



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Response to the Department of Education
Consultation on Relationships and Sexuality
Education**

November 2023

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Summary of Recommendations

The NI Human Rights Commission recommends:

2.20 that the guidance being developed by the Department of Education articulates expressly the fundamental right of children and young people to an education and to exercise agency and autonomy in the exercise of that right.

2.21 that the Department of Education ensures that the criteria for parental withdrawal are clear and limited.

2.22 that the Department of Education develops a strategy to raise awareness of the benefits of holistic RSE and to address any myths or misconceptions relating to the provision of RSE lessons that may increase the likelihood of parental withdrawal.

2.23 that the Department of Education develops measures to mitigate against the adverse impact of children and young people being withdrawn from RSE lessons. For example, requiring schools to advise parents of the right of children and young people to education and participation; developing guidance on when children and young people may decide to opt back in to RSE lessons; and providing alternative educational arrangements for children and young people who have been withdrawn from RSE.

3.5 that the guidance being developed by the Department of Education outlines the key elements that should be included within 'comprehensive' RSE. This should be developed to achieve the aim of ensuring that all elements of comprehensive RSE are delivered within every post-primary school in NI.

3.6 that guidance is developed following engagement with relevant stakeholders and experts to ensure that RSE programmes are inclusive and meet the educational needs of all students including but not limited to disabled students, ethnic minority students those with diverse gender and sexual identities.

4.3 that the Department of Education collects data on the number of children and young people being withdrawn from RSE lessons,

including the reason for their withdrawal. Data should be disaggregated to determine whether any specific groups are disproportionately impacted by the provision for opt-outs. For example, by age, disability, ethnicity, religion and sex.

4.5 that in line with pre-existing arrangements, the ETI monitors the delivery of comprehensive RSE.

4.7 that the RSE Curriculum and statutory guidance are regularly evaluated and revised by the Department of Education NI to ensure that they are accurate, human rights compliant, and adapting to emerging needs.

5.3 that the implementation of the amendments to the Minimum Content Order is informed by the views and educational needs of children and 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.

6.4 that the CCEA should review resources provided under the RSE hub to ensure they align with a rights-based approach to RSE and meet the requirements set out in CEDAW Committee recommendation 86(d).

7.3 that the Department of Education conducts a Human Rights Impact Assessment.

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). The NIHRC is also mandated, under section 78A(1) of the Northern Ireland Act 1998, to monitor the implementation of Article 2 of the Windsor Framework, to ensure there is no diminution of rights protected in the “Rights, Safeguards and Equality of Opportunity” chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK’s withdrawal from the EU.¹ In accordance with these functions the following statutory advice is submitted to the Department of Education in response to its consultation on relationships and sexuality education.
- 1.2 The NIHRC bases its advice on the European Convention on Human Rights (ECHR), which is incorporated into UK law by the Human Rights Act 1998. Also taken into account are the other relevant treaty obligations of the Council of Europe (CoE) and United Nations (UN). The relevant regional and international treaties in this context include:
- CoE Convention on Preventing and Combating Violence against Women 2011 (CoE Istanbul Convention);²
 - UN Convention on Elimination of Discrimination against Women 1981 (UN CEDAW);³
 - UN Convention on the Rights of the Child 1989 (UN CRC);⁴ and

¹ The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. (see Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

² Ratified by the UK in 2022.

³ Ratified by the UK 1986.

⁴ Ratified by the UK 1991.

- UN Convention on the Rights of Persons with Disabilities 2006 (UN CRPD).⁵

1.3 In addition to these treaty standards, the following declarations and principles provide further guidance in respect of specific areas:

- UN ICESCR Committee General Comment No 22;⁶
- UN CRC Committee General Comment No 12;⁷
- UN CRPD Committee General Comment No 3;⁸
- UN CEDAW Inquiry Report 2018;⁹
- UN CEDAW Committee Concluding Observations 2019;¹⁰
- UN CRC Concluding Observations 2023;¹¹ and
- UN CRC Committee Statement on Article 5.¹²

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1.4 In June 2023, the NIHRC published its report following its investigation into relationships and sexuality education (RSE) in post primary schools in Northern Ireland.¹⁴ The investigation concentrated on whether the UK Government and NI Executive had made “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”.¹⁵ The Commission’s report provides a detailed analysis of the legal and policy framework

⁵ Ratified by the UK 2009.

⁶ E/C.12/GC/22, Committee on Economic, Social and Cultural Rights, General Comment No 22 on the Right to Sexual and Reproductive Health’, 2 May 2016.

⁷ CRC/C/GC/12, ‘UN CRC Committee General Comment No 12 on the Right of the Child to be Heard’, 20 July 2009.

⁸ CRPD/C/GC/3, ‘UN CRPD Committee General Comment No 3 on Women and Girls with Disabilities’, 25 November 2016.

⁹ 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.

¹⁰ CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the UK Eighth Periodic Report’, 8 March 2019.

¹¹ CRC/C/GBR/CO/6-7, ‘UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Reports of the United Kingdom of Great Britain and Northern Ireland’, 2 June 2023.

¹² 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.

¹³ 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.

¹⁴ NI Human Rights Commission, ‘Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform’ (NIHRC, 2023).

¹⁵ 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).

relating to the provision of RSE. Along with recommending an amendment to the Education (Curriculum Minimum Content) Order (NI) 2007 (Minimum Content Order), the investigation report contains a number of recommendations to support implementation. The report can also be taken in support of this response to the consultation.

2.0 Parental Opt-Outs

2.1 This issue - parental opt-outs to RSE - has been considered by the European Court of Human Rights (ECtHR). Of particular relevance to that consideration was Article 2 of Protocol No 1 of the European Convention of Human Rights (ECHR), which provides the right to education. It states that:

no person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

2.2 Article 2 of Protocol No 1 requires the State to respect parents' religious and philosophical convictions, throughout the State education system.¹⁶ However, the primary purpose of Article 2 of Protocol 1 is to guarantee to an individual the right to education. The ECtHR has highlighted that "[i]n a democratic society, the right to education ... is indispensable to the furtherance of human rights [and] plays ... a fundamental role".¹⁷

¹⁶ Kjeldsen, Busk Madsen and Pedersen v Denmark (1976) ECHR 6, at para 51.

¹⁷ Leyla Şahin v Turkey, (2004) ECHR 299, at para 137.

- 2.3 In its jurisprudence, the ECtHR has identified that RSE pursues a number of legitimate aims including the preservation of health, and the prevention of sexual violence and exploitation.¹⁸
- 2.4 The ECtHR has held that Article 2 of Protocol 1 should be viewed collectively. In *Kjeldsen v Denmark* (1976), the ECtHR highlighted that:
- the second sentence of Article 2 (P1-2) must be read together with the first which enshrines the right of everyone to education. It is on to this fundamental right that is grafted the right of parents to respect for their religious and philosophical convictions.¹⁹
- 2.5 Parents therefore may not refuse a child's right to education on the basis of their religious and philosophical convictions. Rather, the second sentence of Article 2 of Protocol No 1 aims to safeguard pluralism in education to protect the democratic society envisaged by the Convention.²⁰
- 2.6 In the case of *Isherwood and Others v The Welsh Ministers*, the Welsh RSE Code and Guidance were subject to judicial review. The grounds of challenge included the failure to allow for parental exemptions was in breach of the requirements of the second sentence of Article 2 of Protocol No 1.²¹ It was further claimed that the rights protected by Article 2 of Protocol No 1 were breached by a 'whole school' approach to RSE, without any right of excusal and without any guarantee as to the content of that education.
- 2.7 In her judgment, Mrs. Justice Steyn DBE stated:

¹⁸ *A.R. and L.R. v. Switzerland*, Application No 22338/15, judgement of 18 January 2018.

¹⁹ *Kjeldsen, Busk Madsen and Pedersen v Denmark* (1976) ECHR 6, at para 50.

²⁰ *Folgerø and Others v Norway* (2007) ECHR 2148, at para 84(b).

²¹ *Isherwood & Others, R. (On the Application Of) v The Welsh Ministers* [2022] EWHC 3331.

The State is entitled to provide teaching that (i) addresses considerations of a moral nature, provided it does not constitute an attempt at indoctrination aimed at advocating a specific kind of sexual behaviour; (ii) aims to equip pupils to protect themselves and to show consideration for others; (iii) seeks to provide pupils with knowledge of biological, ethical, social and cultural aspects of sexuality in order to enable them to develop their own moral views and an independent approach to their own sexuality, and that encourages tolerance towards human beings irrespective of their sexual orientation and identity; and (iv) aims to enable pupils to be tolerant and open to dialogue and to people whose beliefs differ from their own.²²

2.8 In dismissing the claim, she found “a close resemblance between the Welsh Government’s objectives and the purposes of teaching that the Strasbourg court considered compatible with [Article 2 of Protocol No 1] in *Kjeldsen...*”²³

2.9 Parental opt-outs have been considered by the UN CRC Committee which recommended that the UK Government and NI Executive:

integrate comprehensive, age-appropriate and evidence-based education on sexual and reproductive health into mandatory school curricula at all levels of education and into teacher training, and ensure that it includes education on sexual diversity, sexual and reproductive health rights, responsible sexual behaviour and violence prevention, without the possibility for faith-based schools or parents to opt out of such education.²⁴

²² *Isherwood & Others, R. (On the Application Of) v The Welsh Ministers* [2022] EWHC 3331, at Para 146.

²³ *Isherwood & Others, R. (On the Application Of) v The Welsh Ministers* [2022] EWHC 3331, at Para 201.

²⁴ CRC/C/GBR/CO/6-7, ‘UN CRC Committee Concluding Observations on the Combined Sixth and Seventh Reports of the United Kingdom of Great Britain and Northern Ireland’, 2 June 2023, at para 44(b).

2.10 Article 5 of the UN CRC requires States Parties to:

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

2.11 In October 2023, the UN CRC Committee published a statement on Article 5 of the UN CRC. In its statement, the Committee “affirms that all children have rights, irrespective of their age, and that, as they grow, develop, mature, and expand their social circle beyond their family, they are entitled to an increasing level of responsibility, agency, and autonomy in the exercise of those rights”.²⁵ It further observes that “parents’ responsibilities, rights and duties to guide their children is not absolute but, rather, delimited by children’s status as rights holders”.²⁶

2.12 The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 amended the Education (Northern Ireland) Order 2006 to provide 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.

²⁵ 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 5.

²⁶ 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.

- 2.13 Furthermore the 2023 Regulations amend the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007.
- 2.14 The NIHRC notes that 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), or specified elements of that education'.
- 2.15 The current consultation is unclear about whether the Department of Education intends to allow parents to request excusal from all of the education provided under Article 5(1A) or from specified elements of it. The consultation document does however note that the proposed opt-outs relate "only to the change in legislation".²⁷ The consultation document records that the proposed opt out:

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.²⁸

- 2.16 It continues with a list of topics "which all pupils must legally receive" including:

- Consent
- Violence against women and girls
- Domestic abuse
- Healthy and Respectful Sexual Relationships
- Marriage
- LGBTQ+ issues

²⁷ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

²⁸ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

- Abstinence
- Menstrual health and wellbeing
- Social Media and Online safety²⁹

2.17 That suggests that the Department of Education intends that any exemption will be limited and not be permitted for the above specified topics. The NIHRC notes, however, that many of topics listed were not specified by the Minimum Content Order prior to its amendment by the 2023 Regulations.

2.18 The Department of Education's equality and human rights screening records that parental exemptions may have an impact on the effectiveness of the changes to the Minimum Content Order.³⁰ The NIHRC suggests that, if parental opt-outs are to be permitted, the topics which a parent may excuse their child from should be defined clearly and subject to appropriate limitations. For example, the NIHRC does not consider that it is appropriate to allow a parent to excuse their child from education on identifying and reporting instances of abuse, including abusive relationships.

2.19 The screening document also notes the approach that has been taken in England and Scotland. For example, children and young people who have been withdrawn from RSE may attend lessons in one of the three terms before their 16th birthday.³¹ First and foremost, the Department of Education must identify the most appropriate measures to ensure that the right to education of children and young people is fulfilled. Care should also be taken to ensure that children and young people are not stigmatised for being withdrawn, or otherwise, from RSE lessons.

²⁹ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

³⁰ Department of Education, 'Equality and Human Rights Screening for Relationships and Sexuality Education (RSE)' (DE, 2023), at 23.

³¹ Department of Education, 'Equality and Human Rights Screening for Relationships and Sexuality Education (RSE)' (DE, 2023), at 3.

- 2.20 **The NIHRC recommends that the guidance being developed by the Department of Education articulates expressly the fundamental right of children and young people to an education and to exercise agency and autonomy in the exercise of that right.**
- 2.21 **The NIHRC recommends that the Department of Education ensures that the criteria for parental withdrawal are clear and limited.**
- 2.22 **The NIHRC recommends that the Department of Education develops a strategy to raise awareness of the benefits of holistic RSE and to address any myths or misconceptions relating to the provision of RSE lessons that may increase the likelihood of parental withdrawal.**
- 2.23 **The NIHRC recommends that the Department of Education develops measures to mitigate against the adverse impact of children and young people being withdrawn from RSE lessons. For example, requiring schools to advise parents of the right of children and young people to education and participation; developing guidance on when children and young people may decide to opt back in to RSE lessons; and providing alternative educational arrangements for children and young people who have been withdrawn from RSE.**

3.0 Guidance on Comprehensive RSE

- 3.1 As well as providing information on reproductive health, comprehensive RSE has a role in ensuring effective safeguarding by raising awareness of the risks of sexual violence and abuse and promoting an understanding of the importance of consent within sexual relationships.³² It has a further

³² Council of Europe, 'Mid-term Horizontal Review of GREVIO Baseline Evaluation Reports', (CoE, 2022) at 164

role in the prevention of harmful practices such as child early and forced marriage and female genital mutilation.³³

- 3.2 The UNESCO International Guidelines on Sexuality Education finds that education programmes will be less effective if they omit key issues. For example, it states that “failure to discuss menstruation can contribute to the persistence of negative social and cultural attitudes towards it”.³⁴
- 3.3 Human rights treaty bodies have further found that holistic RSE goes beyond education about risks and provides an opportunity to present relationships and sexuality in a way that also includes its positive aspects, such as friendship and relationships based on mutual respect and gender equality.³⁵ It should be inclusive of the needs of marginalised groups including, but not limited to, deaf and disabled persons,³⁶ LGBTQIA+ persons,³⁷ and persons of national or ethnic minority background.³⁸
- 3.4 To satisfy its duty to issue ‘guidance on the content and delivery of the education required to be provided by virtue of Article 5(1A)’, the Department of Education should clearly define the elements that must be included within the curriculum for every grant-aided school. In doing so the Department should have due regard for international human rights standards.
- 3.5 **The NIHRC recommends that the guidance being developed by the Department of Education outlines the key elements that should be included within ‘comprehensive’ RSE. This should be developed to**

³³ 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 18.

³⁴ 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 18.

³⁵ Council of Europe, ‘Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence’, (CoE, 2011) at para 94.

³⁶ CRPD/C/GC/3, ‘UN CRPD Committee General Comment No 3 on Women and Girls with Disabilities’, 25 November 2016, at para 64(b).

³⁷ E/C.12/GC/22, Committee on Economic, Social and Cultural Rights, General Comment No 22 on the Right to Sexual and Reproductive Health’, 2 May 2016, at para 23.

³⁸ E/C.12/GC/22, Committee on Economic, Social and Cultural Rights, General Comment No 22 on the Right to Sexual and Reproductive Health’, 2 May 2016, at para 30.

achieve the aim of ensuring that all elements of comprehensive RSE are delivered within every post-primary school in NI.

- 3.6 The NIHRC recommends that guidance is developed following engagement with relevant stakeholders and experts to ensure that RSE programmes are inclusive and meet the educational needs of all students including but not limited to disabled students, ethnic minority students those with diverse gender and sexual identities.**

4.0 Data Collection and Monitoring

- 4.1** The UN Committee, in its 2019 concluding observations to the UK, recommended that the UK Government and NI Executive “systematically collect and publish data, disaggregated by sex, gender, ethnicity, disability and age, throughout the whole of its territory to inform policymaking and assess the impact of measures taken”.³⁹
- 4.2** The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 require the Department of Education to publish a report on the implementation of RSE in grant-aided schools by the 1st September 2026. In assessing the effectiveness of the amendments to the curriculum, it will be essential to collect data on the extent and impact of parental opt-outs.
- 4.3** **The NIHRC recommends that the Department of Education collects data on the number of children and young people being withdrawn from RSE lessons, including the reason for their withdrawal. Data should be disaggregated to determine whether any specific groups are disproportionately impacted by the provision for opt-outs. For example, by age, disability, ethnicity, religion and sex.**

³⁹ CEDAW/C/GBR/CO/8, ‘UN CEDAW Committee Concluding Observations on the Eighth Periodic Report of the UK of Great Britain and NI’, 14 March 2019, at para 26(d).

- 4.4 By its inspection of child protection and safeguarding policies and practices, the Education and Training Inspectorate (ETI) routinely assesses whether schools have an appropriate policy for the delivery of RSE within the curriculum. Continued monitoring of the implementation of amendments to the Minimum Content Order will be necessary to ensure compliance.
- 4.5 **The NIHRC recommends that in line with pre-existing arrangements, the ETI monitors the delivery of comprehensive RSE.**
- 4.6 The CoE Commissioner for Human Rights has recommended that RSE curricula “should also be regularly evaluated and revised, in order to ensure that they are accurate and meet existing needs”.⁴⁰ The NIHRC considers that there is a need for continual monitoring of arrangements to ensure that reforms to the Minimum Content Order are properly implemented.
- 4.7 **The NIHRC recommends that the RSE Curriculum and statutory guidance are regularly evaluated and revised by the Department of Education NI to ensure that they are accurate, human rights compliant, and adapting to emerging needs.**

5.0 The Voice of Children and Young People

- 5.1 In its General Comment No 12, the UN CRC Committee advises that “States parties should consult children at the local and national levels on all aspects of education policy”⁴¹, noting that “the views expressed by

⁴⁰ Dunja Mijatović, ‘Press Release: Comprehensive sexuality education protects children and helps build a safer, inclusive society’, 21 July 2020.

⁴¹ CRC/C/GC/12, ‘UN CRC Committee General Comment No 12 on the Right of the Child to be Heard’, 20 July 2009, at para 111.

children may add relevant perspectives and experience and should be considered in decision-making, policymaking and preparation of laws and/or measures as well as their evaluation".⁴²

5.2 The NIHRC recognises that the Department of Education is working to a tight timeframe, of 1 January 2024, to develop its statutory guidance, but notes the absence of any children and young person's version of the consultation document. The NIHRC considers that children and young people should be engaged in both the development of RSE guidance and in the circumstances relating to opt-outs.

5.3 The NIHRC recommends that the implementation of the amendments to the Minimum Content Order is informed by the views and educational needs of children and 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.

6.0 Teaching and Learning Resources

6.1 The UN CEDAW Committee has made clear that RSE should include scientifically based information relating to contraceptives and access to abortion services.⁴³ Human rights bodies have further found that education programmes should be 'non-judgemental' and should take care not to reinforce harmful and demeaning stereotypes.⁴⁴

6.2 Within this consultation document, the Department of Education is seeking views on whether:

⁴² CRC/C/GC/12, 'UN CRC Committee General Comment No 12 on the Right of the Child to be Heard', 20 July 2009, at para 12.

⁴³ 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).

⁴⁴ INTERIGHTS v. Croatia (2009) Complaint No. 45/2007 (European Committee of Social Rights), at para 61.

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.⁴⁵

6.3 The NIHRC investigation found many resources available on the CCEA RSE Hub that align with a rights-based approach to RSE. However, further analysis is required to ensure that there is comprehensive and scientifically accurate information on access to abortion services and that resources do not reinforce harmful norms and stereotypes.⁴⁶

6.4 **The NIHRC recommends that the CCEA should review resources provided under the RSE hub to ensure they align with a rights-based approach to RSE and meet the requirements set out in CEDAW Committee recommendation 86(d).**

7.0 Human Rights Impact Assessment

7.1 The screening document notes that a number of rights may be engaged by the amendment to the Minimum Content Order and its implementation. It states that actions to promote human rights will be included in the guidance being developed by the Department of Education.⁴⁷

⁴⁵ Department of Education, 'Consultation on Relationships and Sexuality Education (RSE)' (DE, 2023), at 9.

⁴⁶ NI Human Rights Commission, 'Relationships and Sexuality Education in Post-Primary School in NI: A Compelling Case for Reform' (NIHRC, 2023), at 64 and 68.

⁴⁷ Department of Education, 'Equality and Human Rights Screening for Relationships and Sexuality Education (RSE)' (DE, 2023), at 24.

7.2 In line with the Department's obligations under the Human Rights Act 1998 and the Northern Ireland Act 1998, a Human Rights Impact Assessment should always be completed before the development of law and policy. In the instant case, this means that a full human rights impact assessment should be conducted to inform the development of the statutory guidance and regulations on parental withdrawal.

7.3 The NIHRC recommends that the Department of Education conducts a Human Rights Impact Assessment.

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