

**CHILDREN'S  
RIGHTS**  

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**ALLIANCE**

**Submission in Response to the Draft Junior  
Cycle Social, Personal and Health Education  
Curriculum**

October 2022



Founded in 1995, the Children's Rights Alliance unites over 140 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children in Ireland by making sure that their rights are respected and protected in our laws, policies and services.

Accompaniment Support Service for Children (A.S.S.C.)  
Alcohol Action Ireland  
Amnesty International Ireland  
An Cosán  
Aoibhneas  
AslAm  
Association of Secondary Teachers Ireland (ASTI)  
ATD Fourth World – Ireland Ltd  
Atheist Ireland  
Barnardos  
Barretstown Camp  
Bedford Row Family Project  
BeLonG To Youth Services  
Blossom Ireland  
Bodywhys  
Catholic Guides of Ireland  
Child Law Project  
Childhood Development Initiative  
Childminding Ireland  
Children in Hospital Ireland  
Children's Books Ireland  
Children's Grief Centre  
Clarecare  
COPE Galway  
Cork Life Centre  
Cork Migrant Centre  
Crann Centre  
Crosscare  
CyberSafeKids  
Cycle Against Suicide  
Dalkey School Project National School  
Daughters of Charity Child and Family Service  
Dental Health Foundation of Ireland  
Department of Occupational Science and Occupational Therapy, UCC  
Disability Federation of Ireland  
Doras  
Down Syndrome Ireland  
Dublin Rape Crisis Centre  
Dyslexia Association of Ireland  
Dyspraxia/DCD Ireland  
Early Childhood Ireland  
Early Learning Initiative (National College of Ireland)  
Educate Together  
EPIC  
Equality for Children  
Extern Ireland  
FamiliBase  
Féach  
Focus Ireland  
Foróige  
Gaelscoileanna Teo  
Galway Traveller Movement  
Good Shepherd Cork  
Immigrant Council of Ireland  
Inclusion Ireland  
Institute of Guidance Counsellors  
Irish Aftercare Network  
Irish Association for Infant Mental Health  
Irish Association of Social Workers  
Irish Congress of Trade Unions (ICTU)  
Irish Council for Civil Liberties (ICCL)  
Irish Foster Care Association  
Irish Girl Guides  
Irish Girl Guides  
Irish Heart Foundation  
Irish National Teachers Organisation (INTO)  
Irish Penal Reform Trust  
Irish Primary Principals' Network  
Irish Refugee Council  
Irish Second Level Students' Union (ISSU)  
Irish Society for the Prevention of Cruelty to Children  
Irish Traveller Movement  
Irish Youth Foundation

iScoil  
Jack and Jill Children's Foundation  
Jigsaw  
Katharine Howard Foundation  
Kids' Own Publishing Partnership  
Kinship Care  
Leap Ireland  
Let's Grow Together! Infant and Childhood Partnerships CLG.  
LGBT Ireland  
Mecpaths  
Mental Health Reform  
Mercy Law Resource Centre  
Migrant Rights Centre Ireland  
Mothers' Union  
My Mind  
My Project Minding You  
Museum of Childhood Ireland  
Music Generation  
New Directions  
National Childhood Network  
National Council for the Blind of Ireland  
National Forum of Family Resource Centres  
National Parents Council Post Primary  
National Parents Council Primary  
National Youth Council of Ireland  
Novas  
One Family  
One in Four  
Parents Plus  
Pavee Point  
Peter McVerry Trust  
Prevention and Early Intervention Network  
Psychological Society of Ireland  
Rainbow Club Cork  
Rainbows Ireland  
Rape Crisis Network Ireland (RCNI)  
Realt Beag/Ballyfermot Star  
Respond Housing  
SAFE Ireland  
Saoirse Housing Association  
SAOL Beag Children's Centre  
Scouting Ireland  
School of Education UCD  
Sexual Violence Centre Cork  
SIPTU  
Simon Communities of Ireland  
Social Care Ireland  
Society of St. Vincent de Paul  
SPHE Network  
SpunOut.ie  
St. Nicholas Montessori College  
St. Nicholas Montessori Teachers' Association  
St. Patrick's Mental Health Services  
TASC  
Teachers' Union of Ireland  
Terenure College Rugby Football Club  
Transgender Equality Network Ireland  
The Anne Sullivan Foundation  
The Ark, A Cultural Centre for Children  
The Irish Red Cross  
The UNESCO Child and Family Research Centre, NUI Galway  
Traveller Visibility Group Ltd  
Treoir  
UNICEF Ireland  
Women's Aid  
Youngballymun  
Young Social Innovators  
Youth Advocate Programme Ireland (YAP)  
Youth Work Ireland

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## 1. Introduction

**The Children’s Rights Alliance unites over 140 members working together to make Ireland one of the best places in the world to be a child. We change the lives of all children by making sure their rights are respected and protected in our laws, policies and services. We also provide legal information and advice to children, young people and their families through our legal information line and nationwide legal advice outreach clinics.**

The Alliance welcomes the opportunity to make a submission on the National Council for Curriculum and Assessment (NCCA) draft Social, Personal, and Health Education (SPHE) curriculum for Junior Cycle in post-primary schools. The publication of the draft curriculum is an important milestone when it comes to the social and emotional development of young people in Ireland.

The focus of the proposed curriculum on the inclusion of ‘all genders, sexualities, ethnicities, religious beliefs/worldviews, social classes and abilities/disabilities’<sup>1</sup> is welcomed. It is also encouraging to see the addition of resilience as one of the six core indicators of wellbeing underpinning the draft proposal and locating the curriculum within the broader junior cycle wellbeing programme. It is extremely positive that it is intended that the curriculum is to be delivered using the spiral teaching approach which acknowledges the vital importance of ‘revisiting important themes over the three years in order to allow for deeper engagement relevant to the students’ evolving needs and stage of development.’<sup>2</sup>

To deliver on its stated aims, it will be important that the curriculum uses explicitly inclusive language to represent all identities and minority groups, and to improve visibility. Consideration needs to be given to how to ensure the interconnectivity of the strands so that topics are not taught in isolation. It is of critical importance that the resources are put in place to ensure the full implementation of the new curriculum and ensure it is rolled out across all schools in the State, regardless of individual ethos. Aligned to this it will also be important that supports are embedded for teachers into the framework including dedicated training so that teachers feel confident and enabled to provide the programme in schools and create a safe and judgment free environment for young people to engage with the curriculum.

This submission sets out some ways in which the proposed curriculum could be strengthened.

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1 National Council for Curriculum and Assessment, “Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum” (2022) p.2 <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

2 *ibid*, p12.

## 2. Ireland's Commitments under International Human Rights Law

Article 24 of the UN Convention on the Rights of the Child (UNCRC) obliges all State Parties to “recognise the right of the child to the highest attainable standard of health,” including sexual health and mental health. Additionally, in Articles 28 and 29, concerning the right to education, the UNCRC obliges State Parties to “recognise the right of the child to education,” which includes “the development of respect for human rights and fundamental freedoms,” and “the preparation of the child for responsible life in a free society.”

In 2016, the UN Committee on the Rights of the Child (the Committee) expressed concern at the “lack of access to sexual and reproductive health education” for young people in Ireland and recommended that it should be included as a mandatory part of the school curriculum as well as the adoption of a sexual and reproductive health policy for young people.<sup>3</sup>

The Committee on the Rights of the Child has noted that children’s education should be designed “to provide the child with life skills, to strengthen the child’s capacity to enjoy the full range of human rights.”<sup>4</sup> The Committee further sets out that:

Education must also be aimed at ensuring that [...] no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills should include [...] the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle [and] good social relationships.<sup>5</sup>

A child’s education should be accessible to all children, enable self-awareness, knowledge of the body, and should be designed in a children and young person friendly manner through which young people are “able to gain knowledge regarding reproductive health and the prevention of gender-based violence, and adopt responsible sexual behaviour.”<sup>6</sup>

The State is obliged, as part of its international legal obligations on education to ensure that adolescents have “access to essential information for their health and development and have opportunities to participate in decisions affecting their health (notably through informed consent and the right of confidentiality).”<sup>7</sup> Children and young people have the right to “acquire life skills, to obtain adequate and age-appropriate information, and to make appropriate health behaviour choices.”<sup>8</sup>

Sexual health education should be, “based on scientific evidence and human rights standards and developed with adolescents.”<sup>9</sup> The Committee further sets out that with this education, “attention should be given to gender equality, sexual diversity, sexual and reproductive health rights, responsible parenthood and sexual behaviour and violence prevention, as well as to preventing early pregnancy and sexually transmitted infections.”<sup>10</sup> Information should be available in alternative formats to “ensure accessibility to all adolescents, especially adolescents with disabilities.”<sup>11</sup>

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3 UNCRC ‘Concluding Observations: Ireland’ (2016) UN Doc CRC/C/IRL/CO/3-4 para 58.

4 UNCRC, “General Comment No.1 (2001) Article 29(1): The Aims of Education” CRC/GC/2001/1 paragraph 2.

5 *ibid*, paragraph 9.

6 UNCRC, “General Comment No. 15 (2013) on the Right of the Child to the Enjoyment of the Highest Attainable Standard of Health” CRC/C/GC/15 paragraph 60.

7 UNCRC, “General Comment No. 4 (2003) Adolescent Health and Development in the Context of the Convention on the Rights of the Child” CRC/GC/2003/4 para. 39(b).

8 *ibid*.

9 UNCRC, “General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence” CRC/C/GC/20 Para 61.

10 *ibid*.

11 *ibid*.

The Committee has further recommended that States take a holistic approach to addressing the risks posed by digital media, including pornography.<sup>12</sup> It bears noting that the Committee is not the only international human rights entity to call for mandatory sexuality education. The UN Special Rapporteur on the Right to Education has recommended comprehensive sex education as mandatory, available to all without discrimination from the early stages of life, and that this education should take a holistic, scientific and pluralistic perspective.<sup>13</sup> Both the United Nations Educational, Scientific and Cultural Organisation and the World Health Organisation have similarly found that sexuality education leads to improved sexual and reproductive health outcomes.<sup>14</sup> Furthermore, the UN Committee on Social, Economic and Cultural Rights, have observed that, “States parties should provide a safe and supportive environment for adolescents that ensures the opportunity to participate in decisions affecting their health, to acquire appropriate information, and to receive counselling.”<sup>15</sup> The realisation of the right to health of adolescents is dependent on the development of “youth-sensitive health care, which respects confidentiality and privacy and includes appropriate sexual and reproductive health services.”<sup>16</sup>

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12 UNCRC, “General Comment No. 25 (2021) on Children’s Rights in Relation to the Digital Environment” CRC/C/GC/25 para. 54

13 UN General Assembly, “Report of the United Nations Special Rapporteur on the Right to Education: Sexual Education” A/65/162 [https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR\\_Sexual\\_Education\\_2010.pdf](https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/UNSR_Sexual_Education_2010.pdf) accessed 21 September 2022.

14 UNESCO, “Comprehensive Sexuality Education: A Foundation for Life and Love” <https://en.unesco.org/themes/education-health-and-well-being/cse-campaign> accessed 21 September 2022.; World Health Organisation, “Sexuality Education: What is it?” [https://www.euro.who.int/\\_data/assets/pdf\\_file/0008/379043/Sexuality\\_education\\_Policy\\_brief\\_No\\_1.pdf](https://www.euro.who.int/_data/assets/pdf_file/0008/379043/Sexuality_education_Policy_brief_No_1.pdf) accessed 21 September 2022).

15 UN Committee on Economic Social, and Cultural Rights, “General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)” E/C.12/2000/4 para. 23

16 *ibid.*

### 3. Ireland's Commitments under National Law

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Under domestic law, the Equal Status Acts 2000 – 2018 set out a duty to protect against discrimination on the basis of nine protected grounds. Discrimination on the basis of gender,<sup>17</sup> sexual orientation,<sup>18</sup> disability,<sup>19</sup> race and ethnicity,<sup>20</sup> disability,<sup>21</sup> and membership of the Traveller community<sup>22</sup> is expressly prohibited. Additionally, all public bodies in Ireland including schools are statutorily required to eliminate discrimination, promote equality of opportunity, and protect the human rights of their members, staff, and the persons to whom they provide services.<sup>23</sup> Given the national legal obligations owed towards certain protected groups mentioned above and the public sector duties public bodies are bound by, it is of crucial importance that the proposed SPHE curriculum reform includes specific accommodations for protected groups.

Traveller ethnicity was recognised in Ireland on 01 March 2017 enacted through a Dáil statement made by An Taoiseach Enda Kenny T.D.<sup>24</sup> This step further solidified the protected status of Traveller people as an ethnic minority in Ireland and the need for special protections and freedom from discrimination for this group.

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<sup>17</sup> Equal Status Act 2000, s3(2)(a).

<sup>18</sup> *ibid*, s3(2)(d).

<sup>19</sup> *ibid*, s3(2)(g).

<sup>20</sup> *ibid*, s3(2)(h).

<sup>21</sup> *ibid*, s4.

<sup>22</sup> *ibid*, s3(2)(i).

<sup>23</sup> Irish Human Rights and Equality Act 2014, s42.

<sup>24</sup> Department of An Taoiseach, Speech by An Taoiseach Enda Kenny TD on the Recognition of Travellers as and Ethnic Group, Dáil Éireann 01 March 2017, <https://www.gov.ie/en/speech/d29014-statement-by-an-taoiseach-enda-kenny-td-on-the-recognition-of-travel/>.

## 4. Strand 1 Understanding Myself and Others

Strand 1, Understanding Myself and Others, builds on the learning experiences young people have had in primary school and bridges the developmental step up to post primary education. The explicit inclusion of the concepts of gender identity, gender expression, and sexual orientation as being core to our human identity and the acknowledgment that each is experienced along a spectrum is extremely positive and vitally important to ensuring an inclusive curriculum. This has been acknowledged by the Committee on the Rights of the Child which has noted that attention should be given to gender equality, sexual diversity, sexual and reproductive health rights in such curriculums.<sup>25</sup>

It is welcome that, within this strand, the curriculum explores how “sexual orientation, gender identity, and gender expression are core parts of human identity and that each is experienced along a spectrum” and reflects on gender equity and on “how gender stereotypes impact on expectations, behaviour and relationships” as well as “experiences/situations of bias, inequality or exclusion based on race/ethnicity, gender and sexual orientation.”<sup>26</sup>

The UN Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (IESOGI) has made clear the need for comprehensive and inclusive gender and sexuality education in order to deconstruct the stigma at the root of violence and discrimination based on gender identity and sexual orientation.<sup>27</sup> The IESOGI further noted that despite receiving complaints that comprehensive sexuality education (CSE), “sexualizes children, “normalizes” and “promotes” sexual pleasure and non-procreative sex acts”<sup>28</sup> as well as equating it to “pornography”,<sup>29</sup> CSE is documented to have the opposite effect. CSE can “reduce the rates of sexual activity, sexual risk behaviours, sexually transmitted infections, and adolescent pregnancy.”<sup>30</sup>

Schools are important sites for fostering inclusion. The Committee on the Elimination of Violence Against Women (CEDAW) has acknowledged that “limited education and cultural taboos are among the factors that prevent lesbian, bisexual, transgender, and intersex students from achieving social mobility and increase their vulnerability to violence.”<sup>31</sup>

An important aspect of creating inclusive and comprehensive sexuality education is responding to the needs of neurodivergent students. Ireland ratified the UN Convention on the Rights of Persons with Disabilities (UNCPRD) in 2018. Under Article 24 of the UNCPRD, Ireland is obliged to “ensure an inclusive education system at all levels.”<sup>32</sup> The UN Committee on the Rights of Persons with Disabilities has further outlined that when guaranteeing the right to an inclusive education all parts

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25 UNCRC, “General Comment No. 20 (2016) on the Implementation of the Rights of the Child During Adolescence” CRC/C/GC/20 Para 61 <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqlkirKQZLK2M58RF%2f5F0vH%2bg0BeHNYSXl2ulaelW9Y1nEBWXdUgC9p%2fn2WzRfn3f2OKbLTV6FLd00z6ETEBFgBgtoQYQXmaXbNvVxfHrK5F> accessed 06 October 2022.

26 National Council for Curriculum and Assessment, “Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum” (2022) p13, <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

27 Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity, “Reports on Gender – Comprehensive Sexuality Education Summary” (2021) p1, [Summary-Comprehensive-Sexuality-Education.pdf \(ohchr.org\)](https://www.ohchr.org/documents/default.aspx?docid=46111) accessed 14 October 2022.

28 *ibid.*

29 *ibid.*

30 *ibid.*

31 CEDAW, General Comment No.36 (2017), para. 45.

32 UN Convention on the Rights of Persons with Disabilities (UNCPRD), Article 24.



of the education system must be accessible to persons with disabilities including textbooks and learning materials, and teaching methods and assessment.<sup>33</sup> In practice, in terms of the proposed SPHE curriculum, this means ensuring an inclusive curriculum which responds to the lived experience of all groups through puberty not just the neurotypical experience and is delivered in an accessible manner for all.

Equally, ensuring diverse groups and ethnicities are recognised under this strand will be important. Traveller ethnicity was recognised by Ireland in 2017, while this was a great step forward, decades of segregated education has had a profound impact on the potential for integration and the continued discrimination of this group.<sup>34</sup> There is the potential within the 'Understanding Myself and Others' strand to tackle issues of historical and modern abuse and discrimination of both diverse and indigenous groups within modern Irish society.

### Recommendations

- **Objective 1.1** Recognising and responding to the emotional and physical development of certain groups of children and young people such as transgender and neurodivergent students who develop at a different pace and in different ways to their cisgender and neurotypical peers would be an important addition.
- **Objective 1.5** could be strengthened by encouraging and enabling students to engage with this type of reflection on gender equity and stereotypes in their day to day lives.
- **Objective 1.6** The inclusion of gender and sexual orientation is welcomed but this could be strengthened by also including gender identity. It would also be important to specifically include disability when discussing intersectionality. The explicit inclusion of Traveller and Roma ethnicity and culture in this objective could inform a more inclusive strategy around encouraging understanding of different cultures within modern Irish society and more broadly the place of the self in relation to other groups within the mainstream environment. Acknowledging the complexity of identity and the way multiple identities can inhere in the one individual will be important.
- **Objective 1.7** could be strengthened by examining the different ways in which empathy is expressed by neurodivergent young people as well as their neurotypical peers so as to avoid the perpetuation of masking behaviours.
- **Objective 1.8** shines an important light on expectations of self-management and self-regulation, but these expectations tend to evolve with age. It would be important that this objective be revisited at various different stages throughout the curriculum in accordance with the spiral teaching approach outlined in the draft.

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33 CRPD, "General Comment No.4 on Article 24 – the right to inclusive education" (2016) CRPD/C/GC/4 at p5.

34 The Irish Times, "State Apology to Travellers must be made for decades of 'profound harm', conference to hear" 13 October 2022, [State apology to Travellers must be made for decades of 'profound harm', conference to hear – The Irish Times](#) accessed 14 October 2022.



## 5. Strand 2 Making Healthy Choices

Strand 2, Making Healthy Choices, clearly acknowledges that SPHE is a praxis that involves an ongoing process of age-appropriate critical reflection and action, nurtured by dialogue with others.<sup>35</sup> The explicit objective on the online world is extremely welcome in the draft curriculum. Children make up one third of global online users.<sup>36</sup> Results from a National Survey of Children, their Parents and Adults regarding Online Safety conducted between December 2019 and October 2020, found that 62 per cent of children and young people in Ireland, aged nine to 17 years, use social media.<sup>37</sup> This rises to 90 per cent of 15 to 17 year olds.<sup>38</sup> The UN Committee on the Rights of the Child has noted that '[t]he digital environment is becoming increasingly important across most aspects of children's lives, including during times of crisis, as societal functions, including education, government services and commerce, progressively come to rely upon digital technologies. It affords new opportunities for the realization of children's rights, but also poses the risk of their violation or abuse.'<sup>39</sup> It will be important that this objective includes education on what it means to be a safe and responsible digital citizen as recommended by the Law Reform Commission.<sup>40</sup>

The inclusion of intimate image abuse is also a welcome addition in this strand. Women's Aid reported at the end of 2020 that 3 in 5 young people in Ireland have experienced or know someone who has experienced intimate relationship abuse, 1 in 6 young women have experienced coercive control by a partner, and fifty-one per-cent of young women affected experienced the abuse under the age of 18.<sup>41</sup> The Harassment, Harmful Communications and Related Offences Act (Coco's Law) was enacted in 2021 in Ireland which makes it an offence to share intimate images (with or without the intention to cause harm) and the new online media regulator under the Online Safety and Media Regulation Bill is due to hear individual complaints from 2024.<sup>42</sup> In the first five months of the operation of Coco's Law, 144 incidents of intimate image abuse were reported.<sup>43</sup> These are important developments in the space but it will be essential that the curriculum tackles attitudes and behaviours towards intimacy online in the classroom.

Objective 2.3 focuses on making healthy choices, which is welcome. However, achieving a balance between the behaviours, self-management and regulation areas that young people have control over at each stage of their development during the course of the three-year cycle and those that they do not yet have full control over such as food choices will be vital. Categorising foods in a binary 'healthy' or 'unhealthy' can cast them in a good vs. bad opposition which has been shown to have detrimental effects for those struggling with disordered eating.<sup>44</sup> It is important to create a space in the proposed curriculum for discussion of so-called unhealthy foods and behaviours free of moral

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35 National Council for Curriculum and Assessment, "Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum" (2022) p11, <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

36 UNICEF, *Children in the Digital World* (UNICEF 2017).

37 National Advisory Council for Online Safety, *Report of a National Survey of Children, their Parents and Adults regarding Online Safety 2021* (2021) 8.

38 *ibid.*

39 UN Committee on the Rights of the Child, General Comment no 25 (2021) on children's rights in relation to the digital environment, CRC/C/GC/25 at para 3.

40 Law Reform Commission, *Report on Harmful Communications and Digital Safety* (LRC 116 – 2016).

41 Women's Aid, "One in Five Women Report" (2020) at p5, [one in five women report womens aid 2020.pdf \(womensaid.ie\)](https://www.womensaid.ie/wp-content/uploads/2020/09/one-in-five-women-report-womens-aid-2020.pdf) accessed 14 October 2022.

42 RTE, "New Online Media Regulator to Hear Individual Complaints from 2024" [New online media regulator to hear complaints from 2024 \(rte.ie\)](https://www.rte.ie/news/2022/10/14/new-online-media-regulator-to-hear-complaints-from-2024/) accessed 14 October 2022.

43 RTE, "144 Reports of Intimate Image Sharing Since September" [144 reports of intimate image sharing since September \(rte.ie\)](https://www.rte.ie/news/2022/10/14/144-reports-of-intimate-image-sharing-since-september/) accessed 14 October 2022.

44 Eric A. Friedman, "The Food Minority: Food Labels, Eating Disorders, and People Who Need More Food" O'Neill Institute for National and Global Health Law Georgetown Law, [The Food Minority: Food Labels, Eating Disorders, and People Who Need More Food - O'Neill : O'Neill \(georgetown.edu\)](https://www.georgetown.edu/news/the-food-minority) accessed 14 October 2022.

judgments which may further stigmatise those affected and perpetuate the cycle of disordered and addictive behaviours.

### Recommendations

- **Objectives 2.1, 2.2, and 2.6** could benefit from consultation with Bodywhys. It is important to convey the necessary message behind the objectives without potentially reinforcing a binary view of 'healthy/good' vs. 'unhealthy/bad' which can be triggering for those experiencing disordered eating and other disordered behaviours.
- **Objectives 2.8 and 2.9** must ensure a non-judgmental approach and language to support young people. Women's Aid have recently conducted research which demonstrates that victim blaming and stigmatism are still huge issues that resonate more with young people as one of the primary barriers to seeking help.<sup>45</sup>

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<sup>45</sup> Women's Aid, "One in Five Women Report" (2020) at p33, [one in five women report womens aid 2020.pdf \(womensaid.ie\)](https://www.womensaid.ie/wp-content/uploads/2020/06/one-in-five-women-report-womens-aid-2020.pdf) accessed 14 October 2022.

## 6. Strand 3 Relationships and Sexuality

The main strand of the SPHE curriculum concerning sexual health is Strand 3 on ‘Relationships and Sexuality’. Strand 3 provides that the curriculum will examine “family relationships, friendships, romantic/intimate and potential sexual relations in the future.”<sup>46</sup> Within this strand, students are to, inter alia, “explore human sexuality - what it means, how it is expressed, what healthy sexual expression might look like and the difference between sexuality and sexual activity [and to] appreciate the importance of giving and receiving consent in sexual relationships, from the perspective of building caring interpersonal relationships and from a legal perspective.”<sup>47</sup> Additionally Strand 3 will explore “the importance of safer sexual activity with reference to methods of contraception and protection against sexually transmitted infections (STIs).”<sup>48</sup>

In light of the concern expressed by the Committee on the Rights of the Child in 2016 over the lack of access to sexual education and reproductive health education for young people in Ireland,<sup>49</sup> it is welcome that the Junior Cycle Draft Curriculum introduces sexual health education into the mandatory curriculum.<sup>50</sup> This complements the National Sexual Health Strategy 2015-2020, which acknowledged the State’s responsibility to ensure that children and young people receive comprehensive sex education and recognised the need for a “partnership approach between parents, statutory and non-statutory organisations.”<sup>51</sup> According to a review conducted by the NCCA in 2019 of the RSE programme, international research is “unequivocal in identifying confident and competent teachers as the key enabler to quality Relationships and Sexuality Education.”<sup>52</sup> This view was shared by both principals and teachers alike.<sup>53</sup> It is concerning that when asked to comment on the RSE curriculum teachers in post-primary schools showed “little awareness or familiarity with the curriculum itself.”<sup>54</sup> The most critical enabler identified by teachers in terms of delivering the SPHE and RSE programmes was professional development and training.<sup>55</sup> Teachers who had had the opportunity to attend RSE training affirmed its value, and post-primary teachers strongly asserted that only those teachers who express a strong interest in teaching RSE and are trained for this purpose should teach it.<sup>56</sup> Many teachers expressed a lack of confidence in managing questions and were unsure of the boundaries in relation to teaching sexual and reproductive education while those who were confident in these areas had attended training.<sup>57</sup> It will be important in the roll out of the curriculum that teachers are trained and supported to deliver the material.

In a 2017 consultation on young people’s experiences of relationship and sexuality education (RSE), young people in Ireland reported negative experiences of RSE in schools.<sup>58</sup> They recommended that

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46 National Council for Curriculum and Assessment, “Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum” (2022) p10, <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

47 *ibid.*, p. 15

48 *ibid.*

49 UNCRC ‘Concluding Observations: Ireland’ (2016) UN Doc CRC/C/IRL/CO/3-4 para 58.

50 National Council for Curriculum and Assessment, “Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum” (2022) <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

51 Department of Health, National Sexual Health Strategy 2015-2020 (2015) at 3.2 <https://www.sexualwellbeing.ie/about/corporate-publications/national-sexual-health-strategy/national-sexual-health-strategy.pdf> accessed 21 September 2022.

52 NCCA, Report on the Review of Relationships and Sexuality Education (RSE) in primary and post primary schools, December 2019 at p43, [RSE-FINAL-REPORT-NCCA-Review-Report-2019-12-11.pdf](https://www.ncca.ie/media/5611/rse-final-report-ncca-review-report-2019-12-11.pdf) ([fingalwitness.com](http://fingalwitness.com)) accessed 06 October 2022.

53 *ibid.* p42.

54 *ibid.*

55 *ibid.* at p47.

56 *ibid.*

57 *ibid.*

58 Report on Consultation with Comhairle na nÓg on Relationships and Sexuality Education (2017 National Council for Curriculum and Assessment) at p6.

RSE should be ‘taught fully and comprehensively, where teachers are not allowed to pick and choose’ topics covered and a set curriculum should be followed “so students are all informed equally and correctly’ and ‘free from biased teacher views.”<sup>59</sup> A 2020 survey found that twenty-nine per-cent of females, ten per-cent of males and eighteen per-cent of non-binary students reported non-consensual penetration by incapacitation, force or threat of force while they were in college.<sup>60</sup> The Citizen’s Assembly have recommended that the draft curriculum should promote gender equality and explicitly cover sexual and gender-based violence both offline and online.<sup>61</sup> This is supported by the Third National Strategy on Domestic, Sexual and Gender-Based Violence and the views of stakeholders including teachers and parents in the 2019 review of RSE in post primary schools that suggested gender and sexual discrimination and violence ought to be included on the new curriculum.<sup>62</sup>

The Committee on the Rights of the Child recommended that States take a holistic approach to addressing the risks posed by digital media, including pornography.<sup>63</sup> With this in mind, it is welcome that Strand 3 will also “investigate the influence of digital media (in particular, the influence of pornography) on young people’s understanding, expectations and social norms in relation to sexual expression.”<sup>64</sup> Research conducted by NUI Galway in 2019 shows that Irish children and young people view porn for the first time at a very young age with fifty-eight percent of young men reporting seeing porn for the first time under the age of thirteen.<sup>65</sup> Fifty per-cent of both young men and women surveyed reported watching pornography in order to learn about sex.<sup>66</sup> This is a problematic and worrying statistic given that “condom use, sexual negotiation and verbal consent communication are seldom portrayed” and the primary concern for parents, policy makers and educators is that “young people will think that porn is a realistic portrayal of real-world sex and will seek to replicate it.”<sup>67</sup> Perceived porn realism is at its highest during early adolescence<sup>68</sup> at a time when Irish young people are beginning to become sexually active.<sup>69</sup> Teachers surveyed as part of a 2019 review by the NCCA agreed that the RSE curriculum needed to be updated to include topics such as pornography and that they would appreciate guidance in terms of how to approach this topic in the classroom.<sup>70</sup> For these reasons it is essential to retain the segment in the proposed curriculum around the risks posed by pornography and ensure proper training and support for teachers to deliver the curriculum.

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59 *ibid* 10.

60 L Burke *et al*, *The Active\* Consent / Union Of Students In Ireland Sexual Experiences Survey 2020: Sexual Violence And Harassment Experiences In A National Survey Of Higher Education Institutions* (NUIG and USI 2020).

61 Recommendation 27, Report of the Citizens’ Assembly on Gender Equality, June 2021.

62 NCCA, Report on the Review of Relationships and Sexuality Education (RSE) in primary and post primary schools, December 2019 at p56, [RSE-FINAL-REPORT-NCCA-Review-Report-2019-12-11.pdf \(fingalwitness.com\)](#) accessed 06 October 2022.

63 UNCRC, “General Comment No. 25 (2021) on Children’s Rights in Relation to the Digital Environment” CRC/C/GC/25 para. 54.

64 National Council for Curriculum and Assessment, “Draft Junior Cycle Social, Personal and Health Education (SPHE) Short Course Curriculum” (2022) p.15 <https://ncca.ie/media/5611/draft-junior-cycle-social-personal-and-health-education-sphe-short-course-curriculum-specification.pdf> accessed 21 September 2022.

65 Kate Dawson, Saoirse Nic Gabhainn & Pdraig MacNeela, “Dissatisfaction with school sex education is not associated with using pornography for sexual information” *Porn Studies* Vol. 6 2019 Iss. 2, 245-257 [Dissatisfaction with school sex education is not associated with using pornography for sexual information: Porn Studies: Vol 6, No 2 \(tandfonline.com\)](#).

66 *ibid*.

67 RTE, “The Importance of Porn Literacy for Young Irish People” [The importance of porn literacy for young Irish people \(rte.ie\)](#) accessed 14 October 2022.

68 Paul J. Wright and Aleksandar Stulhofer, “Adolescent Pornography Use and the Dynamics of Perceived Pornography Realism: Does Seeing More Make it More Realistic?” *Computers in Human Behaviour* 2019.

69 Department of Health, “The Irish Health Behaviour in School-Aged Children (HBSC) Study” 2018 p59 [46026\\_7fa9176e0c5440b0a39fad54911a6872.pdf](#).

70 NCCA, Report on the Review of Relationships and Sexuality Education (RSE) in primary and post primary schools, December 2019 at p46, [RSE-FINAL-REPORT-NCCA-Review-Report-2019-12-11.pdf \(fingalwitness.com\)](#) accessed 06 October 2022.

## Recommendations

- **Strand 3** could include an overarching focus on gender equality and the links between gender inequality and violence against women and girls.
- **Objective 3.1** could be strengthened by analysing how human sexuality is portrayed in the media, culture, and pornography.
- **Objective 3.7** could be strengthened by explicitly acknowledging that consent is cross-cutting and does not only apply to intimate relationships.

## 7. Strand 4 Emotional Wellbeing

Strand 4, Emotional Wellbeing, is a cornerstone of the entire strategy that underpins and interlinks deeply with each of the individual strands. The focus of this strand on resilience and building a strong base of self-regulation strategies is pragmatic and suited to real world application for young people. Preliminary results of a qualitative case study being undertaken at UCD's School of Education from 2020-2023 is showing that student voice and participation in the decision-making process around wellbeing is a key enabler of positive student experiences of wellbeing.<sup>71</sup>

Approximately one in three young people in Ireland will have experienced some type of mental disorder by the age of 13, with this rate rising to more than one in two by the age of 24 years.<sup>72</sup> While mental health problems are not selective, certain groups of children are at greater risk of poor mental health, including; children who have experienced abuse or neglect,<sup>73</sup> including domestic abuse;<sup>74</sup> children living in poverty;<sup>75</sup> children who have experienced discrimination; including homophobia or transphobia;<sup>76</sup> and children with chronic physical health conditions.<sup>77</sup> Ireland owes an obligation to "implement measures for the prevention of mental disorders and the promotion of mental health of adolescents"<sup>78</sup> and to "ensure that adolescents belonging to especially vulnerable groups are fully taken into account in the fulfilment of [its] obligations."<sup>79</sup>

Under the *Sharing the Vision: A Mental Health Policy for Everyone Implementation Plan 2022-2024*, one of the core deliverables for the strand entitled 'Promotion, Prevention and Early Intervention' is "enhanced referral pathways will be developed for children and adolescents to mental health services from educational settings."<sup>80</sup> Schools have been identified in this policy document as centres for a dynamic "Wellbeing Promotion Process"<sup>81</sup> due to be commenced in 2023 and Recommendation 10 states the need for the development of a protocol between the Department of Education and the HSE on the liaison process that should be in place between primary/post-primary schools, mental health services and supports such as NEPs, GPs and mental health specialists.<sup>82</sup> It is important that this information is communicated through the curriculum so that students are aware of all available services with schools acting as a central link. In line with Recommendation 7 of the *Sharing the Vision Implementation Plan*, including an exploration of the role played by stigma as a barrier to young people seeking mental health support would facilitate plans for a "National Stigma-

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71 Andrea Maynard and Jennifer E Symonds, "The Impact of Social Innovation Education on Wellbeing – Qualitative Case Study Findings" UCD School of Education 2022 at p6, [The Impact of Social Innovation Education on Wellbeing: Qualitative Case Study Findings](https://researchgate.net/publication/358111111) (researchgate.net).

72 Cannon and Coughlan *et al*, *The Mental Health of Young People in Ireland: a report of the Psychiatric Epidemiology Research across the Lifespan (PERL) Group* (Royal College of Surgeons in Ireland 2013) p.7.

73 Norman and Byambaa *et al*, *The long-term health consequences of child physical abuse, emotional abuse, and neglect: a systematic review and meta-analysis*, PLoS Medicine, 2012; Schaefer and Moffitt *et al*, *Adolescent victimization and early-adult psychopathology: Approaching causal inference using a longitudinal twin study to rule out non-causal explanations*, (2018) Clinical Psychological Science 352.

74 Roberts and Campbell *et al*, *The role of parenting stress in young Children's mental health functioning after exposure to family violence* (2013) 26(5) *Journal of Traumatic Stress*, 605.

75 Wickham, Whitehead, Taylor-Robinson, Barr, *The effect of a transition into poverty on child and maternal mental health: A longitudinal analysis of the UK millennium cohort study* (2017) 2(3) *The Lancet Public Health*, 141.

76 Tina Dürrbaum, Frank A. Sattler, *Minority stress and mental health in lesbian, gay male, and bisexual youths: A meta-analysis* (2020) 17(3) *Journal of LGBT Youth* 298; Liu & Mustanski, *Suicidal Ideation and Self-Harm in Lesbian, Gay, Bisexual, and Transgender Youth* (2012) 42(3) *American Journal of Preventative Medicine*, 221.

77 Vanessa E. Cobham, *et al.*, *Systematic Review: Anxiety in Children and Adolescents With Chronic Medical Conditions*, (2020) 59(5) *Journal of the American Academy of Child & Adolescent Psychiatry* 595.

78 UNCRC, "General Comment No. 4 (2003) Adolescent Health and Development in the Context of the Convention on the Rights of the Child" CRC/GC/2003/4 para. 39(i)

<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiQqI8gX5Zxh0cQqSRzx6ZfAICbDzm5DUreYo1tIYOkZcPE%2bQh98dgWJaknr%2bF7jm8Gi6iAJrcNX5Si7IU8lv0aykfsQrKYbxtZATWk0oeej> accessed 17 October 2022.

79 *ibid* para. 39(h).

80 Government of Ireland, "Implementation Plan 2022-2024: Sharing the Vision – A Mental Health Policy for Everyone" at p15, [file:///C:/Users/MargaretGallagher/Downloads/219435\\_7a8c78e1-98ad-4542-9a61-a13195a727d6.pdf](file:///C:/Users/MargaretGallagher/Downloads/219435_7a8c78e1-98ad-4542-9a61-a13195a727d6.pdf).

81 *ibid*, Recommendation 9, at p35.

82 *ibid*, Recommendation 10, at p36.

Reduction Programme (NSRP) with a 'whole community' approach to reducing stigma and discrimination for those with mental health difficulties.”<sup>83</sup>

### Recommendations

- **Strand 4** locates wellbeing in the person, but it could be strengthened further by including environmental and social determinants and societal expectations on mental health.
- **Strand 4** could address the stigma surrounding mental illness and the role it plays as a barrier to young people seeking mental health support.
- **Strand 4** should seek to acknowledge the fact that certain groups including children who have experienced abuse or neglect, domestic abuse, children living in poverty, those subjected to discrimination including transphobia and homophobia, and those experiencing chronic physical health conditions are at a greater risk of poor mental health.
- **Strand 4** should ensure the voice of the child and young people is heard in decision making around wellbeing by including active collaboration and participation of students in all aspects of the wellbeing curriculum.
- **Objective 4.3** could be strengthened by considering the physical and psychological impacts of stress and the inclusion of an exploration of certain levels of stress being considered healthy and normal tying in with the focus on resilience in the draft.
- **Objective 4.9** could be strengthened by acknowledging the school environment as a centre for wellbeing with greater co-ordination between schools and referral services and communication of these facilities with students.

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83 ibid Recommendation 7, at p33.