

INTRODUCTION

The Commissioner for Children and Young People (NICCY) was established in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. This legislation confers on NICCY a range of powers and duties including keeping under review the adequacy and effectiveness of law, practice and services, advising government, monitoring delivery, promoting an understanding of children’s rights and best interests and bringing, assisting or intervening in legal proceedings. The remit of the Office covers children up to 18 years, or 21 years of age if the young person has a disability or is care experienced.

NICCY’s vision for education is one where the education received by all children in Northern Ireland is of high quality, is child rights compliant and fulfils Articles 28 and 29 of the United Nations Convention on the Rights of the Child (UNCRC), developing every child’s personality, talents and abilities to the full.

NICCY has consistently highlighted the need for provision of comprehensive, factual, age-appropriate and scientifically accurate Relationships and Sexuality Education (RSE) in schools. In June 2023, we welcomed the Relationships and Sexuality Education (Northern Ireland) (Amendment) 2023, which introduced a mandatory requirement for the inclusion of age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, for adolescents in the Northern Ireland (NI) curriculum [1].

Children’s rights relating to education are multifaceted, encompassing rights ‘to, in and through’ education. Comprehensive RSE is relevant to a wide range of children’s rights, including their right to education (Articles 28 and 29); non-discrimination / equality (Article 2); best interests (Article 3); right to survival and development (Article 6); identity (Article 8); freedom of expression (Article 13) protection from violence and abuse (Article 19); and the right to health (Article 24).

The Committee on the Rights of the Child advise in General Comment Number 1 that education should be child-centred, empower children and provide them with essential life-skills, including the ability to make well-balanced decisions; to resolve conflicts in a nonviolent manner; and to develop a healthy lifestyle, good social relationships and responsibility [2]. It is our view that comprehensive RSE can play an integral role in achieving this.

We draw attention to the Committee’s Concluding Observations published in June 2023, recommending that the UK State Party:

“Integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention, without the possibility for faith-based schools or parents to opt out of such education [3].”

The remainder of this short briefing addresses key areas in relation to RSE, including participation of children and young people; parental opt-out provision; RSE curriculum and resources; and evaluation and monitoring.

Participation of children and young people

Article 12(1) of the UNCRC requires that children's views are given due weight in all matters affecting them in accordance with their age and maturity. It is our view that appropriate consultation mechanisms were not put in place to give young people the opportunity to have their say on changes to the RSE curriculum when the Department of Education (the Department) consulted on this matter in Autumn 2023.

The Department have assured NICCY that they are undertaking consultation with young people in their development of new RSE guidance, which we understand is to be issued in Autumn 2024.

We strongly recommend that the Department and statutory agencies prioritise meaningful engagement with a diverse range of young people on RSE curriculum and take steps to ensure that their perspectives are reflected in forthcoming guidance, curriculum resources and monitoring processes.

Parental opt-out provision

NICCY objects to the provision within the Regulations for parents to opt-out their child from specific elements of RSE. We consider this contrary to Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) and to the UN Committee's recommendation made in their 2023 Concluding Observations [4].

It is our view that the guidance the Department provides to schools in Circular 2024/1 is not sufficiently robust to ensure that young people will be consulted, informed and supported to input to decision making about their participation in RSE.

We draw attention to the Committee's Statement on Article 5 which provides guidance on striking a balance between the rights of the child and the responsibilities, rights and duties of parents, as well as the State's obligation to ensure the rights of the child [5]. The Committee articulate that guidance provided by parents should be exercised in a manner that respects and ensures children's rights, including their best interests.

The statement also emphasises parental responsibilities to provide appropriate guidance and direction to their child in a way that recognises the child's evolving capacity to make their own choices. This means that as children grow, develop and mature, they are entitled to an increasing level of responsibility, agency, and autonomy in the exercise of their rights [6].

NICCY advises that the Department's forthcoming guidance should adopt a rights-based approach and provide clear direction to schools to ensure all young people are given appropriate opportunities to input to decision making about their participation in RSE, particularly in the context of the parental opt-out provision.

RSE Curriculum and resources

The importance of, and desire for, factual and contain age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, for all young people is well documented [7].

It is imperative that RSE is inclusive of all young people, including LGBTQIA+ young people, pupils with SEND and ethnic minority young people. In the case of pupils who are not in school, or with low attendance rates, the Department's guidance should address how delivery of comprehensive RSE will be ensured.

Effective delivery of RSE in schools requires teachers to be fully supported to deliver all elements of the RSE curriculum. This includes the scheduling of sufficient time to fully understand the issues.

NICCY advises that RSE curriculum and teaching resources should be co-produced with children and young people, and other stakeholders, to ensure they are inclusive, relevant, scientifically accurate and comprehensive.

The Department must ensure that teaching staff are provided with adequate training and professional development to ensure that they are confident in delivering RSE topics, including those relating to sexual and [cont..]

reproductive health, in a way that is inclusive, scientifically accurate, comprehensive and reflects the needs of all pupils.

Data and monitoring

There is a clear role for the Education Training Inspectorate (ETI), in quality assuring the delivery of the Minimum Content Order and the new elements of RSE curriculum more broadly, including the actions of schools and the role of Boards of Governors. This monitoring will be critical.

We are concerned that appropriate processes for robust monitoring are not evident in the Department's circular 2024/1, in particular, in relation to the parental opt-out. Without the systematic collection of disaggregated data, monitoring of implementation of the Regulations will be compromised.

We welcome ETI's commitment to involving young people, parents and staff in their monitoring processes [8]. In undertaking this, we advise that attention must be given to the quality, consistency and comprehensiveness of RSE provision.

We welcome NICCY's role, outlined in the legislation, to inform the report on the implementation of relationships and sexuality education in grant-aided schools which must be published by 1 September 2026 [9].

References

- [1] 'The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023' (Available at: [The Relationships and Sexuality Education \(Northern Ireland\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#), accessed on 25/9/24).
- [2] UN Committee on the Rights of the Child, 'General Comment No. 1: The Aims of Education (article 29) (2001)' (Available at: [General comments | OHCHR](#), accessed on 25/9/24).
- [3] UN Committee on the Rights of the Child, 'Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland' (2023) (Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en, accessed on 25/9/24).
- [4] Ibid.
- [5] UN Committee on the Rights of the Child, 'Statement of the Committee on the Rights of the Child on article 5 of the Convention on the Rights of the Child' (2023) (Available at: <https://www.ohchr.org/sites/default/files/documents/hrbodies/crc/statements/CRC-Article-5-statement.pdf>, accessed on 25/9/24).
- [6] Ibid.
- [7] For example, see: The Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (2023) (Available at: [The preventative curriculum in schools and Education Other Than at School \(EOTAS\) centres \(etini.gov.uk\)](#), accessed on 25/9/24); Belfast City Council and Belfast Youth Forum, 'Any Use? Young People's Opinions on Relationship and Sexuality Education in Belfast' (2019) (Available at: [Filetoupload_1005261_en.pdf \(gub.ac.uk\)](#), accessed on 25/9/24); World Health Organisation, 'International technical guidance on sexuality education' (2018) (Available at: <https://www.who.int/publications/m/item/9789231002595>, accessed on 25/9/24).
- [8] Committee for Education, 'Hansard: Inquiry into Relationships and Sexuality Education: Department of Education, Education and Training Inspectorate' (2024) (Available at: [committee-33648.pdf \(niassembly.gov.uk\)](#), accessed on 25/9/24).
- [9] The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 (Available at: [The Relationships and Sexuality Education \(Northern Ireland\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#), accessed on 25/9/24).
- [10] NI Human Rights Commission, 'Relationships and Sexuality Education in Post Primary Schools in Northern Ireland: A Compelling Case for Reform' (2023) (Available at: <https://nihrc.org/publication/detail/nihrc-report-relationships-and-sexuality-education-in-post-primary-schools-in-northern-ireland-a-compelling-case-for-reform>, accessed on 25/9/24).

We support the NIHRC's recommendation that:

"ETI amend their oversight arrangements to ensure that schools are appropriately delivering the new elements of the Minimum Content Order. The ETI should develop new arrangements for engaging with children and young people during their assessment of RSE provision [10]."