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*Plenary sitting*

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**B9-0168/2019**

6.11.2019

## MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Commission

pursuant to Rule 132(2) of the Rules of Procedure

on the criminalisation of sexual education in Poland  
(2019/2891(RSP))

**Jörg Meuthen, Christine Anderson, Gunnar Beck, Annika Bruna, Markus  
Buchheit, Nicolaus Fest, Joachim Kuhs, Guido Reil, Maximilian Krah**  
on behalf of the ID Group

**European Parliament resolution on the criminalisation of sexual education in Poland (2019/2891(RSP))**

*The European Parliament,*

- having regard to the Convention on the Rights of the Child,
  - having regard to the European Convention on Human Rights, in particular Article 9, relating to the right to belief and conscience, and the jurisprudence of the European Court of Human Rights,
  - having regard to Articles 2, 67, 83 and 165 of the Treaty on the Functioning of the European Union (TFEU),
  - having regard to the lack of any relevant legislation in Poland,
  - having regard to the World Health Organisation Regional Office for Europe’s ‘Standards for Sexuality Education in Europe’<sup>1</sup>,
  - having regard to its resolution of 10 December 2013 on Sexual and Reproductive Health and Rights<sup>2</sup>,
  - having regard to the Commission statement of 21 October 2019 on the criminalisation of sex education in Poland,
  - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas the rights of the human person, even though they are expressed as rights of the individual, have a fundamental social dimension which finds its essential and fundamental expression in the family;
- B. whereas the Commission stated during Parliament’s debate of 21 October 2019 that there is no legislation currently in force that criminalises sex education in Poland, and that Member States have exclusive competence for education policy, and thus for the content of teaching and the organisation of their education systems;
- C. whereas comprehensive sexuality education entails a controversial so-called ‘rights-based’ approach to sex education that encompasses much more than just teaching children and young people about sexual intercourse and human reproduction;
- D. whereas there are no binding UN documents or treaties that mention or provide for a right to comprehensive sexuality education;
- E. whereas there is no single universal definition of comprehensive sexuality education

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<sup>1</sup> <https://www.bzga-whocc.de/en/publications/standards-in-sexuality-education/>.

<sup>2</sup> OJ C 468, 15.12.2016, p. 66.

and what it entails;

- F. whereas Article 5 of the Treaty on European Union (TEU) states that the limits of Union competences are governed by the principle of conferral, that the use of Union competences is governed by the principles of subsidiarity and proportionality, and that competences not conferred upon the Union in the Treaties remain with the Member States;
  - G. whereas Article 67 of the TFEU states that the Union shall respect the different legal systems and traditions of the Member States, and that the Court of Justice of the European Union is the only institution able to pass judgment on possible treaty violations by Member States;
  - H. whereas from an early age young people are widely exposed to pornographic content, especially through the internet, both at home and at school;
  - I. whereas the sexualisation of young boys and girls in the media is a phenomenon that affects the emotional development and sex lives of both women and men, and helps to perpetuate gender stereotyping and sexual violence;
  - J. whereas education is one of the best ways to impart values such as peace, understanding of human dignity and justice via formal, non-formal and informal education methods within the family and in state schools, and that the main responsibility for a child's education always lies primarily with their parents;
1. Recalls Parliament's position expressed in its landmark resolution on sexual and reproductive health and rights<sup>3</sup>, which stated that the formulation and implementation of sexual education in schools is a competence of the Member States;
  2. Recalls that there is no legislation on 'the criminalisation of sex education' currently in force in Poland;
  3. Adopts the stance that parents have the right and duty to educate their children, and that, in particular, providing sex education is a basic right of parents, and must always take place under their close supervision, whether at home or in educational centres chosen by them and subject to their oversight;
  4. Believes that the primary right of parents to educate their children must be upheld in all forms of cooperation between parents, teachers and school authorities, and particularly in forms of participation designed to give parents a voice in the running of schools and the formulation and implementation of education policies;
  5. Is of the view that the work of mothers and fathers in the home must be recognised and respected because of its value for the family and for society;
  6. Recalls that the best interests of the child should be the guiding principle for those

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<sup>3</sup> OJ C 468, 15.12.2016, p. 66.

responsible for the education and nurturing of boys and girls;

7. Reminds Member States that parents should receive the necessary support and assistance to perform their educational role properly;
8. Stresses that the role and supervision of parents and the family is particularly necessary given that from an early age young people can have access to pornographic and degrading content, especially via the internet; emphasises, therefore, that sex education must be part of the natural development of young people's emotional dimension, and that it is important to implement all necessary measures to enhance mutually respectful relationships with members of the opposite sex; encourages the Member States to introduce campaigns directed at parents and at adults who work with young people, in order to raise their awareness of the harmful effects of pornography on adolescents;
9. Condemns the inappropriate recommendation made by the World Health Organisation Regional Office for Europe, in cooperation with the German Federal Office for Health Education (BZgA), that proposed early childhood masturbation for children up to the age of four; calls, more generally, for greater caution and a more critical view of gender studies, which form the theoretical basis of such publications; expresses concern about recent reports that such studies have been manipulated for political purposes;
10. Recognises that public policy exemptions safeguard the right of Member States to protect their fundamental values as expressed in their substantive family and education laws, and that they shield against the import of foreign legal concepts that may not exist in Member States' domestic legal order, or that may even be illegal, which would result in the parallel existence of EU and national legal orders, with the risk of spill-over effects and reverse discrimination;
11. Recalls – in accordance with the principle of 'public policy doctrine' – that a child's parents or legal guardians have the freedom to ensure that the child receives an education in line with their own convictions, that children should not be compelled to receive sex education against the wishes of their parents or legal guardians, and that the best interests of the child are the guiding principle that guarantees their full physical and psychological health and well-being;
12. Calls, therefore, for the EU institutions, bodies and agencies to comply with EU law, and refrain from any intervention in this policy area that would reinterpret the current legal basis;
13. Instructs its President to forward this resolution to the Government and the Parliament of the Republic of Poland, the Council and the Commission.