the expense of the system of education as a whole working to maximise equality of opportunity. Consideration also to be given to how any opt-outs would operate where pupils and their parents have differing views, or where individual parents /carers disagree on opting-out their child.
- the importance of collecting data and monitoring the equality characteristics of any instances of children being withdrawn from classes.
- the importance of access to information and of collaborative approaches to inform decision making – involving engagement between education providers and pupils, parents, and carers from across the equality groups.

We provide some additional detail on these points below in Annex A.

We hope this information is of assistance to the Committee's considerations.

**Equality Commission for Northern Ireland**  
**Public Policy and Strategic Engagement**

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# 1 Annex A: Equality Considerations

- 1.1 We reinforce the value and importance of access to education, and of maximising attendance at school, and participation in class.
- 1.2 The UN Educational, Scientific and Cultural Organisation (UNESCO) describes comprehensive Relationships and Sexuality Education (RSE) as *“a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize 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”*<sup>1</sup>.

## **Access to Education**

- 1.3 Education plays a key role, beyond the achievement of qualifications, in shaping an individual’s life chances and in addressing wider societal issues and inequalities. It can provide exposure to literature, language, sport, activities, art, and music; as well as allowing individuals to develop an understanding and experience of the value and range of diverse cultures, identities and backgrounds.
- 1.4 We also reiterate the important role that all stages of education can play in countering stereotypes and prejudicial attitudes from an early age and across all areas of life. This is important as, for example, gender-based stereotyping can begin in childhood and continue throughout life stages<sup>2 3</sup>.

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<sup>1</sup> UNESCO cited in NIHRC (2023) [Relationships and Sexuality Education in Post Primary Schools in Northern Ireland](#)

<sup>2</sup> NI Executive (2013) [Together: Building a United Community Strategy](#) which notes: “We recognise that the early years in a child’s life are the most formative and it is at this early stage that children can establish opinions, mindsets and attitudes that shape their behaviours for the rest of their lives”

<sup>3</sup> ECNI (2022) [Equality in Education: Policy Position Paper](#), para 6.53

## **Accessibility**

- 1.5 In terms of the delivery of the RSE curriculum, schools should ensure that teaching is accessible to, and inclusive of, pupils across the equality groups. For example, information should be in formats accessible to disabled pupils, and information should be accessible to pupils from different minority ethnic backgrounds, who may experience language barriers.

## **Promoting Positive Attitudes and Challenging Stereotypes and Bullying**

- 1.6 Under the Northern Ireland Executive Formation Act 2019 (NIEFA 2019) the NI Secretary of State is under a duty to implement the CEDAW Inquiry Report recommendation to: *‘Adopt a strategy to combat gender-based stereotypes regarding women’s primary role as mothers’*. How the RSE curriculum may contribute to the delivery of this duty should be considered.
- 1.7 The Commission is on record as highlighting the importance of embedding equality, including gender equality, in the content and delivery of the curriculum. The Commission has previously highlighted that an absence of gender and wider mainstreaming in education, including in the curriculum, is a foundation for inequality and gender stereotyping. Comprehensive action should be taken by the Department of Education, schools and other education bodies, to embed equality of opportunity and good relations within the content and delivery of the curriculum<sup>4</sup>.
- 1.8 More broadly, the Commission has consistently emphasised the need to ensure that the curriculum addresses prejudice-based bullying<sup>5</sup> and encourages a greater understanding of and respect for pupils across the range of equality grounds. This includes, for example ethnicity; disability; sexual orientation and gender identity. To achieve an anti-bullying culture, it is important that schools recognise the range of factors to be considered as part of a whole school approach. These include, for example, creating an inclusive culture and environment; and

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<sup>4</sup> See Section 8 Mainstream Equality in Education [Equality in Education: Full Position Paper \(equalityni.org\)](https://equalityni.org/equality-in-education-full-position-paper)

<sup>5</sup> For further details, see: [Tackling bullying and challenging stereotypes - policy recommendations \(equalityni.org\)](https://equalityni.org/tackling-bullying-and-challenging-stereotypes-policy-recommendations)

ensuring the participation of learners and their parents / carers<sup>6</sup>.

- 1.9 We note that the Education Minister has recently announced<sup>7</sup> a Review of the Northern Ireland Curriculum as part of his Department's response to the findings of the Independent Review of Education. This Review may provide an opportunity to consider and progress these issues.

### ***Teacher Training***

- 1.10 We also reinforce the importance of supporting teachers via teacher training<sup>8</sup> <sup>9</sup> and continuous professional development to the benefit of teachers and pupils.
- 1.11 In light of the diversity of life experiences and educational needs within the Northern Ireland population, we consider it essential that all teachers are equipped to ensure students' particular requirements are understood and met. Initial teacher education (ITE) and continuing professional development (CPD) are key methods of achieving this.
- 1.12 We note for example that the Committee on the UN Convention on the Rights of the Child (UNCRC), in its 2023 Concluding Observations on the UK<sup>10</sup>, recommended that *“comprehensive, age-appropriate and evidence-based education on sexual and reproductive health [be integrated] ... into teacher training and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention...”*.

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<sup>6</sup> For further details, see: ECNI: [Equality in Education: Full Position Paper](#)

<sup>7</sup> DENI (21/10/24) [Review of the Northern Ireland Curriculum announced](#) (accessed 28/10/2024).

<sup>8</sup> For further details, see: ECNI: [Equality in Education: Full Position Paper](#)

<sup>9</sup> The UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7, para 44(b) also includes a focus on teacher training: *“Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into ... teacher training and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention...”*.

<sup>10</sup> UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7, para 44(b). *“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”*.

***Options for Parents / carers to withdraw their child from receiving age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights.***

- 1.13 The CEDAW Committee observed in its 2018 Inquiry that ‘young people in Northern Ireland were denied the education necessary to enjoy their sexual and reproductive health and rights’<sup>11</sup>.
- 1.14 Any scope for a parent / carer to withdraw their child from lessons must ensure the best interests of the child, in line with international human rights standards and their right to an education. Provision for opt-out of a child from elements of the RSE curriculum should also not be at the expense of the system of education as a whole working to maximise equality of opportunity.
- 1.15 In any opt-out it is important to ensure adherence to the principles enshrined in the United Nations Convention on the Rights of the Child, including that children have the right to have their voices heard in all matters concerning them<sup>12</sup>.
- 1.16 It is also important that any provisions for opt-out consider and seek to mitigate the potential impacts of the withdrawal of a child from some lessons, or parts thereof. Consideration also needs to be given to how any opt-out will work in practice e.g. in situations where a particular lesson may cover multiple issues, some of which a parent / carer may be content that the child is taught and/or some which may not be covered by any opt-out provisions. The implementation of any opt-out provisions should be such that they do not result in children missing any wider areas of the RSE curriculum.

**Access to Rights**

- 1.17 While noting the provision that “... *parents should have the opportunity to excuse their child/children from receiving the education required, or specified elements of that*

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<sup>11</sup> CEDAW (2018) [Inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to CEDAW](#), CEDAW/C/OP.8?GBR/1, para 43.

<sup>12</sup> For further details, see UN convention on the Rights of the Child. Article 12 (1) States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

*education...<sup>13</sup>, we also note that the Committee on the UN Convention on the Rights of the Child (UNCRC), in its 2023 Concluding Observations on the UK<sup>14</sup>, recommended that “comprehensive, age-appropriate and evidence-based education on sexual and reproductive health [be integrated] 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”.*

1.18 Article 3 of the United Nations CRC<sup>15</sup> provides that *“The best interests of the child must be a top priority in all decisions and actions that affect children”*. Article 28 provides for the Right to Education, and Article 12 provides that *“Every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously”* in line with their evolving capacity.

1.19 Article 23 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) recognises the rights of persons with disabilities *“to have access to age-appropriate information, reproductive and family planning education are recognized, and the means necessary to enable them to exercise these rights are provided”<sup>16</sup>.*

1.20 Article 5<sup>17</sup> of the UNCRC provides that State Parties: *“shall respect the responsibilities, rights and duties of parents or,*

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<sup>13</sup> [Explanatory Memorandum to the Relationships and Sexuality Education \(Northern Ireland\) \(Amendment\) Regulations 2023](#) para 7.10.

<sup>14</sup> UN Committee on the Rights of the Child (2023) [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), CRC/C/GBR/CO/6-7, para 44(b). “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”.

<sup>15</sup> [The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

<sup>16</sup> [Convention on the Rights of Persons with Disabilities](#)v, adopted Dec. 13, 2006, art. 23, G.A. Res. A/RES/61/106, U.N. GAOR, 61<sup>st</sup> Sess., U.N. Doc. A/61/611, (entered into force May, 3 2008).

<sup>17</sup> We note the UNRCR clarifying statement on Article 5, published in October 2023, that sets out that *“Any interpretation that singles out one of the elements of Article 5 while ignoring or discarding the other elements – for example, highlighting the rights of parents without also mentioning ‘appropriate direction and guidance’, ‘in the exercise of the rights recognized in the current Convention’ would be contrary to an accurate and holistic understanding of the article”*. The Statement further clarifies that *“parents’ responsibilities, rights and duties to guide their children is not absolute but, rather, delimited*



*where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention”.*

- 1.21 Further, the 2023 Statement of the Committee on the Rights of the Child on Article 5 of the UNCRC sets out that *“parents’ responsibilities, rights and duties to guide their children is not absolute but, rather, delimited by children’s status as rights holders<sup>18</sup>.”*
- 1.22 Article 5(1A) of the Education (Northern Ireland) Order 2006, as amended, requires that *‘The curriculum for every grant-aided school shall, in relation to key stages 3 and 4, include age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion’.*
- 1.23 We note that DE have set out<sup>19</sup> the following circumstances in which a pupil may be excused from Article 5(1A) education, or a specified element of that education:
- (a) the pupil is in year 8, 9, 10 or 11 at a grant-aided school and a parent’s request confirms that Article 5(1A) education is contrary to their wishes; or
  - (b) the pupil is in year 12 at a grant-aided school, a parent’s request confirms that Article 5(1A) education is contrary to their wishes and the pupil does not object to being excused.
- 1.24 In England, while parents can opt pupils out of classes up until three terms before child turns 16 years old: *“At this point, if the child themselves wishes to receive sex education rather than be withdrawn, the school should make arrangements for this to*

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*by children’s status as rights holders”.* Statement from of the Committee on the Rights of the Child on Article 5 of the Convention on the Rights of the Child, published 11 October 2023 [Article 5 \(ohchr.org\)](https://www.ohchr.org/en/article-5)

<sup>18</sup> Statement from of the Committee on the Rights of the Child on Article 5 of the Convention on the Rights of the Child, published 11 October 2023 Article 5 (ohchr.org).

<sup>19</sup> See page 4-5, paras 15-17. DE (2024) [Circular 2024-1 - Guidance on Amendments to the Relationships and Sexuality Education](#).



*happen in one of the three terms before the child turns 16 - the legal age of sexual consent*<sup>20</sup>.

- 1.25 In the context of ensuring that the views of children are given due weight in accordance with their age and maturity<sup>21</sup> the international treaty bodies may be interested in due course to consider the extent to which the balance in provisions, set out by DE regarding opt-out, adequately give effect to international obligations and recommendations. This may include to consideration of whether the rights of parents to provide appropriate direction and guidance have been provided for in a manner consistent with the rights of the child to an education, and *“to have their views considered and taken seriously”*<sup>22</sup> in line with their evolving capacity.

### Equality Data: Tracking Impacts, Targeting Interventions.

- 1.26 The Commission has longstanding positions regarding the importance of collecting equality data and monitoring outcomes across the equality groups<sup>23</sup>.
- 1.27 We emphasise the importance of collecting data and monitoring the equality characteristics of any instances of children being withdrawn from classes providing age-appropriate and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion.
- 1.28 Such data should be disaggregated across the equality grounds and used to assist in identifying any related patterns or trends across different equality groups and taking targeted action to ensure the effectiveness of RSE going forward.
- 1.29 Such considerations should be used to inform the fulfilment of the Duties<sup>24</sup> on Public Authorities under Section 75 of the

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<sup>20</sup> For further details, see: [Relationships education, relationships and sex education \(RSE\) and health education: FAQs](#)

<sup>21</sup> Article 12 of the UNCRC: ‘States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child’. [The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

<sup>22</sup> [The United Nations Convention on the Rights of the Child \(UNCRC\)](#)

<sup>23</sup> For further details on the Commission’s wider recommendations regarding Equality Data, please see: <https://www.equalityni.org/EqualityData>

<sup>24</sup> See [www.equalityni.org/S75duties](http://www.equalityni.org/S75duties) and ECNI (2020) [Section 75: Using Evidence in Policy Making - A Signposting Guide](#)

Northern Ireland Act (1998) to monitor the actual impacts of the policy if implemented across the Section 75 equality categories. Where there are gaps in data, specific Section 75 monitoring arrangements should be put in place to address these gaps.

### ***Access to Information***

- 1.30 The Commission has consistently emphasised the importance of the access to information to inform decision making and the benefit of collaborative approaches within children’s education involving engagement with pupils, parents, carers, families, and the wider communities of equality groups<sup>25</sup>.
- 1.31 We note the 2013 DE circular on RSE policy stating that “*The Department requires each school to have in place its own written policy on how it will address the delivery of RSE. A school’s RSE policy should be subject to consultation with parents and endorsed by a school’s Board of Governors*”<sup>26</sup>.
- 1.32 Ensuring information is available, and in appropriate formats, is an important element of effective engagement and involvement.

**For further information on the Commission's policy recommendations in relation to education, see [www.equalityni.org/Education/Policy](http://www.equalityni.org/Education/Policy)**

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<sup>25</sup> See examples at <http://www.equalityni.org/Education/Policy> and <http://www.equalityni.org/Education/Covid19>

<sup>26</sup> DE (2013) DE Circular on RSE <https://www.education-ni.gov.uk/publications/circular-201316-relationships-and-sexuality-education-policy>