

# Action Canada responds to Canada's response to UN Special Procedures Joint Communication to Canada regarding sexuality education curriculum in Ontario<sup>1</sup>

May 2019

Action Canada welcomes the clear message from UN Special Procedures of the Human Rights Council to Canada: federal and provincial governments have an obligation to ensure all young people are provided with sexuality education and failure to ensure access to sexuality education is a violation of human rights. The Communication demands that Canada explain and account for the serious breach of human rights that occurred when the government of Ontario chose to regress to the 1998 sex-ed curriculum, which excludes lessons on LGBTQ+ identities and sexualities, consent, media literacy, gender equality, inclusivity of persons with disabilities, and take interim measures to prevent the re-occurrence of human rights violations.

The Government of Canada was called upon to take two immediate actions: (1) “ensure that all individuals and groups have access to comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate information on all aspects of sexual and reproductive health, including gender equality, sexual and gender-based violence, and the issue of consent” and (2) ensure all jurisdictions comply with international human rights obligations.

The Communication requested that the Government of Canada hold the Government of Ontario accountable regarding any threatened consequences for teachers reported for teaching the 2015 curriculum. Educators have the obligation and the right to teach the best possible curriculum to their students and must not be punished for upholding the standards of their profession. The communication further establishes the role of the federal government in ensuring provincial jurisdictions comply with human rights violation obligations.

In this regard, Action Canada acknowledges the Government of Canada's willingness to engage constructively with UN Special Procedures and its recognition of human rights protections under the Canadian Charter of Rights and Freedoms, human rights accountability mechanisms and ongoing efforts to ensure compliance with human rights obligations.

In response to the Communication, the Government of Canada, in collaboration with the Government of Ontario, submitted a response which:

- (1) fails to take adequate responsibility for human rights obligations (particularly regarding non-retrogression),
- (2) puts forward inaccurate information regarding the curriculum in question,
- (3) claims there is no definition of ‘age appropriate,’
- (4) refutes violations of teachers’ freedom of expression through the denial of the creation of a ‘snitch’ line,
- (5) presents misleading information regarding the consultations held on the curriculum, and

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<sup>1</sup> UN Special Procedures Joint Communication (reference: OL CAN 4/2018) received by Canada on December 19, 2018 and responded to by Canada in April 2019.



(6) incorrectly attributes rights entitlements to parents.

**Action Canada calls on the Government of Canada to meet its human rights obligations by:**

- engaging the Government of Ontario in order to re-submit information to UN Special Procedures, addressing inaccuracies contained in the initial response (see information presented below),
- engaging all Provinces and Territories towards the creation of robust accountability mechanisms to implement, monitor and evaluate comprehensive sexuality education, in line with the soon to be re-released Canadian Guidelines on sexuality education, the UNESCO technical guidelines on comprehensive sexuality education and international human rights law,
- allocating resources for the training of professional sexual health educators,
- publishing and disseminating information regarding the rights of young people to receive accurate, evidence-based comprehensive sexuality education, so as to drive demand for high-quality sexuality education, and empower young people with information regarding their rights, and
- engaging in national data collection on a full range of sexual health indicators.

## (1) Canada's human rights obligations

Human rights conventions and treaty monitoring bodies recognize young peoples' right to comprehensive sexuality education, including the UN Committee on Economic, Social and Cultural Rights' General Comments No. 22 and 14 require States to provide age-appropriate, evidence-based, scientifically accurate comprehensive sexuality education for all on sexual and reproductive health.<sup>2</sup> The realization of economic, social and cultural (including the rights to health and education) rights requires States to take steps to progressively realize rights through the enactment of laws, policies and programs that respect, protect and fulfill human rights, while also ensuring that existing protections do not deteriorate.<sup>3</sup> Under this general obligation, States are obligated to move as expeditiously as possible towards the full realization of the right in question through devoting maximum available resources to the realization of the right. As articulated in General Comment No. 14, "there is a strong presumption that retrogressive measures taken in relation to the right to health are not permissible" under international law.<sup>4</sup>

Paragraph 81 implies that the Ontario sexuality education curriculum is well within the scope of mainstream sexuality education curricula across other jurisdictions in Canada, and internationally, and therefore acceptable of the governments' reply. While Action Canada does not agree with the accuracy of this statement, even if this assertion were true, the change of curriculum still constitutes a retrogressive measure as the information provided below shows. The reality is that no curriculum in Canada meets human rights standards, the Public Health Agency of Canada's Canadian Sexuality Education Guidelines, or the UNESCO technical guidelines on comprehensive sexuality education.

Evidence demonstrates an overall lack of knowledge on sexual and reproductive health among youth populations. In 2011, over one quarter of positive HIV diagnoses were attributed to young people between the ages of 15 and 29. Women are overrepresented in the younger age group (15-19), accounting for 56.5% of the total positive HIV tests reported. Other sub-

<sup>2</sup> United Nations Economic and Social Council. "General Comment 22 on the right to sexual and reproductive health (article 12 of the International Covenant on Economic, Social and Cultural Rights)." 2016. And United Nations Economic and Social Council. General Comment 14. "The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)." 2000.

<sup>3</sup> United Nations Office of the High Commissioner. Fact sheet 33. "Frequently Asked Questions on Economic, Social and Cultural Rights." <https://www.ohchr.org/Documents/Issues/ESCR/FAQ%20on%20ESCR-en.pdf>

<sup>4</sup> United Nations Economic and Social Council. General Comment 14. "The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights)." 2000. Paragraph 32.

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groups may also be more vulnerable to HIV infection, particularly Indigenous youth. Moreover, young Canadians have the highest reported rates of STIs, and reported rates of chlamydia, gonorrhoea and syphilis have been steadily rising since the late 1990s. According to 2010 national STI surveillance data, 81% of new cases of chlamydia, 67% of new cases of gonorrhoea and 27% of new cases of infectious syphilis were among youth.<sup>5</sup>

This argument therefore sets a low standard for the realization of young peoples' rights through the delivery of comprehensive sexuality education. Rather, this argument validates sub-par comprehensive sexuality education curricula in Canada and around the world and thereby justifies ongoing human rights violations that take place due to government inaction.

In Canada's response to the UN Special Procedures Communication it claims that the '2018 curriculum' is new when in fact it is simply the 1998 curriculum re-branded (paragraph 16 – see full analysis of distinctions between 1998, 2010, 2015 and 2018 curriculums below). Therefore, the re-introduction of the 1998, under a different name, represents a retrogressive measure.

## (2) Inaccurate information regarding curriculum

The Government of Ontario's response to the Communication presents the 'interim curriculum' as a document that differs considerably from the 1998 curriculum, obfuscating the impact of repealing the updated version from 2015. In their communication, the Government of Ontario brands the 'interim curriculum' as the '2018 curriculum' in several places (paragraphs 15, 16, 20, etc.), when in fact it is, in essence, the 1998 curriculum. They also make a point to draw attention to how the 1998 curriculum was relaunched in 2010 and so, argue that it would be more accurate to call it the 2010 curriculum which was used from 2010-2014. This rebranding of the curriculum is not done in good faith and serves to obscure minimize the retrogressive measure taken by the Government of Ontario.

Timeline of events: comprehensive sexuality education curricula in Ontario			
1998 curriculum	2010 curriculum	2015 curriculum	2018 'interim curriculum'
Missing critical information related to consent, cyberbullying, sexuality, gender identity and expression, among other topics.	1998 curriculum + minor edits	Significant updates to address gap areas	2010 curriculum = 1998 curriculum with minor edits

## Timeline of curriculum reviews in Ontario

### 1998-2014 curriculums

The first update of the 1998 curriculum was launched in 2010 but was pulled by the Premier of Ontario just hours following its release in response to a concerted campaign against it led by social conservative groups and individuals.

The government then re-released the 1998 curriculum with a few minor modifications. The core of the document remained the same.

The curriculum houses its information by grade, with each grade being split into three sections: A) Active Living, B) Movement Competence: Skills, Concepts, and Strategies, and C) Healthy Living.

Sections A. and B. largely cover the physical education components of the curriculum such as movement skills.

Section C. on Healthy Living is where the sexual health education and other health-focused information is primarily found.

This section is split into four subsections:

<sup>5</sup> Public Health Agency of Canada. 2010. Population Specific Status Report: HIV/AIDS and other sexually transmitted and blood born infections among youth in Canada. <http://www.phac-aspc.gc.ca/aids-sida/publication/ps-pd/youth-jeunes/chapter-chapitre-3-eng.php#footnote1>. For more information, contact: Sarah Kennell, [sarah@actioncanadashr.org](mailto:sarah@actioncanadashr.org)



1. Healthy Eating
2. Personal Safety and Injury Prevention
3. Substance Use, Addictions, and Related Behaviour
4. Human Development.

Sections 1-3 contain some updated information from 2010, those updates focused on substance use, personal safety/injury prevention, and healthy eating. Some of the additions allowed for (very brief) mentions of internet safety, including risky online behaviors.

Subsection 4. Growth and Development was not updated in 2010. The lessons are all from the 1998 Health & Physical Education Curriculum.

The document lists overall expectations and specific expectations in a bullet-point list. For more information, teachers must refer to the 1998 curriculum for specific examples and more in-depth information regarding the content to be taught.

The Ontario government confirms in paragraph 35 that the Growth and Development expectations of the 1998 curriculum, which were not adjusted in 2010, as they seem to suggest in other parts of the document, were the ones being used in 2018. In essence, the curriculum is the same as the 1998 curriculum and while some adjustments were made in some of its components, none of those were in the sections addressing human sexuality.

## **2015 and interim curriculums**

The new 2015 curriculum was therefore seen as a long time coming. There are important discrepancies between the 1998 curriculum and the 2015 when it comes to key topics. In their response to the Special Procedures' communication, the Government of Ontario offers a general overview of what is included in its interim curriculum to counter assertions that a regression occurred because of the curriculum repeal but does so without addressing the differences between the two documents in terms of how the content is treated, without pointing out where information was removed by virtue of reverting to the 1998 (2010) version or where it lacks the sophistication of the updated document. School boards across Ontario have been asking for more clarity from the province about what exactly can be taught under the older curriculum. The province is still expected to explain more clearly the differences between the two curriculums or if they added or modified any of the document for the 2018 school year.

When it comes to the two curricula, there are undeniable differences that point to a retrogression.

For example, in the interim curriculum, there is no instruction on identifying genitalia by their proper names. While not giving a specific instruction to ensure students know the proper names for their genitalia does not preclude a teacher from teaching them, nothing in the document highlights the importance of this intervention and makes sure teachers have what they need to meet this expectation. That's in contrast with the 2015 document which instructs teachers to ensure students learn to name all major body parts, including genitalia.

Here are some brief examples:

Students are expected to learn about puberty starting in grade 4 but the level of details is low compared to what is outlined in the 2015 curriculum.

The 2015 curriculum mentions masturbation as a normal healthy way to discover one's body in grade 6. There are no such mentions in the interim curriculum.

The 2015 curriculum mentions gender identity and sexual orientation in grade 3 as examples of the ways each individual is unique. In grade 6, students learned that stereotypes based on gender and/or sexual orientation are harmful. In grade 8, students learn about gender identity and sexual orientation in more details. In contrast, the interim curriculum briefly

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mentions a topic adjacent to sexual orientation in grade 7 by discussing the harms of homophobic put-downs. It does not mention diverse family structures, same-sex marriage or same-sex relationships. Content touching on healthy relationships and risk prevention messaging around STI (the outdated term STD is used) has no content specifically speaking to diverse sexual orientations or genders. In contrast, the 2015 curriculum mentions anal sex in grade 7 in the lesson on the different routes of transmission for STIs including HIV.

In the 2015 curriculum, Grade 4 students were to learn that internet and cellphone use may expose them to people who ask for sexual pictures. In Grade 5, students were to learn about sexual harassment and that sharing sexual photos of others online is illegal. In Grade 7, students were to learn about the risks of sexting and how this can affect one's well-being, as well as future relationships and/or jobs.

In the interim curriculum, Grade 4 students learn about the risks of using the internet, including "online predators." In Grade 7, students learn that sending sexually explicit photos (the term sexting is not used) can affect future relationships and/or jobs.

Abstinence is mentioned in both documents. In the 2015 curriculum, grade 7 students learn that abstinence can mean different things for different people, and they should be clear about what they are comfortable with. In Grade 8 they identify and explain factors that affect decisions about sexual activity, including personal limits, peer pressure, desire, acceptance of gender identity and sexual orientation and risk of pregnancy.

In the interim curriculum, Grade 7 and 8 students learn about the possible consequences of "risky (sexual) behaviours" and are taught that abstinence is a "positive choice" for adolescents.

At a time when public discussions on consent are becoming increasingly sophisticated, it is crucial that sex-ed ensures students have a comprehensive understanding of this concept and develop the necessary skills to practice it. In the 2015 curriculum, Grade 6: students learn that general consent is defined as a clear "yes" and that "no" or an uncertain response is understood as no consent. In Grade 7, students learn about clear communication with romantic partners. Grade 8 students learn about consent during sex, and that consent to one sexual activity doesn't mean consent to all sexual activities. There are no mentions of consent in the Interim curriculum.

In their response to the Special Procedures, the Government of Ontario argues that the interim curriculum has a number of learning expectations and examples related to effective communication and healthy relationships, including 'stating boundaries, 'active listening', etc. In paragraph 52, it is stated that the presence of those learning objectives indicates that educators can have discussions of and teachings about consent in sexual relations. The government is countering the assertion that consent is not explicitly included in the interim curriculum by arguing that the presence of learning objectives around healthy relationships and communications skills is making "discussions of and teaching about consent consistent with the curriculum expectations". This renders explicit discussions of a key concept like consent, conditional on educators opting to have those conversations as opposed to ensuring that a sophisticated understanding of consent is enshrined in the curriculum objectives.

In several parts of their response, it appears that the Government of Ontario is seeking to counter the suggestion that, in repealing the 2015 curriculum, they sought to prohibit the teaching of topics deemed 'controversial' such as gender identity and expression and same-sex relationships. The belief that the Government of Ontario is seeking to remove some topics from sex-ed comes from explicit comments made during their election campaign. Complaints about the 2015 curriculum centred on discussions of same-sex marriage, gender identity and masturbation. It is therefore reasonable to believe that the subsequent



repeal was directly tied to their public remarks on the content they deemed ‘inappropriate’, including an interview given by the current Premier’s during his campaign calling gender identity ‘liberal ideology’ that should not be forced on the public.<sup>6</sup>

It appears like the government argues that the gaps in content are remedied by the inclusion of instructions to teach the content of the curriculum in an inclusive manner that is appropriate and relevant to students of diverse genders, sexualities, families and circumstances. We believe that this instruction is not a remedy to an outdated curriculum that expects that “in Grade 7, students will learn to describe age-appropriate matters related to sexuality (e.g. the need to develop good interpersonal skills, *such as the ability to communicate effectively with the opposite sex*) (p.84), as it provides no content and no instructions to educators to truly supports equitable access to health information.

In the section on laws and policies in place in Ontario that are in place to ensure a safe and inclusive learning environment, the government of Ontario argues that a change in curriculum does not affect teachers in terms of their capacity to teach in ways that are safe and inclusive for all students and that respect the laws, policies and program aiming to protect students against discrimination. Action Canada disagrees with this statement as the curriculum mandates the introduction of topics at certain times, effectively suggesting that the teaching of topics like gender identity and expression as well as sexual orientation is prohibited until the learning objectives are included in later grades. Homophobia and transphobia do not simply look like hostility, invisibility is also harmful to students who do not see themselves and/or their families represented and who do not learn about the diversity of gender identities and expressions, sexual orientation as well as the diversity of family structures. A curriculum that does not contain crucial health information does not support teachers teaching in a manner consistent with the requirements directed at supporting equity and diversity in schools.

This is also true of school board policies aiming to ensure the support for equity and inclusion in schools. The curriculum repeal does have an impact on the education sector’s ability to ensure teachings that support the safety and inclusion of LGBTQ students as it does not support teachers in teaching their pupils about gender and sexuality in all its diversity, a key intervention to prevent homophobic and transphobic bullying.

In conclusion, the Government of Ontario’s response obfuscates the gaps present in the interim curriculum and the retrogression they represent in relation to the sexuality education young people in Ontario receive.

### **(3) Definition of ‘age appropriate’**

In paragraph 79, the Government of Ontario argues that both the Canadian Guidelines and the World Health Organization’s (WHO) recommendations on adolescent sexual and reproductive health and rights recommend that sex-ed programs should be “age appropriate, based on scientific evidence and comprehensive and inclusive in its content” but does not prescribe that particular topics should be or must be taught in particular grades. This is in response to the critique of the removal of gender identity and sexual orientation from the elementary school curriculum. Action Canada disagrees with their reasoning as an ‘evidence-based’ practice means the conscientious use of the best practices available. This means programs and approaches that are scientifically proven to produce positive results. In short, an evidence-based approach constantly looks at new research and studies and re-evaluates practice based on findings.

There are numerous studies that speak to when and how topics must be introduced. For example, the 2015 curriculum teaches the physical changes that occur at puberty — from breast development to producing body odour — and the emotional and social impacts that may result in grade 4. This is earlier than what was taught in 1998. A change based on scientific evidence suggests children are hitting puberty earlier.

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<sup>6</sup> <https://www.qpbriefing.com/2018/08/21/socially-conservative-parent-group-routs-audio-clip-of-ford-suggesting-gender-identity-is-liberal-ideology/>

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Regarding the timely inclusion of content on gender identity and expression, sexual orientation, diverse family structures, gender norms and stereotypes, there is ample evidence that support the early introduction and the scaffolding of introduction throughout schooling of that content. The government of Ontario misrepresents what the Canadian guidelines and the WHO documents recommend in order to justify an ideologically-driven approach to what and when sexual health topics should be addressed and in what levels of detail.

#### **(4) Teachers' freedom of expression and the denial of the creation of a 'snitch line'**

During the spring 2018 provincial election, Ford pledged to repeal the 2015 curriculum and consult with parents on a new one. In efforts to argue that the Government did not intend to censor teachers, the Government wrote that the curriculum is not a script and that teachers are encouraged to seek outside resources to support the development of their lessons. This position is contrary to what was communicated to the press when the repeal first came into effect. In August of 2018, the government unveiled a new website called Fortheparents.ca that is "designed to give parents a portal to provide feedback about concerns related to the curriculum." Parents were advised to call the Ontario Colleges of Teachers' Investigations and Hearing department or file a complaint online if they felt like a teacher was deliberately ignoring the curriculum repeal. The "sex-ed snitch line" was launched after many educators and groups of concerned professionals critiqued the curriculum repeal in the media.

The Premier of Ontario is quoted in the press warning educators: "We will not tolerate anybody using our children as pawns. Make no mistake, if we find somebody failing to do their job, we will act."<sup>7</sup> Such interventions can effectively have a chilling effect on educators and school boards.

In February 2018, an Ontario court dismissed a challenge from elementary school teachers and a civil liberties group over the Government of Ontario's repeal of a modernized sex-ed curriculum.<sup>8</sup> The challenge from the Elementary Teachers' Federation of Ontario and the Canadian Civil Liberties Association argued that changes made by the government infringed teachers' freedom of expression and put students at risk by failing to be inclusive. In their defense, the Ontario Government, similar to their response to the communication from UN Special Procedures, called attention to the fact that a curriculum does not prohibit teachers from talking about any of the topics in question, which include: consent, use of proper names to describe body parts, gender identity and sexual orientation, online behaviour and cyberbullying, sexually transmitted diseases and infections, despite the fact that they are not included in the 1998 curriculum.

The ruling was considered a victory for teachers in Ontario as it reaffirmed their professional judgment rights. This is particularly critical as the Government of Ontario moves forward with the launch of a new curriculum and following the creation of an online portal for parents to denounce teachers teaching materials from the 2015 curriculum.

While the Government of Ontario's position on teachers' discretion in how they teach the content of the curriculum seems to have evolved since August 2018, it is worth noting that in the Government of Ontario's response to the Communication from UN Special Procedures, the Government reiterates in paragraph 43 that "what the curriculum would not permit is the design and implementation of a classroom program for a particular grade in which students were not taught and evaluated on the expectations specified for that grade, or *in which students were taught and evaluated on the expectations prescribed for a different grade*". Considering that topics like gender identity and sexual orientation were removed from grade 3 expectations and are now found in higher grades, it appears that teachers are still expected to avoid teaching those concepts before they are

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<sup>7</sup> <https://ottawacitizen.com/news/local-news/ontario-announces-education-consultations-portal-to-submit-concerns-about-teachers>

<sup>8</sup> <https://www.theglobeandmail.com/canada/article-ontario-court-dismisses-legal-challenge-to-governments-sex-education/>

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introduced in the curriculum. In paragraph 45, educators who do not wish to follow the interim curriculum are invited to teach in private, non-state schools. The vast majority of young people in Ontario are educated in the public education system.

The government of Ontario's claim that a curriculum does not infringe on teachers' freedom of expression because they can answer questions and have an opinion about the topics included in the curriculum, but this assertion does not address the issue of the content gaps in the interim curriculum. It does not address the consequences of sex-ed that does not include key content such as consent, gender identity and expression and sexual orientation. It also ignores the evidence on teachers' comfort levels around teaching sex-ed which demonstrate that when there are little practical supports for them to teach what can be sensitive materials, most teachers will avoid teaching it. It also fails to explain how the government plans to meet its obligation to ensure all students get access to the health information they need to be healthy if they download the responsibility to teachers who are called to "answer questions" instead of providing a robust, evidence-based comprehensive curriculum to support educators.

Canadian research has found that although teachers may see the importance of teaching sex-ed, they feel less capable, less comfortable, and even less willing to teach a range of relevant topics. Even when teachers have successfully attended a relevant course, they do not feel adequately prepared and need more theoretical and practical training than what is currently offered. This demonstrates how leaving the teaching of crucial information to chance by assuming that teachers can answer questions if/when they come up, does not support the government in meeting its human rights obligations.<sup>9</sup>

## **(5) Role of consultations on the curriculum**

In their response to the communication from UN Special Procedures, the Government of Ontario denies concern regarding threats to specific elements of the 2015 curriculum, which demonstrate a retrogressive measure vis-à-vis international human rights standards and best practice, specifically in the areas of gender equality and LGBTQ+ rights. Action Canada's concern is rooted in the actions taken by the Government of Ontario, including: the repeal of the 2015 sex-ed curriculum and creation of a 'snitch line' that was seemingly put in place to warn educators that there would be consequences for those who would not follow the directives in regard to the removal of certain topics in sex-ed content.

Action Canada is also concerned about the government's plan to use the result of a public consultation to determine the content as well as the timing of lessons for its new sex-ed curriculum. There has been no communication by the Government of Ontario on how they planned to navigate the responses they got from the public in the context of their obligations to uphold young people's rights to health, to information and to non-discrimination. Public opinion should not supersede human rights obligations, best practices, scientific evidence and expert guidance regarding what health information should be included in a comprehensive sex-ed curriculum.

The consultation yielded more than 72 000 contributions from the public and civil society. It is of note that, following a freedom of information request made by the press, it was revealed that an overwhelming majority of those who weighed in on the first day opposed the government's repeal of a modernized sex-ed curriculum introduced by the previous Liberal government. Ontario Premier Doug Ford suggested to the media that the results of the online consultation on sex education were skewed by "certain groups" in the early stages of the process.

The premier was asked whether the province would respect the outcome of the consultation after documents obtained by The Canadian Press showed that most people who participated did not support the repeal.

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<sup>9</sup> <https://www.tandfonline.com/doi/abs/10.1080/14681811.2011.615606>

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The Premier is quoted saying “Did certain groups flood it right at the beginning? (They) did,” he said, though he did not elaborate on the nature of those groups. “We’re going to run through the 35,000 responses ... and make a decision.”<sup>10</sup>

These remarks do not invite the public to trust the impartial nature of the consultation and it is our opinion that it indicates a risk for the curriculum to be disproportionately responsive to the opinion of a segment of voters who called for the removal of topics that did not align with their personal values. This undermines the creation of sex-ed curricula that is evidence-based and human-rights based.

Action Canada is pleased to hear that the Government of Ontario plans to re-introduce many of the topics removed from the 2015 curriculum. However, we are concerned that decisions surrounding which topics will and will not be covered rest with public opinion, rather than the Canadian Guidelines on sexuality education, international human rights standards, best practices and scientific evidence.

## **(6) The Role of Parents and the Right to Comprehensive Sexuality Education**

The role of parents and the rights of young people to receive comprehensive sexuality education are not in opposition. International human rights law recognizes the role of parents in providing direction and support to their children in accordance with their evolving capacities. Article 5 of the Convention on the Rights of the Child requires parents to provide guidance to their children as they go through the process of maturation where they progressively acquire competencies, understanding and increasing levels of agency to take responsibility and exercise their rights.<sup>11</sup> This means that parental guidance will change as children get older and should not deprive children of their rights to seek, receive, and impart information, to health, to education, to be free from gender-based violence and to non-discrimination.<sup>12</sup> Like all adults, all children are entitled to the full range of human rights and they also have additional rights under the Convention of the Rights of the Child that recognizes their changing needs as they grow into adulthood.

In the context of comprehensive sexuality education, while parents play a critical and supportive role in helping children to exercise their rights, children are the rights holders and the State has an obligation to ensure their rights to CSE are upheld. Therefore, in paragraph 88, Action Canada disagrees that parents be recognized as a group of rights holders and reinforces the importance of ensuring young people, as rights holders themselves, be engaged in consultations and direct dialogue with the Government of Ontario in the area of comprehensive sexuality education.

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<sup>10</sup> <https://www.thestar.com/politics/provincial/2018/12/18/sex-ed-consult-website-flooded-by-certain-groups-who-may-have-skewed-results-ford-says.html>

<sup>11</sup> CRC GC 20 para 18.

<sup>12</sup> CRC GC 20 paras 42, 43, 50; CESCR GC 22 paras 41, 44; CRC GC 12 para 19 (a); CRC GC 15; A/65/162; A/HRC/32/32.

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