



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Progress Report on Implementation of
Recommendations from the Investigation
‘Relationships and Sexuality Education in Post-
Primary Schools in Northern Ireland:
A Compelling Case for Reform’**

August 2025

Table of Contents

1.0 Foreword	3
1.0 Introduction	4
2.0 Background	4
3.0 Key Developments 2023/2024	6
4.0 Assessment of Implementation	10
Legal Reform:The Education (Curriculum Minimum Content) Order 2007	10
Legal Reform: Implementation	27
Developing the capacity of schools.....	43
Monitoring	48
5.0 Overview of Recommendations.....	51

1.0 Foreword

The Northern Ireland Human Rights Commission's primary role is to make sure government and public authorities protect, respect and fulfil the human rights of everyone in Northern Ireland.

I am therefore pleased to publish this follow up report to the Commission's investigation into the provision of relationship and sexuality education in post primary schools in Northern Ireland.

In its investigation report, published in June 2023, the Commission made thirteen recommendations for reform. Last year, the Commission began its assessment of key developments since publication. As this follow up report outlines, there has been some progress against a number of our recommendations, which we welcome. However, much work remains to ensure children and young people's rights are protected in this area. Effective change will require a clear and consistent approach, which both guides and supports schools in the provision of quality education on a full range of RSE topics.

Comprehensive and accurate RSE is essential to the fulfilment of a range of human rights including the right to education, the right to health and even the right to life. It also has an important role to play in preventing abuse and violence against women and girls, in safeguarding children, and in promoting gender equality.

This report provides an assessment of the current landscape for provision of RSE. I am grateful to the stakeholders named in the recommendations who contributed to our information gathering to enable us to carry out this assessment. The Commission looks forward to monitoring further developments in this area.



Alyson Kilpatrick
Chief Commissioner

August 2025

1.0 Introduction

- 1.1 The Northern Ireland Human Rights Commission (the NIHRC), pursuant to section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). In accordance with these functions, the NIHRC presents this progress report on the implementation of recommendations from its investigation into the provision of relationship and sexuality education in post primary schools in NI.¹
- 1.2 The NIHRC's investigation explored the legal obligations placed on the Secretary of State NI by virtue of the Northern Ireland (Executive Formation etc.) Act 2019. In particular, the NIHRC considered the relevant policy and legal and framework, and measures required to "make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation".²
- 1.3 In line with its established practice, and as committed to within the final investigation report, the NIHRC has carried out an assessment of developments since publication of its report. This follow-up report provides an overview of key developments and provides an assessment of the current landscape for provision of RSE. The next section outlines key developments in relation to the legal and policy context since the conclusion of the investigation in spring 2023 until January 2025. This is followed by an assessment of the implementation of each of the 13 recommendations contained within the final report.

2.0 Background

- 2.1 In 2018, the UN Committee on the Elimination of all forms of Discrimination Against Women (the CEDAW Committee) published the report of its inquiry into sexual and reproductive health rights in Northern

¹ NI Human Rights Commission, 'Relationships and Sexuality Education in Post Primary Schools in NI: A Compelling Case for Reform' (NIHRC, 2023).

² CEDAW/C/OP.8/GBR/1, 'UN CEDAW Committee Inquiry Concerning the United Kingdom of Great Britain and Northern Ireland under Article 8 of the Optional Protocol to the UN CEDAW Report of the Committee', 6 March 2018, at para 86(d).

Ireland. It made a number of recommendations, one of which was for the UK Government and NI Executive to make:

age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of the curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation.³

- 2.2 This recommendation was later given domestic effect through the Northern Ireland (Executive Formation) Act 2019, which placed a duty on the Secretary of State to bring about its implementation. Whilst Regulations were brought forward in 2020 to address other components of the CEDAW Committee's recommendations, namely access to termination of pregnancy, provision was not made for sexual and reproductive health education at that time.
- 2.3 In October 2021, the NIHRC used its powers under the 1998 Northern Ireland Act to commence an investigation to explore RSE in post-primary schools in NI, grounded in the CEDAW Committee's recommendation 86(d). Independent experts were contracted to assist with the assessment of information gathered in the course of the investigation; those experts reported on the provision of RSE in post-primary schools and advised on whether the materials provided were comprehensive, scientifically accurate and in line with best practice.
- 2.4 The final investigation report revealed some positive examples of post-primary schools in NI providing comprehensive and scientifically accurate relationships and sexuality education. However, in most schools this was not the case, where resources were not always considered to be comprehensive, pluralistic and objective and did not comply with the UN CEDAW Committee's recommendations. Therefore, the NIHRC made 13 recommendations that primarily focused on amending the Education (Curriculum Minimum Content) Order (NI) 2007 and proposed steps that

³ CEDAW/C/OP.8/GBR/1, 'UN CEDAW Committee Inquiry Concerning the United Kingdom of Great Britain and Northern Ireland under Article 8 of the Optional Protocol to the UN CEDAW Report of the Committee', 6 March 2018, at para 86(d).

are necessary for ensuring the recommended reforms are implemented effectively.⁴

3.0 Key Developments 2023/2024

- 3.1 In April 2023, the Education and Training Inspectorate (ETI) published a thematic evaluation of 'The Preventative Curriculum in Schools and Education Other Than at Schools Centres'.⁵ The report was based on responses from more than 14,500 primary and post-primary pupils and 500 schools in NI. It found that "too many schools/centres avoid completely, or cover with insufficient depth and progression, many of the more sensitive aspects of the RSE aspect of the preventative curriculum".⁶ This includes teaching on "gender and sexual identity; LGBTQ+; sexual abuse; child sexual exploitation (CSE); domestic abuse/violence; and menstrual wellbeing". The Gillen Review previously recommended the inclusion of consent as a key aspect of the preventative curriculum.⁷ However, 44 per cent of all schools/centres reported to ETI that they are delivering the topic of consent only to a small extent or not at all.⁸ The report also found that teachers have "limited confidence and insufficient specialist knowledge and skills in the teaching of the more sensitive topics of the preventative curriculum".⁹ The ETI made a series of recommendations to address the range of issues identified.
- 3.2 In June 2023, the Secretary of State introduced Regulations which sought to ensure implementation of the CEDAW Committee's recommendation 86(d). The Relationships and Sexuality Education (NI) (Amendment) Regulations 2023 amended the Education (NI) Order 2006 and the

⁴ NI Human Rights Commission, 'Relationships and Sexuality Education in Post Primary Schools in NI: A Compelling Case for Reform' (NIHRC, 2023).

⁵ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023).

⁶ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023), at 5.

⁷ Sir John Gillen, 'The Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland Part 2' (Gillen Review, 2019), at 451 (Recommendation 181).

⁸ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023), at 26.

⁹ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023), at 34.

Education (Curriculum Minimum Content) Order (NI) 2007 to make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion, a compulsory component of the curriculum in NI.¹⁰

- 3.3 The 2023 Regulations place a duty on the Department of Education to issue guidance on the content and delivery of relationships and sexuality education by 1 January 2024.¹¹ The 2023 Regulations also require the Department of Education to publish a report on the implementation of relationships and sexuality education by September 2026.¹² The NIHRC is to be consulted in the drafting of this report, alongside other statutory bodies such as the Equality Commission for NI and the NI Commissioner for Children and Young People.¹³ The 2023 Regulations further require the Department of Education to make provision about the circumstances in which, at the request of a parent, a pupil may be excused from receiving relationships and sexuality education, or specified elements of that education.¹⁴
- 3.4 Following the introduction of the 2023 Regulations, the Department of Education commissioned Council for the Curriculum, Examinations and Assessment (CCEA) to develop RSE resources that include “age-appropriate, comprehensive, and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion”.¹⁵ CCEA undertook a review of existing resources and identified new resources for development.¹⁶ This included engagement with a range of key stakeholders. CCEA also created a new RSE Hub on its website, which provides a repository of up-to-date advice and guidance on RSE.¹⁷

¹⁰ Regulation 2(2), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023; Regulation 3, Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹¹ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹² Regulation 4(1), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹³ Regulation 4(2)(c), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹⁴ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

¹⁵ Letter from CCEA to the NI Human Rights Commission, 4 July 2024.

¹⁶ Letter from CCEA to the NI Human Rights Commission, 4 July 2024.

¹⁷ CCEA, 'Learning Resources: Relationships and Sexuality Education (RSE) – Sexual and Reproductive Health and Rights'. Available at: [Sexual and Reproductive Health and Rights | CCEA](#).

- 3.5 In December 2023, following a public consultation,¹⁸ the Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (NI) 2023 were introduced. The 2023 Regulations provide that pupils in between Year Eight and Year 11 may be excused at a parent's request, and that Year 12 pupils may be excused at a parent's request subject to confirmation that the pupil does not object to being excused.¹⁹
- 3.6 In January 2024, following a public consultation,²⁰ the Department of Education published Circular 2024/01, which provides post-primary schools with guidance on delivering RSE in line with the 2023 Regulations.²¹ In September 2024, the Department of Education advised that a Task and Finish Group had been established following the NIHRC's investigation and the (ETI) Evaluation of the Preventative Curriculum.²² This group was set up to develop comprehensive and consolidated RSE guidance that complements the most recent Circular. The Department noted that the publication of this guidance would be subject to the Minister of Education's final approval.²³
- 3.7 In September 2024, the NI Assembly Committee for Education commenced a 'mini-inquiry' into the provision and teaching of RSE in NI schools, "to ascertain the effectiveness, inclusivity and alignment of current RSE" with recent changes to the legislative framework.²⁴ Throughout the inquiry, the Committee invited written and oral evidence from key stakeholders²⁵ and co-designed a survey with the NI Youth Assembly to capture the views of young people aged 11-18 years old.²⁶ Once the Committee finalises its

¹⁸ Department of Education, 'Relationships and Sexuality Education Consultation' (DE, 2023).

¹⁹ Regulation 3(a) and 3(b), Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (NI) 2023.

²⁰ Department of Education, 'Relationships and Sexuality Education Consultation' (DE, 2023).

²¹ Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024).

²² Email from Department of Education to NI Human Rights Commission, 8 September 2024.

²³ Email from Department of Education to NI Human Rights Commission, 8 September 2024.

²⁴ NI Assembly Hansard, 'Press Release: Education Committee Launches Inquiry into the Provision of RSE in Schools', 18 September 2024.

²⁵ NI Assembly Hansard, 'Committee for Education: Inquiry into Relationship and Sexuality Education (RSE) in Schools'. Available at: [Inquiry into Relationship and Sexuality Education \(RSE\) in Schools](#).

²⁶ NI Assembly Hansard, 'Press Release: Education Committee Launches Inquiry into the Provision of RSE in Schools', 18 September 2024; NI Assembly, 'Citizen Space: Mini-Inquiry into Relationship and Sexuality Education – Children and

evidence sessions in early 2025, it will conduct its assessment and make recommendations accordingly.²⁷

- 3.8 In September 2024, the NI Executive launched a new Strategic Framework to End Violence Against Women and Girls.²⁸ The strategy is accompanied by the first two-year Delivery Plan (2024-2026) that focuses on preventing and challenging the attitudes, behaviours and culture that can lead to violence against women and girls.²⁹ The framework and first Delivery Plan emphasise the role of schools, further and higher education in supporting children and young people to develop healthy, respectful relationships. For instance, the NI Executive has committed to deliver, in partnership with the Department of Education, “an agreed [Ending Violence Against Women and Girls] action plan to coordinate interventions targeted at children and young people and focused on healthy relationships, delivered with early years providers, schools and community groups, parents and carers”.³⁰
- 3.9 In November 2024, Ulster University published findings from a research project into Healthy Young Adult Relationships funded by the Medical Research Council.³¹ The research examined the educational gaps in relationship education for a diverse range of young people aged 16-20, their parents/carers and youth work providers.³² It found that “current RSE provision within formal education is not fit for purpose nor inclusive”.³³ Particular impacts were experienced by individuals who identified as LGBTQ, individuals with special educational needs and individuals not situated with formal education institutions.³⁴ Young people also reported that provision of RSE in NI is “inconsistent, delivered too late and lacking in engaging, relatable and practical content”.³⁵

Young People’. Available at: [Mini-Inquiry into Relationship and Sexuality Education – Children and Young People – Northern Ireland Assembly – Citizen Space](#).

²⁷ NI Assembly, ‘Citizen Space: Mini-Inquiry into Relationship and Sexuality Education – Children and Young People’. Available at: [Mini-Inquiry into Relationship and Sexuality Education – Children and Young People – Northern Ireland Assembly – Citizen Space](#); NI Assembly Hansard, ‘Committee for Education: Inquiry into Relationship and Sexuality Education (RSE) in Schools’. Available at: [Inquiry into Relationship and Sexuality Education \(RSE\) in Schools](#).

²⁸ NI Executive, ‘Ending Violence Against Women and Girls Strategic Framework 2024-31’ (NIE, 2024).

²⁹ NI Executive, ‘Ending Violence Against Women and Girls Delivery Plan 2024 – 2026’ (NIE, 2024).

³⁰ NI Executive, ‘Ending Violence Against Women and Girls Delivery Plan 2024 – 2026’ (NIE, 2024), at para 6.

³¹ Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024).

³² Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 8.

³³ Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 11.

³⁴ Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 11.

³⁵ Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 11.

4.0 Assessment of Implementation

This report will use the following indicators to assess the implementation of each of the 13 recommendations under their respective headings:

Green	Effective implementation
Orange/Green	Significant progress, but outstanding issues
Orange	Some steps that are assisting with implementation
Orange/Red	Limited steps that have had little effect in terms of implementation
Red	No steps to effectively implement

Legal Reform: The Education (Curriculum Minimum Content) Order (NI) 2007

- 1. The NIHRC recommends that the Education (Curriculum Minimum Content) Order (NI) 2007 is amended to reflect the CEDAW Committee recommendation 86(d) to “make age- appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation.”**

- 4.1** In June 2023, the previous UK Government introduced the Relationships and Sexuality Education (NI) (Amendment) Regulations 2023. The 2023 Regulations amended the Education (NI) Order 2006 to introduce a new Article 5 (1A) that provides:

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.

4.2 The 2023 Regulations also amended the Education (Curriculum Minimum Content) Order (NI) 2007 as follows –

(2) In Schedule 2 (Specification of Minimum Content)—

(a) In Part 5, in the Table headed “LEARNING FOR LIFE AND WORK: Personal Development”, at the end of the Column entitled “Relationships” insert—

“Receive age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion.”.

(b) In Part 6, under the heading “LEARNING FOR LIFE AND WORK”, at the end of the list under the subheading “Personal Development” insert—

“Receive age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion”.

4.3 The NIHRC is encouraged by the amendments to the 2006 Order and the Minimum Content Order, noting their consistency with the language of Recommendation 86(d) of the UN CEDAW Committee. The NIHRC considers that the introduction of mandatory requirements for RSE lessons that are age-appropriate, scientifically accurate and comprehensive is a significant and necessary step towards fulfilling a child’s right to education, among other rights.³⁶

Implementation Status:	Effective implementation
-------------------------------	--------------------------

³⁶ See: NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at Chapter 2.

2. The NIHRC recommends that the NI Office, with the support of the Department of Education NI, develop options for reform of the Minimum Content Order. Draft amendments should be developed to achieve the aim of ensuring that all elements of comprehensive RSE are delivered within every school in NI. The amendments should be sufficiently prescriptive to guarantee a standard level of RSE throughout all schools in NI.

- 4.4 The NIHRC welcomes the steps taken by the previous UK Government to amend the Minimum Content Order in pursuit of alignment with the UN CEDAW Recommendation 86(d). However, it notes with concern that the NI Office did not conduct a full public consultation during this legislative process. Such engagement would have been a valuable opportunity to gather the views and insight of relevant stakeholders and experts in NI on the range of legislative and policy options available. The NIHRC views this as a missed opportunity to ensure the reforms comprehensively reflect the needs and experiences of key stakeholders in NI, particularly children and young people.
- 4.5 The NIHRC considers that proceeding directly to the creation of the 2023 Regulations, without prior engagement on the policy framework underpinning the reforms, has contributed to some of the challenges outlined below. Nonetheless, the NIHRC acknowledges that the legislative and policy framework governing the provision of RSE is complex and welcomes the steps taken by the NI Office to drive necessary change. Additionally, the NIHRC welcomes the subsequent consultation conducted by the Department of Education to help inform and develop the relevant policy framework.
- 4.6 The NIHRC's investigation emphasised that amendments to the Minimum Content Order must, in respect of RSE, explicitly define all key elements of "comprehensive". Therefore, the NIHRC advised that any amendments should be "sufficiently prescriptive" to ensure a standard level of RSE across all post-primary schools in NI. This aspect is examined in the subsection below. Thereafter examination will be given to the introduction of a parental opt-out mechanism and consider how it may affect the standardisation of RSE across NI schools.

Curriculum Content – “sufficiently prescriptive”

- 4.7 The NIHRC’s investigation report set out the key components considered essential to a comprehensive RSE curriculum.³⁷ As well as providing vital information on reproductive health, RSE has an important role in preventing abuse and violence against women and girls by promoting an understanding of the importance of consent within relationships. It has a further role in ensuring effective safeguarding and the prevention of harmful practices, such as child, early and forced marriage and female genital mutilation/cutting. In addition, specific consideration should be given to the experience of marginalised groups including, but not limited to, LGBTQIA+ persons, disabled persons and persons of national or ethnic minority background.
- 4.8 It is acknowledged that the Minimum Content Order intentionally sets out educational requirements in broad terms to afford schools a degree of flexibility and autonomy when developing and delivering lessons. The ETI advises “it is important that school/centre-based autonomy and flexibility to respond to contemporary issues is not lost by a purely legislative and prescriptive approach, which in itself does not guarantee high quality teaching, learning and provision”.³⁸ Indeed, the NIHRC’s investigation found a number of positive examples where schools were exercising their discretion to provide comprehensive and scientifically accurate RSE. Nevertheless, based on our analysis of evidence provided, in the majority of schools this was not the case.³⁹
- 4.9 In fact, there is a significant and increasing body of evidence demonstrating that the lack of consistency in the provision and content of RSE in post-primary schools in NI remains a persistent concern. This includes recent surveys and research projects conducted by the Children’s

³⁷ See: NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at Chapter 2.

³⁸ Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023), at 11.

³⁹ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 4.6.1. See also: paragraphs at 4.3.2 (abortion); 4.3.3 (contraception); 4.3.4 (sexual orientation and gender identity).

Law Centre,⁴⁰ the ETI,⁴¹ the Secondary Students' Union of NI,⁴² the Independent Review of Education,⁴³ the NI Youth Assembly,⁴⁴ and the Ulster University.⁴⁵

- 4.10 The NIHRC's analysis highlighted that a greater level of prescription within the Minimum Content Order would be an effective way of standardising the quality and consistency of RSE across post-primary schools in NI. Distinction should be made between a "sufficiently prescriptive" approach and a highly prescriptive approach. The NIHRC supports the view that maintaining a degree of flexibility within the RSE curriculum is important for ensuring that programmes are needs-orientated and responsive to the contemporary realities of children and young people. It is recognised that a highly prescriptive approach could be detrimental to the adaptability of programme design and content delivery. A sufficiently prescriptive approach is proposed as a way of ensuring children and young people receive a baseline of scientifically accurate information, equipping them with,

...the 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

⁴⁰ Children's Law Centre, 'Rights Here, Right Now: Children and Young People's Report to the UN Committee on the Rights of the Child about Children's Rights in NI' (CLC, 2022), at 84: "Only 35% of survey respondents replied 'Yes' when asked whether they thought children and young people are given adequate information in school about Relationship and Sex Education".

⁴¹ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023), at 5: "Too many schools/centres avoid completely, or cover with insufficient depth and progression, many of the more sensitive aspects of the RSE aspect of the preventative curriculum".

⁴² Secondary Students' Union, 'Let Us Learn: A Learning For Life and Work report' (SSUNI, 2023), at 17-19.

⁴³ Independent Review of Education, 'Investing in a Better Future: The Independent Review of Education in NI – Volume 2' (Independent Review, 2023), at para 4.55: "[The Learning for Life and Work] course also deals with personal development, wellbeing and relationship and sexuality education. These are all matters which were repeatedly mentioned to us by young people as issues of pressing concern to them that were, in their view, rarely well dealt with in schools". See also paragraph at 4.86: "Many of the young people we spoke with felt strongly that the curriculum should offer more explicit preparation for adult life. This would necessitate a revised curriculum for relationship and sexuality education."

⁴⁴ NI Youth Assembly, 'Press Release: Matthew talks us through the Committee for Education's RSE Inquiry Youth Engagement Session'. Available at: [Matthew talks us through the Committee for Education's RSE Inquiry Youth Engagement Session – Northern Ireland Youth Assembly](#) – "Over 70% of Youth Assembly Members said that the current RSE provision in their schools is not providing them with the necessary life-skills. The LLW/RSE lesson is often used to revise or do homework. RSE is not offered in Year 13/14 as it is not on the statutory curriculum yet it is important for young people aged 16-18 to continue to have opportunities to learn about RSE".

⁴⁵ Susan Lagdon et al, 'Healthy Young Adult Relationships Project' (UUJ, 2024), at 11: "Although young people reported some aspects of RSE as useful, it was also perceived as inconsistent, delivered too late and lacking in engaging, relatable and practical content".

their own well-being and that of others; and understand and ensure the protection of their rights throughout their lives.⁴⁶

- 4.11 Therefore, the NIHRC is disappointed that the NI Office's amendments to the Minimum Content Order did not specify many of the topics considered essential to a comprehensive RSE curriculum. This includes key areas relating to the preservation of health, the prevention of sexual violence and exploitation, and children and young people's preparation for the social realities of adult life.⁴⁷
- 4.12 The NIHRC understands that some key stakeholders are cautious about adopting a more prescriptive approach to RSE, citing concerns over potential interference with schools' autonomy to tailor programmes to their unique needs and ethos. However, the NIHRC considers that the identification of core elements or themes for an RSE programme is not intended to restrict how schools address these topics. Rather, it aims to support schools by providing a clear baseline of scientifically-accurate information that children and young people should receive, in accordance with human rights treaty obligations and international best practice.⁴⁸ Schools would retain the flexibility to adapt lesson content and delivery as appropriate, including incorporating faith perspectives on certain topics, provided the information is conveyed in an objective and pluralistic manner.⁴⁹
- 4.13 The NI Office placed a duty on the Department of Education to issue guidance on "the content and delivery of the education required to be provided by virtue of Article 5(1A)".⁵⁰ The Department subsequently held a

⁴⁶ United Nations Educational, Scientific and Cultural Organization, 'International Technical Guidance on Sexuality Education: An Evidence Informed Approach', (UNESCO, 2018), at 16; United Nations Educational, Scientific and Cultural Organization, 'International Guidelines on Sexuality Education: An Evidence Informed Approach to Effective Sex, Relationships and HIV/STI Education', (UNESCO, 2009), at 16.

⁴⁷ A.R. and L.R. v. Switzerland, Application No 22338/15, judgement of 18 January 2018. See also: NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023), at para 2.5.8.

⁴⁸ United Nations Educational, Scientific and Cultural Organization, 'International Technical Guidance on Sexuality Education: An Evidence Informed Approach', (UNESCO, 2018), at 16; United Nations Educational, Scientific and Cultural Organization, 'International Guidelines on Sexuality Education: An Evidence Informed Approach to Effective Sex, Relationships and HIV/STI Education', (UNESCO, 2009), at 16.

⁴⁹ Kjeldsen, Busk Madsen and Pedersen v Denmark (1976) ECHR 6, at para 53.

⁵⁰ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

public consultation on the proposed content of the guidance, which identified the following list of topics that should be included within the RSE curriculum:

- Consent
- Violence against women and girls
- Domestic abuse
- Healthy and Respectful Sexual Relationships
- Marriage
- LGBTQ+ issues
- Abstinence
- Menstrual health and wellbeing
- Social media and online safety.⁵¹

4.14 In response, the NIHRC highlighted that including the above topics within the Minimum Content Order would have provided clarity on the expectations and objectives for RSE provision.⁵² In the current absence of a compulsory and clearly defined RSE curriculum, the NIHRC reiterated its recommendation for the development of guidance that clearly outlines all key elements of 'comprehensive' RSE.⁵³

4.15 It is therefore disappointing that the Department's resulting Circular 2024/01 did not contain any further guidance on compulsory RSE topics. However, the Department has advised that additional guidance developed by a Task and Finish Group will consolidate and complement Circular 2024/01.⁵⁴ In September 2024, the Department noted that the guidance was undergoing an internal review process and that its publication will be subject to the Minister of Education's final approval.⁵⁵ As of January 2025, publication is awaited.

⁵¹ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

⁵² NI Human Rights Commission, 'Response to the Department of Education Consultation on Relationships and Sexuality Education' (NIHRC, 2023), at para 2.17; NI Human Rights Commission, 'Submission to the Committee for Education Mini Inquiry into Relationship and Sexuality Education (RSE)' (NIHRC, 2024), at para 4.3.

⁵³ NI Human Rights Commission, 'Response to the Department of Education Consultation on Relationships and Sexuality Education' (NIHRC, 2023), at para 3.5.

⁵⁴ Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024).

⁵⁵ Email from Department of Education to NI Human Rights Commission, 8 September 2024.

Standardising RSE – parental opt-outs

- 4.16 The NIHRC’s investigation did not specifically examine the human rights implications of a parental opt-out mechanism as it preceded the introduction of the 2023 Regulations. Therefore, the following section is the Commission’s first review of the requirements of the right to education under Article 2 of Protocol No 1 of the ECHR in the context of exemptions/parental opt-out from RSE. The NIHRC reiterates that the ECHR must be read as a whole and reminds that RSE engages a number of other ECHR rights.⁵⁶
- 4.17 Under Article 2 of Protocol No 1, the right to education is not absolute and can therefore be limited by the State provided “the restrictions that are imposed do not curtail the right in question to such an extent as to impair its very essence and deprive it of its effectiveness”.⁵⁷ While domestic authorities enjoy a certain margin of appreciation in such matters, the final decision as to the compliance with requirements in the ECHR rests with the European Court of Human Rights (ECtHR).⁵⁸ The ECtHR must satisfy itself that any restrictions are foreseeable for those concerned and pursue a legitimate aim. Unlike Articles 8 to 11 of the ECHR, there is not an exhaustive list of permitted restrictions under Article 2 of Protocol No 1, however a limitation will only be compatible “if there is a reasonable relationship of proportionality between the means employed and the aim sought to be achieved”.⁵⁹
- 4.18 The 2023 Regulations require the Department of Education to, “by regulations make provision about the circumstances in which, at the request of a parent, a pupil may be excused from receiving the education required to be provided by virtue of Article 5(1A) [of the Education (NI) Order 2006], or specified elements of that education”. Article 5(1A) of the Education (NI) Order 2006 mandates the delivery of “age-appropriate, comprehensive and scientifically accurate education on sexual and

⁵⁶ Namely, Article 8 (private and family life); Article 9 (freedom of thought, conscience and religion); Article 10 (freedom of expression); Article 14 (prohibition of discrimination).

⁵⁷ *Leyla Şahin v. Turkey* [GC], no. 44774/98, ECHR 2005-XI, at para 154.

⁵⁸ European Court of Human Rights, ‘Guide on Article 2 of Protocol No. 1 to the ECHR: Right to Education’. Available at: https://ks.echr.coe.int/documents/d/echr-ks/guide_art_2_protocol_1_eng.

⁵⁹ *Leyla Şahin v. Turkey* [GC], no. 44774/98, ECHR 2005-XI, at para 154.

reproductive health and rights, covering prevention of early pregnancy and access to abortion”.

- 4.19 Following the 2023 Regulations, the Department of Education introduced the Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (NI) 2023. These regulations permit parents to make a request for pupils in years 8, 9, 10 and 11 to be excused from Article 5(1A) education or specified elements of it, by confirming from which elements of the education the pupil should be excused. For pupils in year 12, the regulations permit parents to make a request for a pupil to be excluded, however the pupil additionally needs to confirm that they do not object to being excused. The Department’s Circular 2024/01 confirms that parents “are not required to provide a reason to the school” in relation to their request for their child’s excusal from Article 5(1A) education.⁶⁰
- 4.20 To consider whether these limitations on the provision of RSE are consonant with the requirements of Article 2 of Protocol No 1, the courts would likely examine the proportionality of the restrictions imposed in relation to “the objectives that the relevant education seeks to meet”.⁶¹ The 2023 Regulations’ Explanatory Note states the following purpose, “These Regulations require pupils in key stages 3 and 4 in NI to receive scientifically accurate education, that does not advocate or promote any particular opinion, on sexual and reproductive health and rights in accordance with the recommendations in [the UN CEDAW report]”.⁶² The then Secretary of State for NI, the Rt Hon Chris Heaton-Harris, elaborated,

The Regulations, in practice, will result in educating adolescents on issues such as how to prevent a pregnancy, the legal right to an abortion in NI, and how relevant services may be accessed. This should be done in a factual way that does not advocate, nor oppose,

⁶⁰ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024), at para 18.

⁶¹ *Isherwood & Others, R. (On the Application Of) v The Welsh Ministers* [2022] EWHC 3331, at para 198(3), citing *Folgerø and Others v Norway* (2007) ECHR 2148, at para 84(i). See also: *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) ECHR 6; *Dojan and Others v Germany* (2011) ECHR 1420.

⁶² Explanatory Note, The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023.

a particular view on the moral and ethical considerations of abortion or contraception.⁶³

- 4.21 In addition, the CCEA Resource Hub identifies the following aim of RSE provision in NI:

Relationships and Sexuality Education (RSE) helps to create a fair and compassionate society. It empowers individuals and communities, promotes critical thinking skills, and strengthens young people's understanding of issues that may be viewed as sensitive or controversial. Effective RSE provides young people with a safe space to discuss these issues within a framework of gender equality and human rights that's based on values and young people's best interests.⁶⁴

- 4.22 As noted above, the 2023 Regulations align with the language of the UN CEDAW Committee's Recommendation 86(d). In the NIHRC's assessment, the overarching reference to "age-appropriate, comprehensive, and scientifically accurate education on sexual and reproductive health and rights" is understood to be analogous with RSE.⁶⁵ The additional reference to "prevention of early pregnancy and access to abortion" in provisions within the 2023 Regulations is understood to be an explicit safeguard, ensuring these topics are specifically addressed within the broader framework of RSE.
- 4.23 Therefore, the NIHRC has significant concern regarding the Department's regulations and guidance allowing parents to request excusal from not only specified elements of Article 5(1A) education, but from *all* elements of that education. It is not clear how that is consonant with the objectives of the 2023 Regulations and the purpose of requiring scientifically accurate RSE. The Department's Circular 2024/01 notes that "any detrimental effects may be mitigated if the parent proposes to deliver the specific education to

⁶³ NI Office, 'Press Release: New requirements for Relationship and Sexuality Education curriculum in NI', 6 June 2023.

⁶⁴ CCEA, 'Learning Resources: Relationships and Sexuality Education (RSE)'. Available at: [Relationships and Sexuality Education \(RSE\) | CCEA](#).

⁶⁵ NI Human Rights Commission, 'Submission to the Committee for Education Mini Inquiry into Relationship and Sexuality Education' (NIHRC, 2024), at para 4.2; NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023).

their child at home instead”.⁶⁶ However, this is not an express requirement. It is therefore unclear how the Department intends to ensure the objectives of the 2023 Regulations are met in the event a child is withdrawn from Article 5(1A) education in school and their parent/carer does not commit to delivering the specific education at home.

4.24 Furthermore, current guidance does not include specific advice for parents/carers to ensure that home education is provided in a manner consistent with the objectives of the 2023 Regulations.⁶⁷ For instance, the Explanatory Note states that the education required by the Regulations must be scientifically accurate and must “not advocate or promote any particular opinion”. Yet, there is no guidance on how parents/carers should ensure the provision of objective, scientifically accurate information that is conveyed in a pluralistic manner. Even so, the NIHRC highlights the paradox that the opt-out could potentially be invoked on the basis of a parent/carer’s religious or philosophical convictions, and that same individual will be responsible for teaching material they object to, without advocating or promoting any particular opinion.

4.25 Article 2 of Protocol No 1 ECHR requires States to respect parents’ religious and philosophical convictions throughout the State education system.⁶⁸ The European Court of Human Rights (ECtHR) has advised that is aimed at safeguarding pluralism and objectivity in education.⁶⁹ Parents therefore may “not refuse a child’s right to education” on the basis of their religious and philosophical convictions.⁷⁰ Rather, Article 2 of Protocol No 1 puts the onus on States to ensure that, where information or knowledge of a directly or indirectly religious or philosophical kind is included in the curriculum, that it is conveyed in an objective, critical and pluralistic manner.⁷¹ Article 2 of Protocol No 1 therefore prevents the State from

⁶⁶ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024), at para 20.

⁶⁷ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024).

⁶⁸ Kjeldsen, Busk Madsen and Pedersen v Denmark (1976) ECHR 6, at para 51.

⁶⁹ Dojan and Others v Germany (2011) ECHR 1420.

⁷⁰ Konrad and Others v Germany, Application No 35504/03, judgement of 11 September 2006.

⁷¹ Folgerø and Others v Norway (2007) ECHR 2148, at para 84(h); Kjeldsen, Busk Madsen and Pedersen v Denmark (1976) ECHR 6, at para 53.

pursuing an aim of indoctrination that might be considered as not respecting parents' religious and philosophical convictions.⁷²

4.26 In the case of *Isherwood and Others v The Welsh Ministers*, the High Court of England and Wales adopted the ECtHR's reasoning. It went on however to find that in the relevant circumstances, there was no parental right to withdraw children from RSE in common law.⁷³ The judgment provides a succinct 10-point articulation of the ECtHR's approach to the interpretation of Article 2 of Protocol No 1 in the context of the teaching of information or knowledge of a directly or indirectly religious or philosophical kind.⁷⁴ Mrs Justice Steyn DB acknowledged that "the setting and planning of a curriculum is, in principle, a matter for the state".⁷⁵ However, "if the state takes care to ensure that such information or knowledge is conveyed in an objective, critical and pluralistic manner, and does not breach the prohibition on indoctrination"⁷⁶ then Article 2 of Protocol No 1 "does not permit parents to object to the inclusion of such teaching in the curriculum, even where compulsory school attendance with no possibility of home schooling is required".⁷⁷ *Isherwood* was refused permission to appeal to the UK Supreme Court, bringing an end to the case. Therefore, the law is now as found in *Isherwood*.

4.27 The NIHRC believes that further clarity would be helpful in setting out and assessing the legitimate aim sought to be achieved by the current parental opt-out arrangements in NI. As above, case law indicates that, unless the principles of objectivity or pluralism are breached, the provision of a parental opt-out for the purpose of respecting a parent or carers religious or philosophical convictions is unlikely to be considered a legitimate aim under Article 2 of Protocol No 1. Indeed, the ECtHR has specifically advised that the ECHR "does not guarantee the right not to be confronted with opinions that are opposed to one's own convictions".⁷⁸ The ECtHR emphasises that compulsory education "does not affect the right of parents

⁷² *Folgerø and Others v Norway* (2007) ECHR 2148, at para 84(b).

⁷³ *Isherwood & Others, R. (On the Application Of) v The Welsh Ministers* [2022] EWHC 3331.

⁷⁴ *Ibid*, at para 198.

⁷⁵ *Ibid*, at para 198(8). See also, *Dojan and Others v Germany* (2011) ECHR 1420, at para 68.

⁷⁶ *Ibid*, at para 198(9).

⁷⁷ *Ibid*, at para 198(10).

⁷⁸ *Dojan and Others v Germany* (2011) ECHR 1420, at para 68.

to enlighten and advise their children, to exercise with regard to their children natural parental functions as educators, or to guide their children on a path in line the parents' own religious or philosophical convictions".⁷⁹

4.28 If the NI Office and the Department were concerned that the information in the newly mandated RSE would not be conveyed in an objective and pluralistic manner, the NIHRC queries whether the provision of such a broadly applicable opt-out is a proportionate means of achieving this aim. For instance, the NIHRC has reiterated the importance of a sufficiently prescriptive RSE curriculum, statutory guidance on key elements of comprehensive RSE, and ensuring relevant content is included within Initial Teacher Training and Continuing Professional Development.⁸⁰ It is notable that Circular 2024/01 does not highlight the need to ensure the delivery and content of RSE under the 2023 Regulations does "not advocate or promote any particular opinion".⁸¹

4.29 In *JR87*,⁸² the balancing of rights in education was considered. The case was brought by a child and her parents over the express requirement to study Religious Education (RE) and Collective Worship in schools. It provides an analysis of Article 2 of the First Protocol read with Article 9 of the ECHR, the right to freedom of thought, conscience and religion. This case is subject to appeal to the UK Supreme Court, which might provide further clarity on the appropriate domestic interpretation of rights in education. It is notable that parental opt-outs in the area of RE are distinct from opt-outs in RSE as there are separate legal frameworks for each subject. In *JR87*, the Court found that the opt-out made the education ECHR compliant, whereas in RSE the education is required to comply with the law, but the opt-out potentially undermined that.

4.30 The NIHRC has further concern in respect of how the parental opt-outs will be managed to ensure a child's right to education is not undermined. International experts emphasise the importance of a holistic approach to

⁷⁹ Kjeldsen and others v Denmark (1976) 1 EHRR 711, at para 54.

⁸⁰ NI Human Rights Commission, 'Submission to the Committee for Education Mini Inquiry into Relationship and Sexuality Education' (NIHRC, 2024); NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023).

⁸¹ Explanatory Note, The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023.

⁸² In the matter of an application by JR87 [2024] NICA 34.

teaching and learning the cognitive, emotional, physical, and social aspects of RSE.⁸³ This is based on evidence that education programmes will be less effective if they omit key issues.⁸⁴ For example, “failure to discuss menstruation can contribute to the persistence of negative social and cultural attitudes towards it”.⁸⁵ Evidence indicates that omitting RSE topics “can contribute to stigma, shame and ignorance, may increase risk-taking and create help-seeking barriers for vulnerable or marginalised populations”.⁸⁶

- 4.31 The NIHRC notes that the guidance on parental opt-outs in England and Wales is more detailed and includes express provision for pupils with special educational needs.⁸⁷ England and Wales guidance includes good practice conversations between head teachers and parents and children where a request to withdraw has been received from a parent. Only when such conversations have been held and the circumstances given proper consideration, should a child be excused. An excusal is not guaranteed. The NI guidance is less clear on where the responsibility lies for speaking with the parent and child, but makes it clear that a pupil *will* be excused at the written request of a parent. NI guidance suggests that a parent makes a written request, providing a template letter for parents.
- 4.32 If a pupil is excused from sex education in England and Wales, it is the school’s responsibility to ensure that the pupil receives appropriate, purposeful education during the period of withdrawal. This is not stated in current NI guidance. England and Wales guidance also provides more detailed references to safeguarding. The NIHRC considers that more detailed guidance for schools on parental opt-outs and more clarity on who

⁸³ World Health Organisation, ‘Defining Sexual Health’, Available at: [Sexual and Reproductive Health and Research \(SRH\) \(who.int\)](http://www.who.int/reproductivehealth/topics/sexual_health/sexual_health_defining); United Nations Population Fund, ‘Sexual and Reproductive Health’, Available at: [Sexual & reproductive health \(unfpa.org\)](http://www.unfpa.org/sexual-reproductive-health); United Nations Educational, Scientific and Cultural Organization, ‘International Technical Guidance on Sexuality Education: An Evidence Informed Approach’, (UNESCO, 2018), at 16.

⁸⁴ United Nations Educational, Scientific and Cultural Organization, ‘International Technical Guidance on Sexuality Education: An Evidence Informed Approach’, (UNESCO, 2018), at 18.

⁸⁵ United Nations Educational, Scientific and Cultural Organization, ‘International Technical Guidance on Sexuality Education: An Evidence Informed Approach’, (UNESCO, 2018), at 18.

⁸⁶ United Nations Educational, Scientific and Cultural Organization, ‘International Technical Guidance on Sexuality Education: An Evidence Informed Approach’, (UNESCO, 2018), at 18.

⁸⁷ UK Department of Education, ‘Relationships Education, Relationships and Sex Education (RSE) and Health Education: Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers’ (DfE, 2021).

in the school is responsible for dealing with decisions on opt-outs, would help ensure clarity for schools, parents and pupils.

- 4.33 The NIHRC is, additionally, concerned that allowing any limitation on RSE risks undermining both its effectiveness and its standardisation across NI schools. While it is acknowledged that the Department of Education is required to implement the 2023 Regulations introduced by the then Secretary of State for NI, the NIHRC has concerns about the lack of clarity in the subsequent regulations and guidance governing the opt-out mechanism. Without clear definitions and strict limitations, the opt-out risks contradicting the fundamental aims of RSE, the best interests of the child, and the child's right to education, among other human rights standards outlined in the NIHRC's analysis.⁸⁸
- 4.34 In its implementation of the 2023 Regulations, the Department of Education has interpreted "education on sexual and reproductive health and rights" as a component of RSE primarily focused on the prevention of early pregnancy and access to abortion. The NIHRC questions whether this interpretation fully reflects the extent of the requirements by the UN CEDAW Committee's Recommendation 86(d).⁸⁹ Nonetheless, the NIHRC considers that significant challenges are still likely to arise in operationalising a pupil's excusal from Article 5(1A) education, even where limited to the prevention of early pregnancy and access to abortion.
- 4.35 For instance, the Department's consultation document advised that the parental opt-out only relates to the changes introduced by the 2023 Regulations and suggested it does not apply to "other areas of Relationships and Sexuality Education whether taught as part of Learning for Life and Work or as part of other subjects, including Religious Education, Drama, English, Biology and History".⁹⁰ While the consultation listed nine topics that should be included within a school's RSE curriculum (see paragraph 4.13 above), neither the subsequent Regulations nor the Circular on the amendments went on to clarify the "other areas" of RSE

⁸⁸ NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023).

⁸⁹ NI Human Rights Commission, 'Submission to the Committee for Education Mini Inquiry into Relationship and Sexuality Education' (NIHRC, 2024), at para 4.2.

⁹⁰ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

that cannot be subject to the parental opt-out.⁹¹ In the absence of a clearly defined curriculum and strictly limited opt-out mechanism, there is a foreseeable risk that parents and/or schools may interpret Article 5(1A) education broadly, leading to requests or decisions to excuse children from all “age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights” at Key Stages 3 and 4.

- 4.36 As examined above, RSE requires a holistic approach for learning a broad range of areas. This interconnectedness makes it challenging to manage a pupil’s excusal from specific topics when many areas overlap. The NIHRC is concerned that excusing a child from one aspect could significantly affect the overall information they receive, thereby limiting a child’s ability to make informed decisions about their sexual and reproductive health and rights. The Commission is concerned that the Departmental guidance does not establish a baseline of mandatory, scientifically accurate information that a child must receive as part of Article 5(1A) education.
- 4.37 The NIHRC welcomes the Departmental guidance in encouraging schools to meet with parents to discuss opt-out requests, noting that such discussions “provide an opportunity to outline the benefits of receiving this important education and any possible detrimental effects withdrawal might have”.⁹² However, the guidance offers limited support for teachers in framing and navigating these conversations, particularly regarding the potential implications of excusal. While it mentions the social and emotional effects of exclusion, the guidance does not address the broader consequences for the overall effectiveness of RSE, the child’s education or realisation of their rights, or the child’s capacity to make informed decisions.
- 4.38 By way of example, lessons on the prevention of early pregnancy gradually build from scientific information on sexual and reproductive anatomy, puberty and menstruation, and methods of contraception, before progressing to discussions on how to make informed decisions relating to

⁹¹ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024); the Curriculum (Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education) Regulations (NI) 2023.

⁹² Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024), at para 20.

sexual health.⁹³ If a child is excused from all lessons on the prevention of early pregnancy in Key Stages 3 and 4, it could undermine the comprehensive nature of RSE by fragmenting lesson plans. Teachers could face difficulties managing such excusals to ensure the overall objectives of RSE are not undermined and a child is not at risk of harm as a result. This might include consideration of the following:

- A lack of education on pregnancy prevention may impair a pupil's ability to make informed choices about their sexual and reproductive health;
- A lack of education on the range of contraceptive methods available, including their advantages and disadvantages, may impair a pupil's understanding of how to reduce the risk of sexually transmitted infections;
- A lack of information on the availability of youth-friendly sexual health services, including services related to sexual abuse or assault, could result in a pupil not knowing how to access vital support;
- Important discussions on sexual health, including safe practices, consent, and the implications of untreated sexually transmitted infections, may be omitted;
- Without accurate information, a pupil may rely on myths or misinformation from less reliable sources;
- Excusals may reinforce stigma, shame and ignorance, and could increase risk-taking behaviours and create help-seeking barriers for vulnerable or marginalised populations;
- Excusals may deny the opportunity to discuss, explore and develop understanding of different perspectives, including those shaped by religious views, philosophical convictions and social inclusion issues.

4.39 The NIHRC considers that the complexity of managing individual opt-outs is compounded by the absence of a clearly defined RSE curriculum. Departmental guidance would benefit from emphasising the importance of a comprehensive approach to RSE by exploring concerns such as those

⁹³ CCEA, 'Learning Resources – Sexual and Reproductive Health and Rights - Key Stage 3: Prevention of Early Pregnancy'. Available at: [Sexual and Reproductive Health and Rights | CCEA](#); CCEA, 'Learning Resources – Sexual and Reproductive Health and Rights - Key Stage 4: Prevention of Early Pregnancy'. Available at: [Sexual and Reproductive Health and Rights | CCEA](#).

outlined above and offering strategies to navigate the challenges of managing excusals. Specific guidance on minimising the impact of opt-outs on a pupil's overall RSE would also be beneficial, acknowledging that the denial of critical health information is likely to conflict with a child's best interests and could even raise safeguarding concerns. Without standardised guidance on managing logistical challenges, the NIHRC is concerned that inconsistent approaches to the opt-out mechanism will contribute to disparities in the level of RSE received, undermining the purpose of the UN CEDAW Recommendation 86(d).

- 4.40 Regardless of whether the NIHRC's interpretation of the UN CEDAW Committee's Recommendation 86(d) or the Department's narrower focus on the prevention of early pregnancy and access to abortion is adopted, the NIHRC remains concerned that the recent legislative and policy changes will not ensure a consistent standard of RSE across all schools in NI. The NIHRC continues to advise that further amendment to the Minimum Content Order, outlining key elements of comprehensive RSE, would provide certainty. At a minimum, the Department's should publish statutory guidance that defines the mandatory minimum content for the RSE curriculum. This should include additional guidance on the opt-out mechanism that provides clear and limited criteria about its operation.

Implementation Status:	Some steps that are assisting with implementation
-------------------------------	---

Legal Reform: Implementation

- 4.41 As previously noted, the NIHRC interprets the UN CEDAW Committee's Recommendation 86(d), which calls for "age-appropriate, comprehensive, and scientifically accurate education on sexual and reproductive health and rights", as being analogous to RSE. Accordingly, this assessment focusses on how the NI policy framework can better align with the requirements set out by the UN CEDAW Committee, rather than evaluating the implementation of the 2023 Regulations.
- 4.42 The NIHRC notes that recommendations 3 and 6 (below) use the term 'diverse gender and sexual identities' in accordance with terminology adopted by the independent experts contracted to conduct the initial

investigation. The NIHRC interprets this in alignment with the term 'sexual orientation and gender identity', which is more commonly used by international human rights mechanisms.⁹⁴

3. The NIHRC recommends that the NI Office and Department of Education NI develop an implementation plan to accompany the proposed reforms to the Minimum Content Order. This should include the development of a Circular to schools providing guidance on the key elements of 'comprehensive' RSE. This should be developed following engagement with relevant stakeholders and experts to ensure that RSE programmes are inclusive and meet the educational needs of young people with diverse gender and sexual identities, ethnic minority students and disabled students.

- 4.43 The NIHRC acknowledges the challenging circumstances faced by the Department of Education when the former Secretary of State for NI introduced the 2023 Regulations without prior consultation. Due to the lack of public engagement, it is unclear whether an implementation plan was agreed between the NI Office and the Department before the regulations were laid in Parliament. Regardless, the Department was tasked with consulting, developing, and implementing the more detailed aspects of the underpinning policy framework within the time constraints set by the regulations.
- 4.44 Although the Department's consultation allowed stakeholders to express views on the delivery of the arrangements, these engagements occurred too late in the process to influence the overall framework of RSE provision. Therefore, stakeholders had limited scope to influence the direction of the NI Office's reforms and to ensure the changes reflect the educational needs and experiences of children and young people across NI. For example, stakeholders did not have the opportunity to provide their views on the parental opt-out mechanism until after its inclusion in the 2023 Regulations. Since then, the parental opt-out has been subject to debate by relevant stakeholders and experts. Some stakeholders support the

⁹⁴ A/HRC/RES/32/2, 'UN Human Rights Council, Resolution 32/2 adopted by the Human Rights Council on 30 June 2016: Protection against violence and discrimination based on sexual orientation and gender identity', 15 July 2016; CM/Rec(2010)5, 'CoE Committee of Ministers Recommendation to Member States on measures to combat discrimination on grounds of sexual orientation or gender identity', 31 March 2010.

provision of the opt-out mechanism on basis of respecting parents' religious and philosophical convictions,⁹⁵ and others emphasise the implications on a child's right to education and their ability to make informed decisions about their health and relationships.⁹⁶

- 4.45 Early engagement and consultation with parents, educators, children and young people, and other stakeholders would have provided a valuable opportunity to assess the potential impact of an opt-out mechanism on fulfilling the requirements set by the UN CEDAW Committee. The NIHRC's human rights analysis emphasised that, first and foremost, States must ensure the child's right to education is fulfilled.⁹⁷ In devising appropriate measures, the NIHRC highlighted that specific consideration must be given, but not limited to, the experience of LGBTQIA+ persons, disabled persons and persons of national or ethnic minority background.⁹⁸ Early consultation might have enabled the NI Office and the Department of Education to explore alternative policy options for RSE provision, including other ways to respect parents' religious and philosophical convictions while maintaining the primary focus on fulfilling the child's right to education.
- 4.46 The 2023 Regulations placed a duty on the Department of Education to issue guidance on the content and delivery the education required to be provided by virtue of Article 5(1A).⁹⁹ The Department subsequently held a public consultation on the proposed content of the guidance, asking stakeholders to agree or disagree with the following statements:

⁹⁵ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Transferor Representatives' Council', 9 October 2024; NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Catholic Schools' Trustee Service', 2 October 2024.

⁹⁶ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education - Alliance for Choice', 11 December 2024; NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – University of Birmingham', 13 November 2024; Children's Law Centre, 'Briefing Paper: Relationships and Sexuality Education' (CLC, 2024); Dr Deena Haydon, 'Relationships and Sexuality Education: Response from Dr Deena Haydon, Independent Research and Policy Consultant'. Available at: [RELATIONSHIPS-AND-SEXUALITY-EDUCATION-CONSULTATION-RESPONSE-DR-DEENA-HAYDON-24-November-2023.pdf](#).

⁹⁷ Article 2 of Protocol No 1 of the ECHR aims to safeguard pluralism in education in the interests of protecting the democratic society envisaged by the ECHR. It does not allow parents to refuse a child's right to education on the basis of their religious and philosophical convictions. Rather, it allows States the freedom to integrate topics that are directly or indirectly religious or philosophical in nature in their curriculum, provided the information is conveyed in an objective and pluralistic manner; See: *Ponomaryovi v Bulgaria*, (2011) ECHR 972, at para 57; *Folgerø and Others v Norway* (2007) ECHR 2148, at para 84(b); *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) ECHR 6, at para 53.

⁹⁸ NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023), at para 2.6.2.

⁹⁹ Regulation 2(3), Relationships and Sexuality Education (NI) (Amendment) Regulations 2023.

1. The content of teaching and learning resources for Learning for Life and Work developed by CCEA should be factual and contain age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion and these resources should not advocate, or oppose, a particular view on the moral and ethical considerations of abortion or contraception.
2. Parents/carers should be informed about the specific nature and content of the age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion
3. ... The Department's guidance, when developed, should consider ... how schools balance the rights of both children and parents/carers in implementing the regulations.
4. Pupils and parents/carers should have access to an overview of their school's RSE policy and planned RSE programme.

4.47 While stakeholders were provided with the opportunity to make additional comments, the NIHRC regrets the absence of open-ended questions or prompts for feedback on the educational needs of children and young people, or on their expectations for RSE. Significantly, a child-friendly version of the consultation material was not provided. The Department of Education advised of direct engagements with children and young people in respect of the consultation, however pupils only accounted for 0.86 percent of respondents overall.¹⁰⁰

4.48 Nevertheless, recent research projects and consultation processes have provided extensive feedback from children and young people regarding their expectations for RSE provision. The ETI's thematic evaluation that

¹⁰⁰ Department of Education, 'Report on the Outcome of Public Consultation: Consultation on legislation which provides for a parent to request to have their child excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion' (DE, 2024), at para 15.

highlighted that pupils specifically want more information on gender identity, sexual orientation and LGBTQ+ issues.¹⁰¹ Similarly, the Ulster University research project into Healthy Young Adult Relationships found that “current RSE provision within formal education is not fit for purpose nor inclusive”.¹⁰² The study highlighted particular challenges faced by individuals identifying as LGBTQ+, those with special educational needs, and those not situated in formal education institutions.¹⁰³

- 4.49 Following the Department’s consultation, Circular 2024/01 was published to support post-primary schools in updating their RSE policies and teaching provision in response to the 2023 Regulations.¹⁰⁴ While the guidance acknowledges the importance of delivering a programme that meets the needs of pupils, it provides limited information on how this can be achieved. For example, it does not address how the recent changes might adversely affect children and young people or offer schools guidance on developing measures to mitigate potential negative impacts. Notably, the guidance fails to emphasise the need for specific consideration of the experiences of marginalised groups, including but not limited to LGBTQIA+ persons, disabled persons, and persons from national or ethnic minority backgrounds, for whom specific safeguards or tailored support may be necessary.
- 4.50 The NIHRC’s investigation recommended a Departmental Circular to complement greater legal prescription of RSE within the Minimum Content Order.¹⁰⁵ However, the NIHRC remains concerned that essential elements of age-appropriate, comprehensive, and scientifically accurate RSE are not adequately prescribed in law. Given that Circulars lack a clear legal basis,¹⁰⁶ it would be beneficial for the forthcoming guidance from the Department’s Task and Finish Group to have statutory authority. That

¹⁰¹ Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023).

¹⁰² Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 11.

¹⁰³ Susan Lagdon et al, ‘Healthy Young Adult Relationships Project’ (UUJ, 2024), at 11.

¹⁰⁴ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024).

¹⁰⁵ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 5.1.16.

¹⁰⁶ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 3.3.6.

guidance should also address the issues, identified above, by clearly defining mandatory components of a comprehensive and inclusive RSE curriculum that reflects the diverse needs of children and young people across NI.

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

4. The Department of Education NI should support schools to amend their policies and procedures relating to RSE to ensure they fully take into account any reforms to the Minimum Content Order.

- 4.51 The NIHRC welcomes that the recent amendments to the Minimum Content Order contain explicit requirements on schools to deliver RSE programmes that are age appropriate, scientifically accurate and comprehensive. However, as examined above, the NIHRC remains concerned that the Minimum Content Order does not specify all the key elements required by the UN CEDAW Committee, namely in relation to the provision of “comprehensive” RSE.¹⁰⁷ It is acknowledged that, the legislative framework does not restrict schools from developing and delivering RSE lessons beyond that which is prescribed in the Minimum Content Order. However, schools will need to be supported to understand how to design and deliver an RSE programme to the extent required by the UN CEDAW Committee recommendation 86(d).
- 4.52 The NIHRC’s investigation considered the Department of Education’s practice of issuing Circulars to schools to provide guidance on specific matters.¹⁰⁸ Accordingly, the Department’s Circular 2024/01 contains support for post-primary schools as they update their RSE policies and teaching provision in response to the 2023 Regulations.¹⁰⁹ While the primary focus of the Circular is on lessons relating to the prevention of early pregnancy and access to abortion, the NIHRC welcomes the recognition of the importance

¹⁰⁷ See paragraphs 4.7-4.15 above. See also: NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 3.2.16.

¹⁰⁸ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 3.3.1.

¹⁰⁹ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024).

of an age and developmentally appropriate RSE curricula, with the Circular encouraging that a school's programme "reflects, and is responsive to, the needs and capabilities and stage of development of its pupils".¹¹⁰

- 4.53 In relation to the requirement that RSE should be "scientifically accurate", the Department's Circular 2024/01 reiterates the new legislative requirement and signposts schools to resources developed by CCEA and the Education Authority.¹¹¹ The Circular emphasises the "large degree of flexibility [afforded] to schools in how they develop and deliver their RSE taught programme".¹¹² However, the NIHRC encourages the Department to underline the responsibility that RSE must be based on facts and informed by evidence. The NIHRC suggests adding an additional reference to the International Technical Guidance commissioned by the UN Educational, Scientific and Cultural Organisation (UNESCO) and developed by the World Health Organisation in collaboration with international experts in education, health, youth development, human rights and gender equality.¹¹³ This framework is grounded in international best practices and designed to support curriculum developers in creating and adapting evidence-based RSE programmes to suit local contexts.
- 4.54 Regarding the requirement for schools to provide "comprehensive" RSE, the NIHRC reiterates that the current legal and policy framework does not specify many of the topics essential to fulfilling this element of the UN CEDAW Committee's Recommendation 86(d). The NIHRC's concerns about the recent amendments to the Minimum Content Order are set out in paragraphs 4.7-4.15 above. Similarly, the NIHRC has flagged concerns with Circular 2024/01, namely that the impact of the parental opt-out on the provision of comprehensive RSE is not addressed adequately and mitigated (see paragraphs 4.23-4.40 above). This includes both the practical difficulties teachers face in managing parental requests and the need to

¹¹⁰ Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024), at para 10.

¹¹¹ Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024), at paras 23-27.

¹¹² Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024), at para 12.

¹¹³ United Nations Educational, Scientific and Cultural Organization, 'International Technical Guidance on Sexuality Education: An Evidence Informed Approach', (UNESCO, 2018).

ensure children receive a baseline of mandatory, scientifically accurate information to enable them to make informed decisions and avoid harm.

- 4.55 The NIHRC emphasises that identifying mandatory elements or themes for an RSE curriculum would provide useful guidance to schools in designing a comprehensive programme. For example, the mandatory Welsh RSE Code identifies three broad and interlinking strands to help practitioners structure their curriculum: relationships and identity, sexual health and well-being, and empowerment, safety and respect.¹¹⁴ To further support practitioners, the Welsh Government identified core themes that must be integrated into these strands, including relationships; rights and equity; sex, gender and sexuality; bodies and body image; sexual health and well-being; and violence, safety and support.¹¹⁵ This approach establishes a clear baseline of RSE content, ensuring consistency across schools, while allowing practitioners the flexibility to tailor their teaching objectives under each theme to the specific needs of their pupils and school environment.
- 4.56 The NIHRC observes that the Department's Circular 2024/01 does not explore the human rights implications of RSE in a substantive manner. The Department of Education and schools and governing bodies performing a public function are required to comply with duties under the European Convention on Human Rights (ECHR), enforced directly by the Human Rights Act 1998. The NIHRC frequently recommends taking a human rights-based approach to the development, implementation and monitoring of all educational policy.¹¹⁶ This approach aims to empower children and young people (rights-holders) to understand and exercise their rights and entitlements, while supporting the Department of Education, schools and governing bodies (duty bearers) in the design, implementation and monitoring of their policies.

¹¹⁴ Welsh Government, 'The Curriculum for Wales – Relationships and Sexuality Education Code' (Welsh Government, 2021).

¹¹⁵ Welsh Government, 'The Curriculum for Wales – Relationships and Sexuality Education Code' (Welsh Government, 2021).

¹¹⁶ See, NI Human Rights Commission, 'Response to the Department of Education consultation on School Uniform Policy' (DE, 2025); NI Human Rights Commission, 'Response to the Department of Education consultation on Relationships and Sexuality Education' (NIHRC, 2023); NI Human Rights Commission, 'Submission to Department of Education Consultation on the Draft Statutory Guidance on the Reduction and Management of Restrictive Practices in Educational Settings in NI' (NIHRC, 2023); NI Human Rights Commission, 'Submission to the Expert Panel on Educational Underachievement' (NIHRC, 2020); NI Human Rights Commission, 'Response to Department of Education's Consultation on Supporting Newcomer Pupils' (NIHRC, 2019).

- 4.57 The NIHRC considers that schools should be encouraged to adopt a human rights-based approach for designing, implementing, and monitoring the delivery of their RSE policies and programmes. For example, schools could develop their policies according to the 'PANEL Principles', outlining how their approach to RSE utilises the guiding principles of participation, accountability, non-discrimination, empowerment and legality.¹¹⁷ This would support schools in framing their RSE policy, while ensuring they are consistent with their legal and human rights obligations. For example, the Welsh RSE Code specifies that RSE programmes must be inclusive, reflect diversity and incorporate a rights-based approach.¹¹⁸ To ensure schools embed respect for equality and diversity, the UK Government's RSE statutory guidance includes dedicated sections on equality, religion and belief, pupils with special educational needs and disabilities, and LGBT+ inclusion.¹¹⁹
- 4.58 In addition, schools should be provided with specific guidance on how to ensure the best interests of the child is a primary consideration during the design, implementation, and monitoring of RSE policy. The NIHRC highlights that ensuring a child's best interests first and foremost is a critical safeguard for ensuring parental opt-outs do not impact a child's fulfilment of a range of rights including the right to education, the right to health and even the right to life.
- 4.59 In the absence of greater prescription within the Minimum Content Order, it is considered that the provision of comprehensive statutory guidance that defines the mandatory minimum content for RSE curricula would provide schools with crucial support for designing and delivering consistent and high quality RSE. The Department has advised that additional guidance developed by a Task and Finish Group will consolidate and complement

¹¹⁷ European Network of National Human Rights Institutions, 'Human Rights-Based Approach'. Available: [Human Rights-Based Approach - ENNHRI](#).

¹¹⁸ Welsh Government, 'The Curriculum for Wales – Relationships and Sexuality Education Code' (Welsh Government, 2021).

¹¹⁹ Department for Education, 'Relationships Education, Relationships and Sex Education (RSE) and Health Education Statutory guidance for governing bodies, proprietors, head teachers, principals, senior leadership teams, teachers' (DfE, 2019).

Circular 2024/01.¹²⁰ In September 2024, the Department noted that the guidance was undergoing an internal review process and that its publication will be subject to the Minister of Education’s final approval.¹²¹ As of January 2025, publication is awaited.

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

5. In line with the pre-existing arrangements for monitoring the delivery of the curriculum it is recommended that the 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.

- 4.60 The findings of the ETI’s thematic evaluation of the Preventative Curriculum were not considered in the NIHRC’s investigation report, as its publication fell outside the drafting period.¹²² However, the NIHRC is encouraged to see that significant actions are already underway by the ETI regarding oversight arrangements and notes that progress has continued into 2024.¹²³ Additionally, ETI will conduct follow-up activities related to its Preventative Curriculum report to assess the actions taken by key stakeholders in addressing the identified challenges.¹²⁴ The NIHRC looks forward to reviewing the ETI’s additional findings.
- 4.61 In February 2024, as part of ETI’s renewed focus on monitoring the delivery of comprehensive, fit-for-purpose RSE provision, all inspectors received Internal Professional Learning and Development on the findings of the ETI Preventative Curriculum report and the NIHRC investigation.¹²⁵

¹²⁰ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024).

¹²¹ Email from Department of Education to NI Human Rights Commission, 8 September 2024.

¹²² Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023).

¹²³ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹²⁴ Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023), at 9.

¹²⁵ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

- 4.62 In May 2024, the ETI published the findings of a three-year review of its inspection processes, leading to the development of a new inspection model.¹²⁶ This model was shaped through extensive consultation and collaboration with schools, colleges and other education and training providers, and a diverse range of stakeholders, including children and young people.¹²⁷ The new framework emphasises the centrality of the learner, with a stronger focus on identifying, reporting and sharing examples of highly effective practice.¹²⁸
- 4.63 In accordance with ETI's new inspection framework, evidence will be drawn from four central contributory areas: Curriculum for All; Planning, Teaching and Assessment for Successful Learning; Health, Wellbeing and Keeping Safe; Equity, Diversity and Inclusion.¹²⁹ Inspections will also evaluate how effectively the school seeks and responds to the views of children and young people, as part of the Learner Participation contributory area.¹³⁰ The assessment process will evaluate the effectiveness of RSE provision based on its inclusion of "age and stage appropriate content and scientifically accurate information".¹³¹
- 4.64 The ETI advised that inspections will consider the school's RSE policy and aim to include class observation.¹³² They emphasised that "ETI will report objectively and fairly on what we find, which tends to vary considerably (as reported in preventative curriculum evaluation) across schools".¹³³ ETI will also challenge when provision is evaluated as not effective enough.¹³⁴
- 4.65 In addition, with the cessation of action short of strike of the teaching unions, ETI has been able to trial its revised questionnaires in pilot inspections of primary and post-primary schools.¹³⁵ Parents, children and young people and all staff are provided with the opportunity to complete a

¹²⁶ Education and Training Inspectorate, 'Empowering Improvement: New Framework for Inspection' (ETI, 2024).

¹²⁷ Education and Training Inspectorate, 'Empowering Improvement: New Framework for Inspection' (ETI, 2024), at 1.

¹²⁸ Education and Training Inspectorate, 'Empowering Improvement: New Framework for Inspection' (ETI, 2024), at 1.

¹²⁹ Education and Training Inspectorate, 'Empowering Improvement: New Framework for Inspection' (ETI, 2024), at 3.

¹³⁰ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³¹ Education and Training Inspectorate, 'Empowering Improvement: New Framework for Inspection' (ETI, 2024), at 9.

¹³² Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³³ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³⁴ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³⁵ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

confidential online questionnaire as part of the inspection process, which includes questions on RSE and other sensitive areas.¹³⁶ The revised questionnaires include the following statements:

Parent - I am content with the RSE (relationships and sexuality education) provided by this school.

Teachers - I have sufficient training and support to deliver the preventative curriculum well.

Primary 7 - I receive helpful information about changes that will happen to me as I grow up and develop.

Years 8 & 9 & 10 - My school provides relationships and sexuality education which I find useful.

Year 11, 12 & 13 - My school provides relationships and sexuality education which I find useful in helping me make informed and responsible choices.

All pupils- In my school, everyone is understood and respected, including the people listed below:

- Women/Girls
- Men/Boys
- Those who identify as another gender
- People with a disability
- People of all races and nationalities
- People of all religions or none
- People of all sexual orientations

Pupils' ideas are listened to and responded to when the school is making policies and decisions.¹³⁷

4.66 ETI will gather information on the level of agreement with these statements before the inspection begins, enabling the team to identify and

¹³⁶ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³⁷ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

plan specific lines of inquiry.¹³⁸ Additionally, parents/carers and pupils are invited to submit written feedback, which has already helped identify RSE and bullying-related issues that ETI has addressed with the respective schools.¹³⁹

Implementation Status:	Effective implementation
-------------------------------	--------------------------

6. The NIHRC recommends that the implementation of the required amendments to the Minimum Content Order should be informed by the views and educational needs of young people. Care should be taken to ensure that engagement and consultation considers the needs of students with diverse gender and sexual identities, ethnic minority students and disabled students.

- 4.67 The 2023 Regulations placed a duty on the Department of Education to publish a report by 1st September 2026 on the implementation of RSE in grant-aided schools. In preparing the report, the Department is required to consult with the NIHRC, the Equality Commission for NI, the NI Commissioner for Children and Young People, and other such persons the Department considers important. The final report must be laid before the NI Assembly.¹⁴⁰
- 4.68 The Department of Education has advised that work is underway to develop a questionnaire for schools to help inform the report.¹⁴¹ The NIHRC encourages the Department to utilise the range of questions set out in the investigation for assessing the effective implementation of RSE.¹⁴² In addition, the NIHRC notes that the NI Office did not specifically require the Department to consult with children and young people in preparation for the report. However, it is strongly recommended that the Department also work with children and young people and their representatives to develop

¹³⁸ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹³⁹ Letter from the Education and Training Inspectorate NI to the NI Human Rights Commission, 11 July 2024.

¹⁴⁰ Section 4, The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023.

¹⁴¹ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Department of Education', 11 September 2024.

¹⁴² NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023), at para 5.1.18.

a suitable, child-friendly questionnaire to inform their report on the implementation of RSE.

4.69 More broadly, the Minister of Education affirmed that the Department “will continue to adopt a range of approaches to engage with children and young people” in respect of RSE.¹⁴³ Furthermore, the Minister “expects schools to engage directly with pupils in the development or review of their RSE policy and taught programme and to reflect input received in each of these”.¹⁴⁴ The support provided to schools and governing bodies for conducting such engagements is examined in the section below. However, the NIHRC notes its concern with the Minister of Education’s recent confirmation that the Department does not hold any data on the frequency of excusals from RSE across NI schools.¹⁴⁵ The NIHRC emphasises the need for continual monitoring of the parental opt-out mechanism to ensure it is not having a disproportionate impact on any specific group of children and young people (further detail at paragraph 4.88 – 4.89).¹⁴⁶

Implementation Status:	Some steps that are assisting with implementation
-------------------------------	---

7. The Department of Education NI should support schools to include students in co-developing and evaluating RSE policies.

4.70 The NIHRC’s investigation found that, within school policies, there is limited consideration of children and young people as rights-bearers who can actively contribute to RSE.¹⁴⁷ Therefore, the NIHRC welcomes the Department’s Circular 2024/01 for affirming that “It is important that a school satisfies itself, through its self-evaluation and review process, that its RSE policy is effective and that its associated RSE programme

¹⁴³ NI Assembly Hansard, ‘Written Question: Relationships and Sexuality Education – Kate Nicholl MLA - AQW 10753/22-27’, 29 April 2024.

¹⁴⁴ NI Assembly Hansard, ‘Written Question: Relationships and Sexuality Education – Kate Nicholl MLA - AQW 10753/22-27’, 29 April 2024.

¹⁴⁵ NI Assembly Hansard, ‘Written Question: Withdrawals from Relationships and Sexuality Education – Jim Allister MLA – AQW 12333/22-27’, 24 May 2024.

¹⁴⁶ NI Human Rights Commission, ‘Response to the Department of Education consultation on Relationships and Sexuality Education’ (NIHRC, 2023).

¹⁴⁷ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 5.1.19.

effectively meets the needs of its pupils through consultation with them”.¹⁴⁸

4.71 However, the NIHRC considers that Circular 2024/01 offers limited guidance to schools and Board of Governors on how to establish effective structures for the meaningful participation of pupils in designing, implementing and reviewing their RSE policy and programme. The Department may wish to incorporate specific guidance from the UN CRC Committee on integrating the child’s right to be heard in education and school settings. It advises that,

Steady participation of children in decision-making processes should be achieved through, inter alia, class councils, student councils and student representation on school boards and committees, where they can freely express their views on the development and implementation of school policies and codes of behaviour. These rights need to be enshrined in legislation, rather than relying on the goodwill of authorities, schools and head teachers to implement them.¹⁴⁹

4.72 The NIHRC encourages the Department to carefully review the UN CRC Committee guidance which sets out nine basic requirements for the implementation of the right of the child to be heard.¹⁵⁰ The NIHRC draws particular attention to the need for processes to be transparent, to ensure a child knows how and when this participation should take place, and to be supported by appropriate training, so children are engaged effectively in accordance with their evolving capacities.¹⁵¹ Furthermore, with particular regard for the issues outlined above, the NIHRC reiterates the importance of ensuring that schools develop mechanisms for participation that are inclusive and encourage the involvement of marginalised children.

¹⁴⁸ Department of Education, ‘Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content’ (DE, 2024), at para 11.

¹⁴⁹ CRC/C/GC/12, ‘UN CRC Committee General Comment No.12: The right of the child to be heard’ 20 July 2009, at para 110.

¹⁵⁰ CRC/C/GC/12, ‘UN CRC Committee General Comment No.12: The right of the child to be heard’ 20 July 2009, at paras 132 – 134.

¹⁵¹ CRC/C/GC/12, ‘UN CRC Committee General Comment No.12: The right of the child to be heard’ 20 July 2009, at para 134.

- 4.73 To enhance transparency, the NIHRC encourages the Department to provide clear guidance outlining the roles and responsibilities of all stakeholders involved in implementing and monitoring RSE policies and procedures. For example, the Department of Education’s draft statutory guidance on reducing and managing restrictive practices in educational settings in NI includes an appendix with detailed descriptions of each role in respect of the policy.¹⁵² The UNESCO International Technical Guidance offers valuable insights into the roles of teachers, healthcare providers, and pupils, demonstrating how these actors can collaboratively support the delivery of effective RSE programmes.¹⁵³
- 4.74 To ensure schools understand how to facilitate a pupil’s participation in the implementation of their RSE policies, the NIHRC encourages the Department to provide specific guidance and training on how to engage children effectively in accordance with their evolving capacities. The UN CRC Committee has provided detailed guidance on respecting the voice and capacities of children and young people, emphasising their entitlement to be involved in decisions affecting them.¹⁵⁴ Departmental guidance should assert the value of children’s views by specifying the need to give them due weight in accordance with their age and maturity. In addition, the guidance should clarify that “parents’ responsibilities, rights and duties to guide their children is not absolute but, rather, delimited by children’s status as rights holders”.¹⁵⁵
- 4.75 The NIHRC has significant concern about the adoption of a strictly age-based approach to pupil participation in relation to the parental opt-out mechanism. The 2023 Regulations require that, where a parent makes a request for a Year 12 pupil to be excluded, the school must also confirm “that the pupil does not object to being excused”. While this express requirement regrettably does not apply to pupils in years 8, 9, 10 and 11

¹⁵² Department of Education, ‘Draft Statutory Guidance on the Reduction and Management of Restrictive Practices in Educational Settings in NI: Understanding and responding to behaviour in crisis situations’ (DE, 2023), at Appendix 8.

¹⁵³ United Nations Educational, Scientific and Cultural Organization, ‘International Technical Guidance on Sexuality Education: An Evidence Informed Approach’, (UNESCO, 2018), at 86-87.

¹⁵⁴ UN CRC Committee, ‘Statement of the Committee on the Rights of the Child on Article 5 of the Convention on the Rights of the Child’, 11 October 2023; CRC/C/GC/12, ‘UN CRC Committee General Comment No.12: The right of the child to be heard’ 20 July 2009.

¹⁵⁵ UN CRC Committee, ‘Statement of the Committee on the Rights of the Child on Article 5 of the Convention on the Rights of the Child’, 11 October 2023, at 7.

in law, the NIHRC considers that the Departmental guidance should encourage schools to seek the views of all pupils who are the subject of a parental request and ensure their views are given due weight during the process.

- 4.76 In September 2024, the Committee for Education raised concern about the support available to schools and Boards of Governors in managing the complexities of parental opt-out requests while ensuring the child's voice is meaningfully considered.¹⁵⁶ The Department of Education indicated that updated guidance addressing pupil involvement in the opt-out process would soon be issued.¹⁵⁷ However, as of January 2025, this revised guidance has not yet been published.

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

Developing the capacity of schools

8. The NIHRC recommends the Department of Education engage with teachers to invite their views on the supports they require to enable them to competently deliver RSE to post primary school children.

- 4.77 The ETI's thematic evaluation of The Preventative Curriculum in Schools and Education Other Than at Schools Centres found that teachers have "limited confidence and insufficient specialist knowledge and skills in the teaching of the more sensitive topics of the preventative curriculum".¹⁵⁸ Teaching staff identified a lack of confidence in delivering sensitive aspects of the curriculum as the biggest challenge.¹⁵⁹ However, staff also identified a lack of access to staff professional learning; finding appropriate

¹⁵⁶ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Department of Education', 11 September 2024.

¹⁵⁷ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Department of Education', 11 September 2024.

¹⁵⁸ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023).

¹⁵⁹ Education and Training Inspectorate, 'The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres' (ETI, 2023), at 33.

resources for RSE; a lack of statutory lines of progression for RSE; and insufficient time for dedicated RSE as particular challenges.¹⁶⁰

4.78 The ETI noted the additional funding provided to CCEA for developing and refining a wide range of resources to support the delivery of RSE. Despite this investment, ETI found that not enough schools or centres are aware of, or use them, to good effect. It states:

System-wide, there has been no focus on high quality, regular professional learning opportunities to support the embedding of the available resources into planning and classroom practice and to further develop teachers’ knowledge and pedagogical skills in delivering an effective preventative curriculum. Clearly there is work to be done in streamlining the resources to meet better the needs of teachers and reviewing further the suitability of the resources to meet the needs of all pupils.¹⁶¹

4.79 In response, the Department of Education established a Task and Finish Group to consider and address the findings of ETI’s thematic evaluation and the NIHRC’s investigation. The Department advised it is engaging with practitioners as part of this process and intends to publish revised RSE guidance to schools. As of January 2025, the outcome of this process is awaited.

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

9. The NIHRC recommends that the Department of Education engage with teacher training colleges in Northern Ireland (Stranmillis University College, St Mary’s University College, Queen’s University Belfast and Ulster University) to ensure their programmes adequately educate newly qualified teachers in the provision of RSE. The Department of Education NI should also consider arrangements for the continuing professional development of

¹⁶⁰ Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023), at 33.

¹⁶¹ Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023), at 38.

members of the teaching profession, to ensure they are trained in the delivery of comprehensive, scientifically accurate RSE.

4.80 The ETI’s thematic evaluation found a significant lack of professional development in the teaching of many of the more sensitive aspects of the preventative curriculum, stating that:

In post-primary, for example, most teachers are trained and recruited as subject specialists in the first instance. They are not specialists in delivering the preventative curriculum and often undertake the role without the substantive support and mentoring that is needed. A strategic investment in teacher professional learning, across all phases, with ongoing and regular professional updates and support, is required to equip them to take forward the ‘normalisation’ of the preventative curriculum desired by pupils.¹⁶²

4.81 As above, the Task and Finish Group guidance that is expected to address the ETI’s and the NIHRC’s recent findings is awaited. The Department of Education has advised that consideration is being given to teacher education and professional learning through its End-to-End Review of School Improvement.¹⁶³ A review of the School Development Planning process has completed and the Minister of Education has agreed the proposals to be taken forward.¹⁶⁴ The NIHRC notes that RSE is not expressly mentioned in the current proposals.¹⁶⁵ However, it is welcomed that the Department is working with the ETI and will be engaging with children and young people as part of the review. Given the need for legislative change, the Department advises it will take considerable time to fully implement the current proposals.¹⁶⁶

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

¹⁶² Education and Training Inspectorate, ‘The Preventative Curriculum in Schools and Education Other Than at School (EOTAS) Centres’ (ETI, 2023), at 35.

¹⁶³ NI Assembly Hansard, ‘Committee of Education: Inquiry into Relationships and Sexuality Education – Department of Education’, 11 September 2024.

¹⁶⁴ Department of Education, ‘End-to-End Review of School Improvement’. Available at: [End-to-End Review of School Improvement | Department of Education](#).

¹⁶⁵ Department of Education, ‘Review of the School Development Planning (SDP) Process’ (DE, 2024).

¹⁶⁶ Department of Education, ‘Review of the School Development Planning (SDP) Process’ (DE, 2024).

10. The NIHRC recommends that the Department of Education NI develop additional guidance for schools on how to establish effective partnerships with external RSE providers. This should include guidance on ensuring that programmes and resources are compliant with international human rights standards.

4.82 The NIHRC welcomes the Department of Education's provision of additional guidance to schools in relation to external RSE providers. The Department's Circular 2024/01 states:

Best practice in facilitating pastoral/preventative curriculum issues show they are best taught by a key adult that the young person already knows. Where a school chooses to use an external provider to deliver any aspect of RSE, they must ensure that they are satisfied with the quality of what is provided by the external provider. They should ensure that it is in keeping with their safeguarding policy and ethos of their RSE policy and taught programme and that there is curricular progression in learning. Teachers should co-design and participate in the lessons and there should be follow-up within the school to identify curricular connections and plan for and provide progressive learning opportunities. The use of external providers is not a substitute for curricular teaching of RSE – rather it should supplement and enhance it.¹⁶⁷

4.83 However, the NIHRC observes that a number of the recommendations and safeguards set out in the investigation have not been integrated into current guidance. Significantly, Circular 2024/01 does not set out how schools should critically assess the materials and lessons provided by external providers. To comply with the 2023 Regulations, schools must assure themselves that external providers are sharing "age-appropriate, comprehensive, and scientifically accurate" information. The NIHRC's investigation found that "providers tended to develop materials that

¹⁶⁷ Department of Education, 'Circular 2024/1: Guidance on Amendments to the Relationships and Sexuality Education Curriculum Content' (DE, 2024), at para 26.

reflected their organisational objectives and specialisms”.¹⁶⁸ To address this, Departmental guidance should specify that materials must be comprehensive, pluralistic and objective. In addition, the NIHRC reiterates the importance of providing bespoke guidance for schools on integrating human rights considerations into their procurement processes relating to RSE.

Implementation Status:	Some steps that are assisting with implementation
-------------------------------	---

11. The CCEA should review resources provided under the RSE hub to ensure they meet the requirements set out in CEDAW Committee recommendation 86(d).

4.84 In June 2023, the Department of Education commissioned CCEA to:

...develop RSE resources to include age-appropriate, comprehensive, and scientifically accurate education on sexual and reproductive health and rights covering prevention of early pregnancy and access to abortion – this should include the mental health considerations associated with RSE related life choices.¹⁶⁹

4.85 In response, CCEA conducted a review of existing resources from June 2023 to June 2024. The review process involved multiple stages, including stakeholder consultations, existing resource review, new resource development, and quality assurance.¹⁷⁰ CCEA collaborated closely with key stakeholders and the Department of Education to ensure the materials align with recent legislative changes for Key Stages 3 and 4.¹⁷¹ CCEA’s RSE

¹⁶⁸ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023), at para 4.2.2.

¹⁶⁹ Letter from Council for the Curriculum, Examinations and Assessment to the NI Human Rights Commission, 4 July 2024.

¹⁷⁰ Letter from Council for the Curriculum, Examinations and Assessment to the NI Human Rights Commission, 4 July 2024.

¹⁷¹ Letter from Council for the Curriculum, Examinations and Assessment to the NI Human Rights Commission, 4 July 2024.

Hub was temporarily taken offline during the review process but was fully restored by June 2024, with new resources published.¹⁷²

- 4.86 In addition, CCEA created a new section on the CCEA Hub to link existing resources that relate to sexual and reproductive health and to support the delivery of the new resources.¹⁷³ This section consolidates resources on topics like early pregnancy prevention, access to abortion, period dignity, menstrual wellbeing, teen parenting, sexually transmitted infections, and HIV/AIDS. Additionally, it provides links to relevant documents, including the Department of Education Circular 2024/01, the NIHRC investigation, and other documentation and guidance on sexual health materials.
- 4.87 The new resources target Key Stages 3 and 4, offering age-appropriate materials on early pregnancy prevention and abortion access, with more in-depth coverage at Key Stage 4.¹⁷⁴ Each resource outlines learning intentions, NI curriculum context, and includes signposting to other resources to provide support for educators delivering RSE content. The NIHRC welcomes the provision of links to the UN CEDAW Inquiry, the UN Population Fund and World Health Organisation webpages. In addition, the NIHRC suggests adding a link to the International Technical Guidance developed by the World Health Organisation in collaboration with other international experts in education, health, youth development, human rights and gender equality.¹⁷⁵

Implementation Status:	Effective implementation
-------------------------------	--------------------------

Monitoring

12. The NIHRC recommends that the RSE Curriculum is regularly evaluated and revised by the Department of Education NI, in order

¹⁷² CCEA, 'Learning Resources: Relationships and Sexuality Education (RSE)'. Available at: [Relationships and Sexuality Education \(RSE\) | CCEA](#).

¹⁷³ CCEA, 'Learning Resources: Relationships and Sexuality Education (RSE) – Sexual and Reproductive Health and Rights'. Available at: [Sexual and Reproductive Health and Rights | CCEA](#).

¹⁷⁴ Letter from Council for the Curriculum, Examinations and Assessment to the NI Human Rights Commission, 4 July 2024.

¹⁷⁵ United Nations Educational, Scientific and Cultural Organization, 'International Technical Guidance on Sexuality Education: An Evidence Informed Approach', (UNESCO, 2018).

to ensure that it is accurate, human rights compliant, and adapting to emerging needs. Regular updates should be provided to the NI Assembly Committee for Education.

- 4.88 In respect of recent changes to RSE provision, the NIHRC emphasises the need for continual monitoring of the parental opt-out mechanism to ensure it is not having a disproportionate impact on any specific group of children and young people.¹⁷⁶ This will require centralised data collection on the number of children and young people withdrawn from RSE lessons, including the reason for withdrawal. Data should also be disaggregated to identify whether any specific groups require targeted mitigations or support. The NIHRC is therefore concerned by the Minister of Education's recent confirmation that the Department does not hold any data on the frequency of excusals from RSE across NI schools.¹⁷⁷ Without data collection, it is not clear how the Department intends to assess the implementation and impact of the recent changes.
- 4.89 In September 2024, the Department advised that the anticipated guidance developed by the Task and Finish Group is "designed to be agile, and it will remain under review and can be updated and reissued if required".¹⁷⁸ This is welcomed; the NIHRC looks forward to reviewing the additional guidance and its monitoring arrangements. At present, it is not clear whether the guidance will be placed on a statutory footing. If so, this would provide further assurance that the updates will be provided to the NI Assembly Committee for Education as suggested.

Implementation Status:	Limited steps that have had little effect in terms of implementation
-------------------------------	--

13. The NIHRC recommends that the Secretary of State NI put in place ongoing arrangements to monitor the effectiveness of any measures taken to bring about implementation of the UN CEDAW Committee recommendation 86(d) in NI.

¹⁷⁶ NI Human Rights Commission, 'Response to the Department of Education consultation on Relationships and Sexuality Education' (NIHRC, 2023).

¹⁷⁷ NI Assembly Hansard, 'Written Question: Withdrawals from Relationships and Sexuality Education – Jim Allister MLA – AQW 12333/22-27', 24 May 2024.

¹⁷⁸ NI Assembly Hansard, 'Committee of Education: Inquiry into Relationships and Sexuality Education – Department of Education', 11 September 2024.

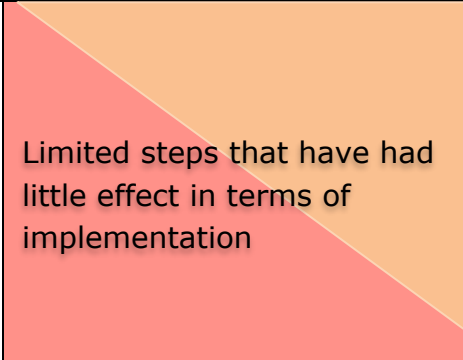
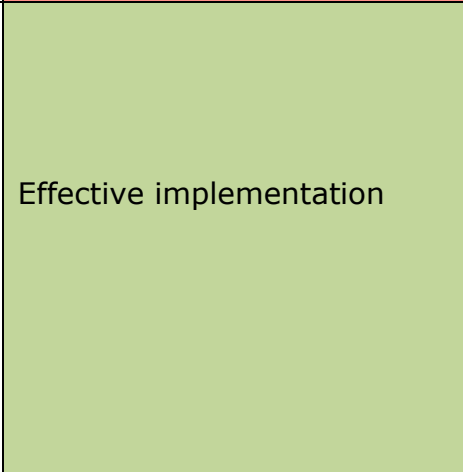
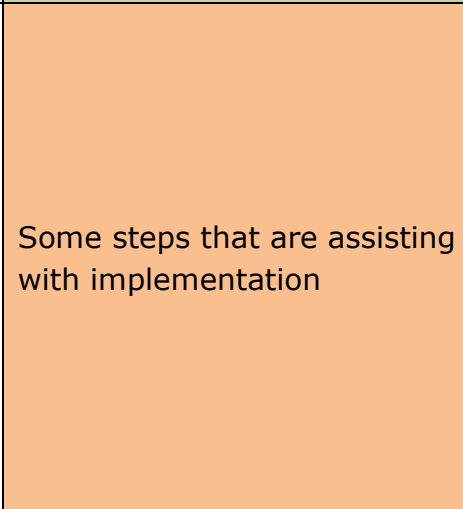
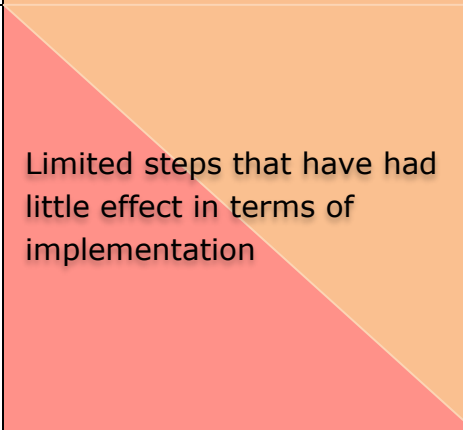
- 4.90 The Secretary of State for NI placed a duty on the Department of Education to publish a report by 1 September 2026 on the implementation of RSE in grant-aided schools in NI. Given the Department's narrow interpretation of its duties under provisions of the 2023 Regulations (see paragraphs 4.34), the NIHRC particularly welcomes the specific requirement to examine "the implementation of relationships and sexuality education" within the report. The NIHRC considers this is consistent with the requirements of the UN CEDAW Committee's Recommendation 86(d). The 2023 Regulations also require the Department of Education to consult with the statutory bodies such as the Equality Commission for NI, the NIHRC and the NI Commissioner for Children and Young People. The final report must be laid before the NI Assembly.
- 4.91 In September 2024, the Secretary of State for NI, Rt Hon Hilary Benn MP, advised that the NI Office continue to engage on a regular basis with officials in the Department of Education to monitor the implementation of the 2023 Regulations in schools across NI.¹⁷⁹

Implementation Status:	Some steps that are assisting with implementation
-------------------------------	---

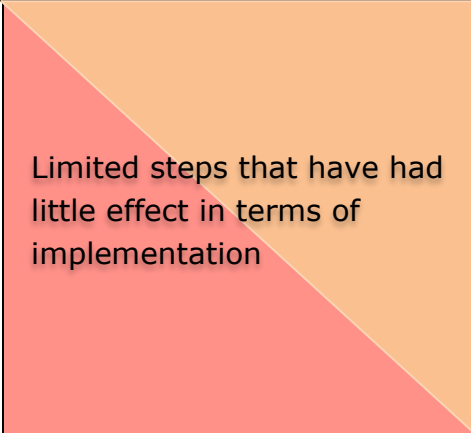
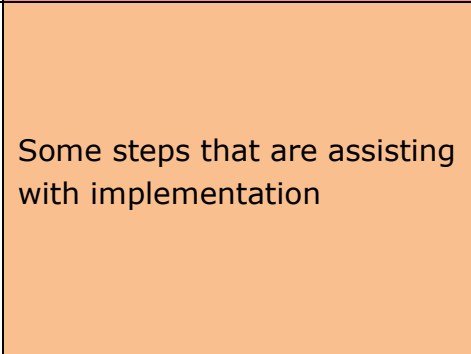
¹⁷⁹ Letter from the Secretary of State for NI to the NI Human Rights Commission, 3 September 2024.

5.0 Overview of Recommendations

	Recommendation	Implementation Status
1.	The NIHRC recommends that the Education (Curriculum Minimum Content) Order (NI) 2007 is amended to reflect the CEDAW Committee recommendation 86(d) to “make age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights a compulsory component of curriculum for adolescents, covering prevention of early pregnancy and access to abortion, and monitor its implementation.”	Effective implementation
2.	The NIHRC recommends that the NI Office, with the support of the Department of Education NI, develop options for reform of the Minimum Content Order. Draft amendments should be developed to achieve the aim of ensuring that all elements of comprehensive RSE are delivered within every school in NI. The amendments should be sufficiently prescriptive to guarantee a standard level of RSE throughout all schools in NI.	Some steps that are assisting with implementation
3.	The NIHRC recommends that the NI Office and Department of Education NI develop an implementation plan to accompany the proposed reforms to the Minimum Content Order. This should include the development of a Circular to schools providing guidance on the key elements of ‘comprehensive’ RSE. This should be developed following engagement with relevant stakeholders and experts to ensure that RSE programmes are inclusive and meet the educational needs of young people with diverse gender and sexual identities, ethnic minority students and disabled students.	Limited steps that have had little effect in terms of implementation

4.	The Department of Education NI should support schools to amend their policies and procedures relating to RSE to ensure they fully take into account any reforms to the Minimum Content Order.	 <p>Limited steps that have had little effect in terms of implementation</p>
5.	In line with the pre-existing arrangements for monitoring the delivery of the curriculum it is recommended that the 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.	 <p>Effective implementation</p>
6.	The NIHRC recommends that the implementation of the required amendments to the Minimum Content Order should be informed by the views and educational needs of young people. Care should be taken to ensure that engagement and consultation considers the needs of students with diverse gender and sexual identities, ethnic minority students and disabled students.	 <p>Some steps that are assisting with implementation</p>
7.	The Department of Education NI should support schools to include students in co-developing and evaluating RSE policies.	 <p>Limited steps that have had little effect in terms of implementation</p>

8.	The NIHRC recommends the Department of Education engage with teachers to invite their views on the supports they require to enable them to competently deliver RSE to post primary school children.	Limited steps that have had little effect in terms of implementation
9.	The NIHRC recommends that the Department of Education engage with teacher training colleges in Northern Ireland (Stranmillis University College, St Mary's University College, Queen's University Belfast and Ulster University) to ensure their programmes adequately educate newly qualified teachers in the provision of RSE. The Department of Education NI should also consider arrangements for the continuing professional development of members of the teaching profession, to ensure they are trained in the delivery of comprehensive, scientifically accurate RSE.	Limited steps that have had little effect in terms of implementation
10.	The NIHRC recommends that the Department of Education NI develop additional guidance for schools on how to establish effective partnerships with external RSE providers. This should include guidance on ensuring that programmes and resources are compliant with international human rights standards.	Some steps that are assisting with implementation
11.	The CCEA should review resources provided under the RSE hub to ensure they meet the requirements set out in CEDAW Committee recommendation 86(d).	Effective implementation

12.	<p>The NIHRC recommends that the RSE Curriculum is regularly evaluated and revised by the Department of Education NI, in order to ensure that it is accurate, human rights compliant, and adapting to emerging needs. Regular updates should be provided to the NI Assembly Committee for Education.</p>	 <p>Limited steps that have had little effect in terms of implementation</p>
13.	<p>The NIHRC recommends that the Secretary of State NI put in place ongoing arrangements to monitor the effectiveness of any measures taken to bring about implementation of the UN CEDAW Committee recommendation 86(d) in NI.</p>	 <p>Some steps that are assisting with implementation</p>

Contact us

Any queries: Colin.Caughey@nihrc.org

www.nihrc.org | info@nihrc.org | +44 (0)28 9024 3987
4th Floor, Alfred House, 19-21 Alfred Street, Belfast, BT2 8ED

