Sexuality Education in the EU

"Sex education" in a broader social context

SUMMARY Against the background of a vibrant, mobile EU, in which young Europeans are exposed to many sexual health risks, the issue of how to give young people the tools to make informed sexual choices remains both crucial and hotly debated.

As a social issue, there is little agreement on whether and how sexuality education should encourage the use of contraceptives or address issues of gender identity – or at what age – but academic evidence suggests the most effective programmes are comprehensive and begin at as early an age as possible.

Across the Member States, practices differ considerably. In some EU countries, sexuality education is not mandatory and is begun quite late, while in others comprehensive programmes are run across the school-age curriculum for all children.

The EU has had limited policy influence in this area, mostly through funding for projects under its Health Programme. Because it falls under Member State competences, very little EU law applies to sexuality education policy.

The Council of Europe has been active in this area. There have been a number of high-profile cases before the European Court of Human Rights in the recent past.



In this briefing:

- Issue definition
- The Sexuality Education debate
- Situation in EU Member States
- European policy
- Main references

Issue definition

Sexuality education (SE) is a wide-ranging topic that encompasses the transmission of core values, skills and attitudes on sexuality and sexual behaviour, usually to young people in school¹. As such it is a wider concept than 'sex education', because it seeks to place sex within a relationship and social context.

The goals of SE are to reduce the risks of:

- transmission of sexually transmitted diseases (STDs)
- unwanted pregnancy
- sexual violence and harassment

In addition, SE often promotes diversity, by teaching respect for different sexual identities, in particular Lesbians, Gays, Bisexuals and Transgendered (LGBT). This is seen as important in the context of protecting the human rights of members of this community².

Because SE concerns itself with the transmission of social norms that have changed considerably in recent decades, and which are still changing, there has been ongoing political and media debate in Europe, mostly focusing on two points:

Curriculum content

The content of sexuality education curricula, in particular whether educators should encourage the use of contraception as part of the SE (comprehensive sex education), or

Author: Graham Stull 120262REV2

E-mail: graham.stull@europarl.europa.eu Tel: 32859



whether the emphasis should be on encouraging abstinence.

Mandatory or optional

Whether SE should be mandatory³, and what opt-outs should be allowed, if any, for parents from particular religious backgrounds who object to the SE content for their children.

EU dimension

With more and more intra-EU mobility of citizens expected in the coming decades, a harmonised approach to SE is seen as a means to help facilitate healthy and safe sexual relations across the Union's broad cultural and social spectrum.

The Sexuality Education debate

Public debate

Whether it is right to introduce sexual concepts to children, how it should be done, and at what age, are first and foremost questions of social norms and values. These are still very much disputed throughout Europe and across the world.

The moral arguments are especially relevant in discussions concerning the extent to which SE should deal with issues of gender identity. While all EU states formally recognise (and to some extent explicitly protect) gender identity rights, many Europeans, and a number of Europe's mainstream religious organisations, regard homosexuality as immoral.

On the other hand, many other Europeans, and civil rights groups, regard sexual and reproductive health rights as fundamental. As such, they see SE policy as an element of a broader human rights policy. This is also a moral argument.

Beyond arguments on the grounds of morality, proponents of abstinence-based SE often argue that comprehensive sex education encourages promiscuous behaviour. In this way, they feel, children are put at greater risk.

Academic debate

The academic debate focuses on how best to achieve the goals of better sexual health. Foundational research in the area suggests that while SE programmes can increase knowledge among young people, they do little to influence behaviours and social norms⁴. These, it is argued, are formed by environmental factors, including exposure to images in the media, family experiences and peer pressure.

However, other evidence suggests this may be a consequence of the fact that those early SE programmes targeted children who were already in their mid to late teens, and that if SE is to have a positive effect on attitudes, it should begin before young people reach puberty.

Evidence on SE strategies

A US study on abstinence-based SE programmes found that these had little impact on reducing sexual activity, transmission of STDs or pregnancy, compared with comprehensive education programmes.

Contrary to assertions made by advocates from the abstinence-only movement, there is no evidence to support the claim that comprehensive sex education increases sexual activity among young people. Recent research for European countries has also supported this conclusion.

Legal debate

At its most fundamental, the legal debate over the provision of SE represents a conflict between two distinct civil rights: the basic rights of the child to education and knowledge needed to protect her/his health; and the rights of parents to conduct the education of their children in accordance with their own beliefs.

Situation in EU Member States

SE varies widely across the Union in terms of the age at which children begin the curriculum, whether it is mandatory or not (see figure 1), and also how much of the

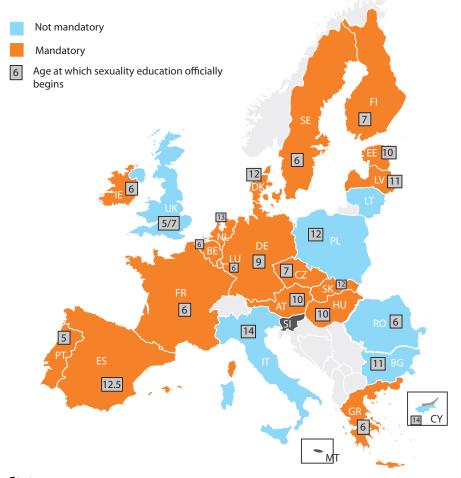
Author: Graham Stull120262REV2E-mail: graham.stull@europarl.europa.eu Tel: 32859Page 2 of 5



content is mandated by minimum standards.

In general, systems which provide more autonomy and are more decentralised are less likely to provide comprehensive SE regimes that reach all children. Research shows the more discretion individual teachers have, the less complete the SE outcomes will be for children, regardless of the formal requirements at state level. In EU countries, resistance to SE policies is often greatest in rural areas, among immigrant populations, and among adherents of strict minority faiths.

Figure 1 - Sexuality Education in the EU Member



many European countries, the core questions in the debate are not *whether* to impose mandatory curricula in this area, but *how* those curricula should be written.

For example, a recent debate in France focused on whether SE curricula should regard sexual identity as something purely determined by biology, or whether social and environmental factors influence a person's identity outcome.

Germany

Everywhere in Germany, school curricula are well defined and are set by public bodies, with relatively little discretion over content at school level. However, in comparison with

other MS, German educational policy is relatively decentralised. The *Länder* have broad discretion over many aspects of school curricula, including SE programmes.

Recently, a legal challenge the German Constitutional Court gained much attention in the media. The case concerned fines imposed on parents who refused to allow their children to participate in SE, on religious grounds. The Court ruled that grounds for exemptions could not be justified, and that the SE programme in question was consistent with the goals of safeguarding the children's sexual health. With the help of religious activists,

the petitioners appealed to the European Court of Human Rights (see Dojan case in next section, "Council of Europe").

United Kingdom

The UK has seen ongoing debate over the nature and extent of SE policy. In January 2012, a controversial bill was proposed

States

Source: Parker et al (2009); for LT and RO: national administrations; no or insufficient data shown in grey.

Debates in MS on the 'if and how'

SE policy in Europe is more pro-active and pro-contraceptive than that practiced in most other places in the world. Hence, in

Author: Graham Stull120262REV2E-mail: graham.stull@europarl.europa.eu Tel: 32859Page 3 of 5



which would have required schools to offer extra classes to girls aged 13 to 16 on the benefits of abstinence. The draft law angered feminist and pro-abortion groups, before being removed by the parliamentarian who proposed it.

Poland

Among larger MS, Poland has had the greatest difficulty in implementing SE policy. Although SE - known as "Education for family life' - is obligatory for schools to provide, students may opt out of the classes. These difficulties have been attributed to the pervasive influence of the Catholic Church, especially in rural areas.

European policy

EU policy

Not strictly an EU competence, the Union

has nevertheless some indirect influence on how SE policy is shaped at Member State level.

EU programme funding

The EU co-funds a number of projects with direct relevance to SE in Europe. The funding is managed under the EU's Health Programme, currently 2008 - 2013. Of these, one of the most significant is the SAFE II project. Building on the achievements of SAFE (2004-2007), SAFE II targets cooperation, coordination and public harmonisation of health policies across EU MS. addition In to fundina research, SAFE II works for the

development and dissemination of "good practices" regarding young people's Sexual Reproductive Health Rights (SRHR).

Another project, **Boys and Girls**, develops information resources targeting the at-risk group of 15-25 year olds who are not at school and not at work. Sexual health is

dealt with, alongside nutrition and substance abuse.

Given their cross-border dimension, these projects are consistent with the goal of harmonising SE policies across the Union.

EU law

The Charter of Fundamental Rights (CFR) does not explicitly mention sexual health policy. However, Article 14 (1) does guarantee the right to education, while Article 14 (3) gives parents the right to ensure the education and teaching of their children is in conformity with "religious, philosophical and pedagogical convictions".

With the entry into force of the Lisbon Treaty in 2009, the provisions of the CFR have acquired binding force on the same level as the Treaties. However, there have been no cases before the CJEU regarding

exemptions to SE on the grounds of Article 14 (3). It is important to note, though, that, since the CFR applies to EU law and institutions, the European Court of Human Rights will continue to be the main forum for cases in this field.

EP position

The European Parliament has consistently promoted better sexual health education policies, including information on contraception.

In a 1995 legislative resolution adoption the of Community health programme, the Parliament called for the Promotion of greater integration of sex education through pilot projects.

Parliament reiterated the importance of SE in the context of overall youth policy in its 2009 resolution for an EU Strategy for Youth.

Council of Europe

Article 11 of the European Social Charter of the Council of Europe (CoE) obliges the Contracting Parties to take "to measures provide advisory and educational facilities for the promotion of health and the encouragement of individual respons-

ibility in matters of health..."

European Committee of Social Rights

This has been interpreted by the European Committee of Social Rights, which adjudicates on adherence to the ESC, to include sexual education from primary to secondary. However, the provisions do not make clear what must be included in the curriculum,

120262REV2 Author: Graham Stull E-mail: graham.stull@europarl.europa.eu Tel: 32859 Page 4 of 5



Sexuality Education in the EU

leaving countries with wide discretion over the content of SE curricula.

A recent case concerning Croatia, in which abortion and feminist groups took an unsuccessful case against Croatia's proabstinence policy, underscores openness of the Council of Europe's provisions.

European Court of Human Rights

In a 1976 case brought by three families against Denmark, the European Court of Human Rights (ERCH) ruled that the Danish law did not overstep the bounds of what a democratic State might regard as the public interest, and that therefore religious and philosophical beliefs had not disrespected, under Article 2 of Protocol No 1 (right to education) to the European Convention of Human Rights.

In 2011, the European Court of Human Rights ruled inadmissible the cases of **Dojan** and others v. Germany, who sought to have their children exempted from mandatory sex education classes, also on the basis of Article 2 of Protocol No 1 (ECHR).

The CoE also cooperated with the NGO YouAct in the 2008 publication of the charter Sexual and reproductive health and rights of young people, which includes a chapter on Comprehensive Sexuality Education.

Main references

Sexuality education in Europe: an overview of current policies, / by Parket, R, Wellings K and Lazarus J, in Sex Education, Vol. 9, No 3, August 2009, 227-242.

Aspects of sexuality education in Europe definitions, differences and developments. / by Loeber, O., Reuter, S., Apter, D., van der Doef, S., Lazdane, G., Pinter, B, in European Journal of Contraception & Reproductive Health Care, Vol. 15, No 3, June 2010, p 169-176

Disclaimer and Copyright

This briefing is a summary of published information and does not necessarily represent the views of the author or the European Parliament. The document is exclusively addressed to the Members and staff of the European Parliament for their parliamentary work. Links to information sources within this document may be inaccessible from locations outside the European Parliament network. © European Union, 2012. All rights reserved.



http://www.library.ep.ec

Endnotes

- ¹ It is important to note that while SE is often assumed to apply only to school-age children, this is not exclusively so. For example, SE programmes are receiving increasing attention in the context of the rehabilitation of perpetrators of acts of sexual violence. See, for example, Buston, K. (2008) Behind and beyond the prison bars
- ² See Library Briefing The European Union and rights of LGBT people for a more in-depth discussion of anti-discrimination measures in the Union.
- ³ Given the heterogeneity of educational systems, and the vagueness of what exactly constitutes sexuality education, any definition of "mandatory" SE will necessarily be somewhat arbitrary. For the purposes of this briefing, SE is considered to be 'mandatory' if at least at some point during the mandatory school cycle, schools are required to provide - and children are required to attend - a module on human reproductive health.

⁴ See Kirby D (1985) Sexuality Education: A more realistic view of its effects in Journal of School Health, Vol. 55, Issue 10.

120262REV2 **Author:** Graham Stull Page 5 of 5

E-mail: graham.stull@europarl.europa.eu Tel: 32859