



## The Status of “Sexuality Education” Under International Law

### Overview

Contrary to the claims of UN agencies, International Planned Parenthood Federation (IPPF), and other Western-funded donor entities, there is no international human right to “sexuality education.” In this brief, the term “sexuality education” will be used interchangeably with “comprehensive sexuality education” (CSE) because the UN also uses them interchangeably to refer to the same harmful curricula. “Sexuality education” is not mentioned in any binding UN document. In fact, it remains one of the most controversial issues at the UN.

Notwithstanding the foregoing, UNESCO claims in its 2018 “International Technical Guidance on Sexuality Education” that a body of evidence shows that “comprehensive sexuality education” is mandated by international agreements and standards. This is highly inaccurate and grossly misleading. The provisions UNESCO cites in its Guidance, however, do not even mention CSE, and in fact, in many of the documents that UNESCO cites, CSE was even specifically rejected when those documents were negotiated by UN Member States. In the few UN documents where the terms “comprehensive sexuality education” and/or its equivalent “comprehensive education on human sexuality” were adopted, these consist of either:

1. Non-binding resolutions, most of which were negotiated by a subset of UN Member States before the harmful nature of CSE was widely known;
2. Non-binding pronouncements by activist UN committees that were acting beyond their authority since the agreements they monitor do not mention; or
3. Non-binding references to CSE by UN entities or in UN reports that have never been agreed to by the UN body of Member States.

The reality is, once many UN Member States became aware of the harmful nature of CSE, they began refusing to accept the term “comprehensive sexuality education” in *any* UN negotiated documents, including in the UN Sustainable Development Goals. In fact, currently CSE is one of the most divisive issues at the UN, polarizing UN Member States—with Western donor countries usually on one side and developing countries (especially African states) on the other side.

Even though African and other delegations have strongly opposed any references to CSE in UN policies, this has not stopped UN agencies, UN treaty body monitoring committees, or UN experts from claiming CSE is an international right. But one has to question why? It is not a coincidence that all these pro-CSE UN entities and likeminded NGOs are largely funded by the same donor countries. These CSE advocates then all work together bullying, blackmailing and bribing developing countries to accept and implement CSE. They also deceive nations about what CSE really is and about their goals to change the gender and sexual norms of conservative

countries to advance LGBT, abortion and autonomous sexual rights for children. However, as long as nations that oppose CSE continue to contest and reject it due to its harmful effects on children as they have done so far, CSE will remain a non-consensus topic at the UN and elsewhere. For example, fights over CSE contributed in large part to outcome documents being withdrawn from negotiations at the UN Commission on Population and Development because States bitterly disagreed on its inclusion.

### **Common Strategies Used by CSE Advocates**

Since UN agencies and their allies that promote CSE have been so unsuccessful in getting the entire body of UN Member States to willingly adopt CSE as an international human right, CSE advocates have resorted to a number of other strategies to push for its adoption in non-binding documents. Their hope is that the more times CSE is mentioned in UN documents, the more Member States will assume CSE is an international norm, standard, and even a human right, and thus begin to support (or at least not oppose) its inclusion. The wording CSE advocates have used in such non-binding documents is bolded and highlighted below to make it easier for you to fully understand their various language strategies.

#### **1. Strategy to Include CSE as a Derivative Right**

CSE advocates allege that CSE is part of, or at least inferred from, the separate and well-established rights of health, education and non-discrimination—even though those rights were formulated long before CSE ever was developed by sexual rights activists.

For example, the CESCR Committee issued a non-binding comment stating that “the right to sexual and reproductive health, **combined with the right to education (articles 13 and 14), entails a right to education on sexuality and reproduction that is comprehensive...**”<sup>1</sup>

Yet this is just a non-binding, ultra vires opinion by CSE activists that managed to get themselves on this UN committee. Indeed, the rights to health and education were established long before CSE was invented by sexual rights activists, and a major study on CSE shows that CSE is more likely to undermine sexual health rather than enhance it.<sup>2</sup>

As another example, the activist CEDAW committee issued a general recommendation that “States parties should ensure **the rights of female and male adolescents to sexual and reproductive health education** by properly trained personnel in specially designed programmes that respect their **right to privacy and confidentiality**. Particular attention should be paid to the **health education of adolescents**, including information and counselling on all methods of family planning.”<sup>3</sup>

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<sup>1</sup> Committee on Economic, Social and Cultural Rights General Comment No. 22 on the Right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights) 2016.

<sup>2</sup> Weed, S., Ericksen, I. (2019). Institute for Research and Evaluation. *Re-Examining the Evidence for Comprehensive Sex Education in Schools: A Global Research Review*. Retrieved from SexEdReport.org

<sup>3</sup> CEDAW General Recommendation No. 24: Article 12 of the Convention (Women and Health) Adopted at the Twentieth Session of the Committee on the Elimination of Discrimination against Women, in 1999 (Contained in Document A/54/38/Rev.1, chap. I).

The wording used in this CEDAW recommendation is not specific to CSE, but CSE advocates also argue that CSE is encompassed within “sexual and reproductive health education” (see CSE strategy #4 below to change up the wording). Further, the credibility of the CEDAW committee has been greatly undermined by its radical recommendations to countries, such as telling China it had to legalize prostitution and reprimanding Belarus for instituting a Mother’s Day that the CEDAW Committee called a negative stereotype for women.<sup>4</sup> UN committees are notorious for issuing random comments, observations and recommendations on issues never even mentioned in the treaties they are interpreting.

Another example of trying to make CSE a derivative of other rights is a Human Rights Council resolution stating that Member States should take measures “to empower women by, inter alia, strengthening their economic autonomy and ensuring their full and equal participation in society and in decision-making processes by adopting and implementing social and economic policies that guarantee women full and equal access to quality education, **including comprehensive sexuality education...**”<sup>5</sup>

It should be noted that this non-binding resolution adopted by only 47 states was back in 2017 before many nations were privy to the harmful nature of CSE. More recently, for example, the UN World Assembly in 2021 soundly rejected the following CSE paragraph: “OP10 - To provide accessible gender-sensitive, free from gender stereotypes, evidence-based and appropriate to age and evolving capacities **sexuality education to children...**”

## **2. Strategy to Negotiate CSE into UN Resolutions on Other Matters**

CSE advocates have been able to include CSE in a number of non-binding UN resolutions because they were negotiated by a subset of Member States who were aligned on the main topic addressed in those resolutions.

For example, in an HRC resolution on violence against women, Member States are encouraged to develop and implement “educational programmes and teaching materials, **including comprehensive sexuality education**, based on full and accurate information, for all adolescents and youth, in a manner consistent with their evolving capacities, with appropriate direction and guidance from parents and legal guardians, with the active involvement of all relevant stakeholders...”<sup>6</sup>

## **3. Strategy to Change Up the CSE Wording**

Because the nature of “comprehensive sexuality education” is now better understood, and the term has become toxic among many governments, CSE advocates have changed a bit the wording and/or its order in documents under negotiation with the hope that Member States will

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<sup>4</sup> Concluding observations of CEDAW: China. 05/02/99. A/54/38, paras. 251-336; Concluding observations of CEDAW: Belarus. 04/02/2000. A/55/38, paras. 334-378.

<sup>5</sup> Human Rights Council: Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls. A/HRC/35/L.15 2017.

<sup>6</sup> Human Rights Council: Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls. A/HRC/35/L.15 2017.

assume it refers to something else. Do not be deceived.

More specifically, CSE advocates, aware of the strong opposition to CSE, have begun to relabel and repackage CSE programs as “sexual and reproductive health” education or even “home and family life education” in order to smuggle them into national policies and programs.<sup>7</sup> For example, a general comment by the CRC committee addresses the term CSE slightly differently by suggesting that “Age-appropriate, **comprehensive and inclusive sexual and reproductive health education**, based on scientific evidence and human rights standards and developed with adolescents, should be **part of the mandatory school curriculum...**”<sup>8</sup>

During discussions among the subset of Member States that negotiated the CSW resolution on women and HIV/AIDS, the inclusion of CSE was specifically rejected. Yet UNESCO claims that the following wording in the final resolution includes CSE by inference: “**comprehensive information and education** ... on, matters related to sexuality [of women], **including their sexual and reproductive health...**”<sup>9</sup>

Governments should forcefully push back on such phrases when they can be interpreted to include CSE.

#### **4. Strategy to Obtain CSE Commitments on the National and/or Regional Levels**

CSE advocates have been able to persuade groups of ministers of health and education who are not privy to the deceptive nuances in language formulations with regard to CSE to commit to CSE on a regional basis and make their political agreement look more international in nature, thus implying that CSE has wide policy (and even legal) support.

For instance, unsuspecting African ministers of health and education made a political commitment in 2013 to “lead by bold actions to ensure quality **comprehensive sexuality education** and youth-friendly sexual and reproductive health services in the ESA region. Specifically, we commit to ... **deliver comprehensive sexuality education** and youth-friendly SRH services that will strengthen our national responses to the HIV epidemic and reduce new HIV/STI infections” and “[i]nitiate and scale up **age-appropriate CSE** during primary school education to reach most adolescents before puberty, before most become sexually active...”<sup>10</sup>

UN agencies and Planned Parenthood repeatedly cite to the foregoing regional ministerial declaration to claim an international right to CSE. However, it is a regional political commitment

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<sup>7</sup> A CSE manual published by UNFPA and Ghana actually states, “The term ‘Comprehensive Sexuality Education’ is used in many international guidelines ... This terminology, however, has been received with mixed reactions in Ghana and some other countries partly because of misconception that teaching young people anything related to sexuality will encourage them to have sex ... For the proposed guidelines the term Comprehensive Sexual and Reproductive Health Education (CSRHE) has been adopted instead of CSE, to reflect the general acceptance of the concept of sexual and reproductive health for young people in the country” (UNFPA 2015).

<sup>8</sup> Committee on the Rights of the Child CRC/C/GC/20, General comment No. 20 on the implementation of the rights of the child during adolescence 2016.

<sup>9</sup> See supra Resolution 60/2.

<sup>10</sup> Regional references Ministerial Commitment on comprehensive sexuality education and sexual and reproductive health services for adolescents and young people in Eastern and Southern African (ESA), (2013).

that can even be rescinded because it is not a binding UN treaty or convention. Moreover, at the time they signed the declaration, the ministers were manipulated by CSE advocates into believing CSE will prevent HIV, teen pregnancy and STDs. They had no idea how bad CSE was, as evidenced by the fact that countless times since the ministerial declaration was issued the African Group at the UN has adamantly opposed the inclusion of CSE in UN documents. For example, the African Group issued the following reservation during the adoption of the UN sustainable goals: “With regard to information and education in the context of sexual and reproductive health services, as referred under Goal 3 ... the African Group does not think that comprehensive sexual education should be include as part of it. First and foremost, parents have the right to choose the type of education to give to their children—a right enshrined in the Universal Declaration of Human Rights, which must be respected.”<sup>11</sup>

As a second example, the most controversial regional outcome document of the 20-year review of ICPD has direct references to CSE. Of course, this document was only a non-binding regional document and thus not negotiated by all UN Member States, and many of the government negotiators who signed on were not aware of the true nature of CSE when they committed to “Ensure the effective implementation from **early childhood of comprehensive sexuality education programmes**, recognizing the emotional dimension of human relationships, with respect for the evolving capacity of boys and girls and the informed decisions of adolescents and young people regarding their sexuality, from a participatory, intercultural, gender-sensitive, and human rights perspective...”<sup>12</sup>

But again, this was a regional agreement, and a number of states in the region have not ratified it.

## 5. CSE Strategy to Hijack the 2030 SDG Targets

Multiple proposals to include provisions, goals or targets on CSE were explicitly rejected during the UN 2030 Agenda negotiations. So any interpretation of terms in the 2030 Agenda to encompass CSE is simply dishonest. Since UN agencies couldn’t get an explicit reference to CSE in the 2030 Agenda, however, they tried to get around that roadblock by creating a coalition called “Education for Sustainable Development” (ESD) that created an indicator to measure States’ compliance with implementing CSE as part of fulfilling SDG Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. The Indicator for SDG target 4.7: 28 requires measurement of the “[p]ercentage of schools that provide **life skills-based HIV and sexuality education**.”<sup>13</sup>

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<sup>11</sup> See A/69/PV.101.

<sup>12</sup> First session of the Regional Conference on Population and Development in Latin America and the Caribbean Full integration of population dynamics into rights-based sustainable development with equality: key to the Cairo Programme of Action beyond 2014 (Montevideo Consensus on Population and Development), UNECLAC (2013).

<sup>13</sup> Education 2030 Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4. Towards inclusive and equitable quality education and lifelong learning for all 2015. The UN Member States never explicitly approved this indicator.

### National Case Example of CSE Tactics

In 2016, the Center for Health, Human Rights and Development (CEHURD) sued the Attorney General of Uganda for failure to issue a policy on comprehensive sexuality education and sought an order to quash a national law that banned CSE in the country. CSE advocates—like International Planned Parenthood Federation and its affiliates that benefit monetarily from treating the sexual problems of adolescents and others—are financial donors to CEHURD and supported the case.<sup>14</sup> So it is no surprise that CEHURD used a number of the CSE strategies described above, as reflected in the judge’s opinion.

Indeed, the judge basically parroted CEHURD’s arguments. The judge found that sexuality education was a derivative right to international and Ugandan constitutional rights to health and education (per CSE strategy #1 above). As support, the judge cited non-binding comments of activist UN committees on the right of adolescents to “access adequate information essential for their health and development,” including on “sexual behaviors” and “sexual and reproductive health.”<sup>15</sup> The judge erroneously believed these documents represent international law.

The judge also cited the United Nations Convention on the Rights of Persons with Disabilities that ensures people with disabilities have the same standard of health care as other persons, “including in the area of sexual and reproductive health.”<sup>16</sup> The judge equated CSE with sexual and reproductive health (per CSE strategy #3, changing up the wording). Indeed, after relying on all of the above references, the Ugandan judge also cited UNESCO’s non-binding “International Technical Guidance on Sexuality Education” for the definition of CSE, a misleading definition that has never been agreed upon by UN Member States and which conceals the controversial nature of CSE programming as indicated by reading the rest of the same publication. Here are just a few excerpts from UNESCO’s Guidance (note the age targeted for each excerpt):

- “understand that abstinence means choosing not to have sex, **or deciding when to start having sex and with whom,**” (Pg. 71, Learning objectives 9-12 years)
- “demonstrate respect for **diverse practices related to sexuality**” (Pg. 48, Learning objectives 9-12 years)
- “**explain how someone’s gender identity may not match their biological sex**” (Pg. 50, Learning objectives 9-12 years)
- “**define homophobia and transphobia**” (Pg. 50, Learning objectives 15-18 years)
- “**describe male and female responses to sexual stimulation.**” (Pg. 71, Learning objectives 9-12 years)
- “**Engaging in sexual behaviours should feel pleasurable**” (Pg. 72, Learning objectives 15-18+ years)
- “**summarize key elements of sexual pleasure and responsibility**” (Pg. 72, Learning objectives 15-18+ years)

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<sup>14</sup> Fallon, A. (2017, April 17). NGOs turn to courts to unravel Uganda's ban on sexual education.

<https://www.devex.com/news/ngos-turn-to-courts-to-unravel-uganda-s-ban-on-sexual-education-89979>

<sup>15</sup> Miscellaneous Cause No. 309 of 2016 at para. 10, High Court of Uganda (Civil Division) (citing CRC/GC/2003/4, para. 26; CESCR, General Comment No. 14, para. 11, and other comments and special rapporteur reports) [hereinafter “Cause No. 309”].

<sup>16</sup> Ibid. (citing Article 25(a)).

- **“differentiate between values that they hold, and that their parents/guardians hold about sexuality”** (Pg. 46, Learning objectives 15-18+ years) and
- **“acknowledge that some of their values may be different from their parents/guardians”** (Pg. 46, Learning objectives 15-18+ years)

Finally, CEHURD’s mischaracterization of UN authorities to a lower-level judge in a national court who is unfamiliar with international law is reflective of CSE strategy #4, obtaining CSE commitments at the national level without national stakeholders understanding the nature of those commitments or the underlying agendas.

Also, let us not forget that some of the parties sponsoring CEHURD are the same ones that developed all of the CSE strategies mentioned in this brief. In fact, CEHURD is funded by no less than three Planned Parenthood entities, two George Soros-funded entities, and many other foreign-funded activist NGOs.

The Uganda judge falsely determined that “Uganda is a party to the above international conventions *which unequivocally require government* to enact a policy that comprehensively provides for sexuality education” (emphasis added).<sup>17</sup> Thus, the judge concluded: “Read together with the international law and jurisprudence on sexuality education and comprehensive sexuality education, articles 30, 34(2), and 41 of the [Ugandan] Constitution, in my considered view, would be violated if there existed a void in term of the education needs of our nation’s children.”

The good news from this case, if there is any, is that in ordering the Ugandan ministry of education to develop a CSE policy within two years, the judge did not delve into the contents of what a CSE program in Uganda should look like. As the ministry develops its policy, however, CEHURD will continue to argue (as it did in this case) that “there is no justification for a ban on comprehensive sexuality education in all of Uganda if the intention is to specifically stop the promotion of the LGBT agenda and other illicit sexual conduct such as masturbation, contraception and abortion among children in Uganda.”<sup>18</sup>

Further, efforts are underway within Uganda to challenge the judge’s decision on the basis that it was founded on false understandings because 1) there is no international treaty that even mentions CSE, and 2) non-binding pronouncements from activist UN Committees do not create legal “jurisprudence” and can and should be ignored by courts as they only represent the opinions of a group.

### **Countering CSE Advocacy at the UN**

As noted earlier, there is no binding UN document that establishes CSE as an international right. But even non-binding CSE language is a problem because:

- New stakeholders, like the court in Uganda, can be deceived into believing a right to CSE exists;
- The more non-binding UN statements are made on CSE, the more it becomes a norm or

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<sup>17</sup> (Cause No. 309 at para. 18).

<sup>18</sup> (Cause No. 309, at para. 7).

standard (even though not a legal right); and

- A norm creates its own momentum and adds pressure on governments to conform.

It is important to note that governments have complete discretion to retract previous CSE commitments since they have not been made in any binding international agreement. Moreover, opposing CSE piecemeal or every time it comes up is necessary, but not sufficient to protect our children. CSE advocates are absolutely relentless in pushing their agenda in every way they can using all of the previously mentioned strategies.

Accordingly, we suggest that governments pursue the following countermeasures:

1. Submit a strong statement to UNGA, jointly with as many other governments that oppose CSE as possible, which clearly and forcefully makes the following points:
  - Clarifies the (non) status of CSE under international law;
  - Provides the policy reasons for opposing CSE;
  - Reaffirms parental rights on matters of children's education and morality; and
  - Rejects all prior support for non-binding documents that promote CSE now that its scope and nature has become much better known.

The written statement should be submitted to UNGA *every year*, and opposing governments should threaten to resubmit it *every time* CSE is being negotiated.

2. Make an oral statement at the start of every major UN conference that CSE should not even be discussed, much less mentioned in any document under negotiation.
3. If CSE is included in any outcome document of a UN negotiation in which your government participated, make a formal and specific reservation as it relates to all CSE-related commitments, requirements or other provisions.

### **Countering CSE Advocacy at the Regional and National Levels**

#### **Regional Level**

The most important and time sensitive development at the regional level is the African, Caribbean, Pacific and European Partnership Agreement (ACP-EU Treaty). This binding agreement is a revised extension of the 20-year Cotonou Partnership Agreement signed in 2000, which has governed trade and economic relations between the EU and 48 Sub-Saharan countries in Africa, 16 Caribbean countries, and 15 Pacific countries.

But now the ACP-EU Treaty, or revised Cotonou Partnership Agreement, includes a number of very harmful elements that contradict established human rights and ACP cultural values, including the following:



- Requires ACP governments to provide access to “comprehensive sexual and reproductive health information and education” (CSRHE) taking into consideration the UN’s controversial “International Technical Guidance on Sexuality Education.” CSRHE is a euphemism for CSE.
- Commits ACP countries to implement controversial “sexual and reproductive health and rights” (SRHR) and to provide “sexual and reproductive health” (SRH) commodities and services. The European Parliament defines SRHR to encompass sexuality education and defines SRH services to include CSE (see “Resolution on the Situation of Sexual and Reproductive Health and Rights in the EU”).<sup>19</sup>

The ACPE-EU Treaty has a number of other harmful elements that are discussed at [www.EUTreaty.org](http://www.EUTreaty.org). If this treaty is signed as is, it would legally commit a high number of countries to implement CSE programs for 20 years. The damage done to our children by this treaty would last much longer and be very difficult to undo.

### **National Level**

There are a number of lessons we can learn from the CSE case in Uganda, Cause No. 309, which was discussed in detail above and that should be applied in other countries to prevent a similar result. These lessons learned at the national level include:

Knowing international law matters. Most courts do not have a sound understanding of international law and will not understand which UN provisions are binding because UN Member States agreed to them as compared to non-binding comments by non-representative UN committees and rogue rapporteurs.

The packaging matters. For national governments that ban certain sexual conduct or specific sexual information to minors because it’s inappropriate, it’s best to package such bans in “comprehensive approaches to sexual education” rather than issuing them in isolation in a way that appears like barriers to the right to information.

The terminology matters. In describing denigrating and graphic CSE programs, its advocates use appealing words such as age appropriate, medically and scientifically accurate, evidence based, comprehensive and inclusive. Likewise, national governments that vehemently oppose CSE can describe their sexual education programs the same way and as advancing the health and well-being of children. They should also clarify that CSE is age-inappropriate (see examples of CSE curricula at StopCSE.org), medically and scientifically inaccurate (it promotes unscientific transgender ideology, for example, asserting that more than two genders exist and people can change genders), non-evidence based (see SexEdReport.org) and is not “inclusive” of conservative values regarding sex nor is it even “comprehensive” as it fails to teach the negative consequences of teen sex, abortion, and transgender medical and surgical interventions that leave children infertile for life.

(November 30, 2021)

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<sup>19</sup> Resolution on the Situation of Sexual and Reproductive Health and Rights in the EU. [https://www.europarl.europa.eu/doceo/document/A-9-2021-0169\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2021-0169_EN.html)