

THE MASS IMPLEMENTATION OF  
INTERNATIONAL SEX EDUCATION GUIDELINES  
AND THE LEGAL AND MORAL RAMIFICATIONS  
AS PRESENTED BY THE ROMAN CATHOLIC  
CHURCH

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INTRODUCTION

The Roman Catholic Church, through its many teachings, boldly stands in opposition to the U.N.'s proposed regulations and ideologies ensuring the individual person is protected and cultivated into a mature and modest sexual human being. The world we exist in today is full of information about sexuality, health and lifestyle choices not available to previous generations. As we have progressed technologically and have begun to further understand the many contours of human sexuality, our culture and government have forced further regulation and imposed duties on educators that had been previously under the control of parents and religious communities. The true question that is asked of the legal community is whether the regulations imposed upon educators actually have improved the sexual health of humans in these regulated jurisdictions. This further regulation has pushed the family to accept the educational material required by regulators, like the U.N. and foreign governments, even if the required material is against the better judgment of families and religious organizations.

The goals of sex education in many jurisdictions are drastically different compared to those of the Church. The Church has been an advocate of sex education from the home and religious community to ensure that children gather knowledge about sexuality as they mature as an individual. The Church teaches that parents should play a significant role in determining when they feel it is appropriate to

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introduce a new topic on sexuality to the child. These discussions between parents and children are most effective when accompanied with programming and informational gatherings in the community. The Church purports that education should be conducted with appropriate materials and with modesty and friendship as dominating forces in the curriculum.

## I. THE PURPORTED RIGHTS

It is important to define sex education and illustrate the current trend towards establishing sex education as a fundamental right given to all human beings. This fundamental right further requires a right to freedom of information, allowing individuals to have free flowing access to important information pertaining to their sexuality. Additionally, the establishment of a right to equal treatment of the numerous acknowledged genders of the U.N. is promoted to ensure that gender stereotypes are not communicated to children. These specific goals of sex education are discussed through enumerated international documents giving specific guidelines for educators, governments, and other individuals directly influencing the sexual well-being of the next generation. The newly established fundamental rights, in many circumstances, push liberal and progressive knowledge about individual genital stimulation as the sole focus on sexual relations and not the dignity of the human person or procreation.

### A. *Sex Education, Defined*

Sex education is a lifelong process of acquiring information and forming attitudes, beliefs and values about identity, relationships, and intimacy. Sex education addresses the biological, socio-cultural, psychological and spiritual dimensions of sexuality topics in sex education including sexual development, reproductive health, interpersonal relationships, affection, intimacy, body image, and gender roles.<sup>1</sup> It is further defined as an age-appropriate, culturally relevant approach to educating individuals about sexual behaviors and relationships by offering accurate, realistic and non-judgmental

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1. S.I.E.C.U.S.: Sexuality Information and Educational Council of the United States, [www.siecus.org](http://www.siecus.org) (last visited Aug. 29, 2011).

information specific to the individual.<sup>2</sup> This education provides individuals with specific opportunities to investigate and develop their own values and attitudes.<sup>3</sup> This process will allow them to create and progress in their individual decision-making, communication and risk reduction skills about many aspects of their own sexuality.<sup>4</sup> There are varying programs available surrounding sex education and they differ depending on the specific curriculum offered. “Abstinence-Only Education” teaches abstinence as the sole option of sexual interaction for teenagers.<sup>5</sup> It typically censors information concerning contraception for the prevention of sexually transmitted infections and unintended pregnancy. Programs funded under the 1996 Welfare Reform Act must censor information about contraception and condoms for the prevention of sexually transmitted infections and unplanned pregnancy.<sup>6</sup> Comprehensive Sex Education teaches similar matters as the “Abstinence-Only Education,” but also educates individuals about the use of condoms and contraception. It also teaches interpersonal and communication skills and helps young people explore their own values, goals, and options.<sup>7</sup>

Valerie Huber, executive director of the National Abstinence Education Association, stated in accordance with a new study that this “study adds to 22 other peer-reviewed studies showing Sexual Risk Avoidance (SRA) education has a positive impact on student sexual behavior. This rigorous research design adds an important exclamation point to the efficacy of abstinence-centered education.”<sup>8</sup> Additionally, researchers stated that the current U.S. administration, under President Barack Obama, refused to release a report that exemplified the fact that abstinence education positively influences young individuals.<sup>9</sup> In 2009, the Administration for Children and Families (ACF), an agency of the U.S., funded a study of more than 1,000 youth between the ages of 12-18. Recently released, the report

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2. U.N.E.S.C.O., *International Guidelines on Sexuality Education: An evidence informed approach to effective sex, relationships and HIV/STI education*, (June 2009), at 2.

3. *Id.* at 12.

4. *Id.* at 32.

5. Sex Education Programs: Definitions and Point-by-Point Comparison, <http://www.advocatesforyouth.org/publications/655?task=view> (last visited Oct. 19, 2011).

6. *Id.*

7. *Id.*

8. BEN JOHNSON, *Abstinence education reduces teen sex rates, study shows*, LIFESITENEWS <http://www.lifesitenews.com/news/abstinence-education-reduces-teen-sex-rates-study-shows> (April 4, 2012).

9. *Id.*

found that “parental and peer attitudes do more to shape teens’ views of sex and abstinence than adolescent exposure to sex and abstinence topics in a class or program.”<sup>10</sup>

Their anti-abstinence position is just as political, if not more so, than the pro-abstinence position of conservatives. The liberals often claim it is conservatives who are anti-science, but when the research and the science goes against their ideological position, they are very eager to suppress the findings. Anyone who opposes SRA abstinence-centered education must be honest in their antagonism. They can no longer say that the approach “doesn’t work,” but must admit that their opposition is simply an ideological distaste for programs that encourage teens to wait for sex.<sup>11</sup>

#### B. *Sex Education as a Fundamental Right*

The rights to health and freedom of information, “carr[y] the most direct impact and provide the greatest degree of protection for minors’ rights to seek comprehensive sex education.”<sup>12</sup> A society must acknowledge other rights such as the right to education and information in order for a right to health to be recognized. The Center for Reproductive Rights has explained that, “all adolescents need accurate and adequate information about sexual and reproductive health . . . without easy access to accurate information, adolescents are at risk of being misinformed about sexual and reproductive matters, which may lead them to make decisions which could have negative impacts on their lives.”<sup>13</sup>

Prominent organizations in the international community contend that the right to health has many applications in the context of sex education.<sup>14</sup> If an individual is unable to seek comprehensive, accurate information about sex and sexuality, their ability to exercise a right to health is considerably undermined.<sup>15</sup> International law

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10. *Id.*

11. *Id.*

12. CAROLINE PACKER, *Sex Education: Child’s Right, Parent’s choice or State’s obligation? Of Innocence and Autonomy: Children, Sex and Human Rights*, 163, at 165 (2000).

13. CENTER FOR REPRODUCTIVE RIGHTS, *Implementing Adolescent Reproductive Rights Through the Convention on the Rights of the Child* (1999), at 4.

14. Office of the United Nations High Commissioner for Human Rights, *The Right to Health*, June 2008, at 1, available at <http://www.ohchr.org/Documents/Publications/Factsheet31.pdf>.

15. *Id.*

recognizes a right to health, which includes a right to acquire health-related information. Some of the most notable and recent treaties include the Convention on the Rights of Children, the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Committee on the Elimination of Discrimination Against Women (CEDAW). Each of these international treaties provides strong affirmative protections for the right to health. International organizations have recognized that there is a right to acquire information about health and have consistently expressed the specific need for comprehensive and medically accurate sex education in promoting the right to health.<sup>16</sup> The majority of Western countries, including the U.S., have played important and demonstrative roles in the international conferences, which specifically address the right to health. In the 1995 World Conference on Women in Beijing<sup>17</sup>, the main committee on world health stressed the importance of comprehensive sex education as a fundamental part of women's right to health.<sup>18</sup> The main committee instructed governments to "ensure [that] education and dissemination of information to girls, especially adolescent girls, regarding the physiology of reproduction, reproductive and sexual health, responsible family planning practice, family life, sexually transmitted infections, Human Immunodeficiency Virus (HIV) infection and aids prevention."<sup>19</sup> At the September 1994 International Conference on Population and Development in Cairo (ICPD), women's movements pushed for the recognition of women's health, education and rights as prerequisites for effective policies in population and development.<sup>20</sup>

Advocates of minor's access to sex education are found in many of the prevailing international governing bodies such as the U.N. and

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16. *Concluding Observations of the Committee on the Elimination of Discrimination Against Women, Brazil*, U.N. Doc. A/58/38, 127 (2003).

17. *World Conference on Women, Beijing Declaration and Platform for Action*, U.N. Doc. A/CONF.177/20 (Oct. 17, 1995).

18. *Id.* at 206(i).

19. *Id.* at 281(e).

20. "The U.N. Third World Conference on Women in Nairobi represented the culmination of ten years of work on gender empowerment. Attended by approximately 1,400 official delegates from 157 countries and 15,000 NGO representatives, the conference aimed to evaluate the progress made during UN Decade for Women and devise a new course of action for the advancement of women," *1985 World Conference on Women, Nairobi, Kenya* (July 1985), available at [http://www.5wwc.org/conference\\_background/1985\\_WCW.html](http://www.5wwc.org/conference_background/1985_WCW.html).

U.N. Educational, Scientific, and Cultural Organization (UNESCO).<sup>21</sup> They purport the concept of a right to health that is provided by and mandated broadly by governments. Advocates believe that a citizen possesses a right to health thereby requiring governments to ensure minor's access to all options available for their own reproductive health.<sup>22</sup> This ideal is contrary to the current federal sex education policy of the U.S. and the Church, in which abstinence only programs are provided funding.<sup>23</sup> Section 510 (b), Title V of Social Security Act currently defines the specific programs, all abstinence related, that the federal government will provide funding to if requested.<sup>24</sup> Despite these federal efforts, sex education policy is, on the whole, decentralized.<sup>25</sup> States have multiple policies governing sex education, which leads to a complex system. Many states that require sex education be taught in the classroom, but they differ greatly in terms of what curriculum they desire to be administered to the students.<sup>26</sup> Meanwhile, a state that has no specific policy on sex education may still recommend that educators take a particular course of action or even specify that a school district opting to offer sex education adhere to a particular curriculum. Furthermore, within an individual state, there may be differing policies governing mandates for education.<sup>27</sup>

International advocates further promote the concern that a broad interpretation of the right to health, when joined with the ideas presented at the Convention on the Rights of Children, emphasizes the preparation of children to live in a "free society."<sup>28</sup> This brings to the forefront many of the liberty interests recognized under developed nations. They further argue that the right to sex education mandates governments to prepare children for all activities protected in free society.<sup>29</sup>

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21. U.N.E.S.C.O., *About Us*. <http://www.unesco.org/new/en/unesco/about-us/> (last visited April 3, 2012).

22. LEAH J. TULIN, *Can International Human Rights Law Countenance Federal Funding of Abstinence-Only Education?*, 95 Geo. L.J. 1979, 2009 (2007).

23. *Id.* at 2013.

24. Section 510 (b), Title V of Social Security Act.

25. KAISER FAMILY FOUNDATION, *Sex Education in the US: Policy and Politics*, 3 (Mar. 2002) <http://www.kff.org/womenshealth/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=14903>.

26. *Id.* at 3.

27. *Id.*

28. LEAH J. TULIN, *supra* note 22, at 1999.

29. LEAH J. TULIN, *supra* note 22, at 2000.

C. *The Right to Freedom of Information*

The information available to minors is at the center of the argument concerning the right to information on sex education. There are several international treaties, which provide for the “freedom to seek, receive and impart information and ideas of all kinds.”<sup>30</sup> At the International Conference on Population and Development in 1994, the Cairo Programme of Action recognized that access to information for minors would help them make well-informed decisions regarding their personal sexual health. The conference concluded that:

The response of societies to the reproductive health needs of adolescents should be based on information that helps them attain a level of maturity required to make responsible decisions. In

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30. *See generally*, U.N. International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171, 1946, the UN General Assembly adopted Resolution 59(I), stating,

Freedom of information is a fundamental human right and ... the touchstone of all the freedoms to which the U.N. is consecrated. Abid Hussain, the UN Special Rapporteur on Freedom of Opinion and Expression, elaborated on this in his 1995 Report to the UN Commission on Human Rights, stating: Freedom will be bereft of all effectiveness if the people have no access to information. Access to information is basic to the democratic way of life. The tendency to withhold information from the people at large is therefore to be strongly checked. The UN Special Rapporteur on Freedom of Opinion and Expression has been rather more progressive in his approach. In successive recent annual reports to the UN Commission on Human Rights, the Special Rapporteur has stated clearly that the right to access information held by public authorities is protected by Article 19 of the International Covenant on Civil and Political Rights (ICCPR), as the following excerpt from his latest report, in 1999, illustrates: [T]he Special Rapporteur expresses again his view, and emphasizes, that everyone has the right to seek, receive and impart information and that this imposes a positive obligation on States to ensure access to information, particularly with regard to information held by Government in all types of storage and retrieval systems - including film, microfiche, electronic capacities, video and photographs - subject only to such restrictions as referred to in article 19, paragraph 3, of the International Covenant on Civil and Political Rights. These views have been welcomed by the UN Commission on Human Rights, composed of 53 member States of the U.N. Within the Commonwealth, there have also been moves recognizing the importance of freedom of information. The Commonwealth Secretariat, with the assistance of Article 19, organized an Expert Group Meeting in March 1999 to discuss the importance of freedom of information legislation. The Group adopted a Final Document setting out a number of principles governing freedom of information of which the first is as follows: Freedom of information should be guaranteed as a legal and enforceable right permitting every individual to obtain records and information held by the executive, the legislative and the judicial arms of the state, as well as any government owned corporation and any other body carrying out public functions.

particular, information and services should be made available to adolescents to help them understand their sexuality and protect them from unwanted pregnancies, sexually transmitted infections and subsequent risk of infertility.<sup>31</sup>

#### D. *The Right to Equal Treatment*

International human rights initiatives under the U.N. directly prohibit educational material which promotes gender stereotypes.<sup>32</sup> The International Covenant on Civil and Political Rights (ICCPR) expressly protects against sex discrimination stating that, "all persons are equal before the law and are entitled without any discrimination to the equal protection of the law."<sup>33</sup> Abstinence-only programs have been presented with great criticism in the world of academia and international regulation. One critic of sex education presented the idea that, "abstinence-only programs not only present archaic images of women and girls, and they also reinforce troubling myths and stereotypes about the differences between men and women."<sup>34</sup>

#### E. *Specific Goals of Sex Education Programs*

Many goals apply to sexually active youth while others apply to those not currently sexually active. A common goal across many programs includes reducing the number of sexual encounters, including postponing the age of a minor's first sexual contact, promoting abstinence, decreasing the number of sexual partners, and increasing the use of contraception.<sup>35</sup> With regard to contraception, the use of condoms by sexually active youth is encouraged to prevent pregnancy, HIV/AIDS and other sexually transmitted infections.<sup>36</sup> There is also a desire to reduce the rates of marriages due to pregnancy and reducing the rate of unwelcome pregnancies and consequential abortions.<sup>37</sup> There is a broad range of

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31. International Conference on Population and Development, Cairo, Egypt, Sept. 5-13, 1994, 7.41, U.N. Doc. A/CONF.171/13/.

32. *Id.* at 4.19.

33. G.A. Res. 21/49, U.N. Doc. A/RES/2200A.

34. LEAH J. TULIN, *supra* note 22, at 2005.

35. *Education and HIV/AIDS: A Sourcebook of HIV/AIDS Prevention Programs*, WORLD BANK 2 (2003), [http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/5476641099\\_080042112/sourcebook\\_hiv\\_aids.pdf](http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/5476641099_080042112/sourcebook_hiv_aids.pdf).

36. *Id.* at 2, 5.

37. *Id.* at 1, 2, 9.

educational procedures available for sex education programs, which include peer education, mass media, social marketing, youth friendly services, and policy dialogue and advocacy.<sup>38</sup>

The World Bank has set forth the key elements of successful sex education programs. Pursuant to the World Bank's view, the majority of successful school based programs were under the mandates and regulations of the supreme governing body of that nation.<sup>39</sup> The Joint U.N. Programme on HIV/AIDS (UNAIDS) commissioners acknowledge that a successful program recognizes the child as a committed student who already knows, feels, and understands some of the many healthy habits that can be attributed to a strong development and HIV/AIDS prevention.<sup>40</sup> The healthy development of an individual encounters many risks throughout adolescence.<sup>41</sup> The inclusion of knowledge and certain attitudes and skills needed for prevention are imperative elements of successful programs as well as the understanding of the impact relationships have on behavioral change in youth and young adults.<sup>42</sup> It is understood that the positive reinforcement of social values and the portrayal of human sexuality as a healthy and normal part of life that is not derogatory against any specific gender, race, ethnicity, or sexual orientation has proven effective in the past.<sup>43</sup> The World Bank suggests that a program that focuses on the analysis of the students learning and a broad evaluation is important to ensure that each pupil is assessing the material in a manner favorable to the governing body's liberal opinions.<sup>44</sup> Furthermore, instructors and teachers require continual support in order to provide good instruction coupled with multiple participatory learning activities and strategies.<sup>45</sup> The World Bank concludes that a good program should include the greater community to provide the youth with unilateral support and for a specific sequence and progression to ensure the continuity of specific messages.<sup>46</sup>

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38. JAMES E. ROSEN, *Sexuality Education in Schools: The International Experience and Implications for Nigeria*, Policy Working Paper Series No. 12, 2-3 (June 2004).

39. WORLD BANK, *supra* note 35, at 380.

40. *Id.* at 381.

41. *Id.* at 379.

42. *Id.* at 288.

43. *Id.* at 190.

44. *Id.* at 313.

45. *Id.* at 314.

46. WORLD BANK, *About Us*, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS> (last visited April 5, 2012).

## II. CHARACTERISTICS OF SEX EDUCATION PROGRAMS ACROSS THE WORLD

In this section, the common characteristics found in programs across the world are discussed including the international treaties, regulations and conferences, which offer insight into the differing status of these programs. Furthermore, the sex education trends experienced across regions will be distinguished with the goals of international regulatory bodies, such as the U.N.

### A. *Treaties, Regulations and Conferences*

#### 1. *International Conference on Population and Development*

The 1994 International Conference on Population and Development introduced reproductive health and other new phrases to the debate. However, due to the non-binding nature of the report, these words should not be used in international policymaking. These words do not retain definition in any international regulations or governing bodies due to the lack of consensus by the international community. Nonetheless, due to their extensive use in the remainder of the document, they will be defined according to their current use in these prevailing international papers.<sup>47</sup> Reproductive health is mentioned extensively and the conference defined it as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity, in all matters relating to the

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World Bank, Key Elements: We provide low-interest loans, interest-free credits, and grants to developing countries. These support a wide array of investments in such areas as education, health, public administration, infrastructure, financial and private sector development, agriculture, and environmental and natural resource management. Some of our projects are co financed with governments, other multilateral institutions, commercial banks, export credit agencies, and private sector investors. We also provide or facilitate financing through trust fund partnerships with bilateral and multilateral donors. Many partners have asked the Bank to help manage initiatives that address needs across a wide range of sectors and developing regions. We offer support to developing countries through policy advice, research and analysis, and technical assistance. Our analytical work often underpins World Bank financing and helps inform developing countries' own investments. In addition, we support capacity development in the countries we serve. We also sponsor, host, or participate in many conferences and forums on issues of development, often in collaboration with partners.

47. International Conference on Population and Development, *supra* note 31, at 7.2.

reproductive system and to its functions and processes.”<sup>48</sup> This definition implies that people are able to have a satisfying and safe sex life and that they have the capability to reproduce and the freedom to decide it, when and how often to do so.<sup>49</sup> This further implies the right of men and women to be informed and to have access to safe, effective, affordable and acceptable methods of contraception of their choice, as well as other methods of their choice for regulation of fertility, which are not against the law.<sup>50</sup> Additionally, the right of access to appropriate healthcare services that will enable women to go safely through pregnancy and childbirth and provide couples with the best chance of having a healthy infant.<sup>51</sup> The term reproductive healthcare is “the constellation of methods, techniques and services that contribute to reproductive health and well-being through preventing and solving reproductive health problems.”<sup>52</sup> This includes sexual health, the purpose of which is the enhancement of life and personal relations, and not merely the counseling and care related to reproduction.<sup>53</sup> These rights rest on the recognition of the basic right of all couples and individuals to freely decide the number, spacing and timing of children.<sup>54</sup> It also includes the right of all to make decisions concerning reproduction free of discrimination, coercion and violence.<sup>55</sup> Finally, a reproductive duty has been defined, as “in the exercise of this right, they should take into account the needs of their living and future children and their responsibilities towards the community.”<sup>56</sup> The conference stated that abortion was not a means of family planning by concluding that, “governments should take appropriate steps to help women avoid abortion, which in no case should be promoted as a method of family planning, and in all cases provide for the humane treatment and counseling of women who have had recourse to abortion.”<sup>57</sup>

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48. *Id.* at 7.2.

49. *Id.*

50. *Id.*

51. *Id.*

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.*

56. *Id.*

57. *Id.* at 7.24.

B. *Trends Observed by Region and by Country*

The diversity and depth of legislation is substantial across the world. According to the U.N. Population Fund in Latin America and the Caribbean, only three countries have a high level of specialized legislation on the education of children in schools about their sexual health.<sup>58</sup> The report indicated that a majority of countries, in eleven cases, have an intermediate level; whereas the remaining twelve countries have either a low level of stipulations in their legislation or they have no applicable legislation.<sup>59</sup> Latin America and the Caribbean offer evidence that the existence of legislation does not correlate to educational programs actually having been implemented and carrying out the legislative intent.<sup>60</sup> The majority of these countries have designated professionals in the fields of pedagogy, psychology and medicine to be responsible for the development of specific curricula.<sup>61</sup> Those responsible for the implementation of policies for comprehensive sex education are typically teachers and educators.<sup>62</sup> The health and sex education of the youth, which has a varying definition across the world, is a topic that is taught across many subject areas in school, which allows for a broad exposure of the issue. Across a majority of these countries the Ministry of Education and Health is involved to ensure continuity and ensure that mandates are followed properly.<sup>63</sup>

In Europe, education on sexual health is compulsory in nineteen countries and remains voluntary in six.<sup>64</sup> These programs begin between the ages of five years of age and fourteen years of age depending on the specific jurisdiction. Whether the Ministry of Education is responsible for the design and implementation of specific public policies on sex education, in their respective countries, varies by region.<sup>65</sup> In countries with a broader concept of sex education, many government agencies are involved in the process.<sup>66</sup> In many

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58. Lisa M. Demaria, "Educación sobre sexualidad y prevención del VIH: un diagnóstico para América Latina y el Caribe," in *Revista Panamericana de Salud Pública*, vol. 26, No. 6, 2009, 485-493.

59. *Id.* at 485.

60. *Id.* at 487.

61. *Id.*

62. *Id.* at 490.

63. *Id.* at 492.

64. G.A. Res. 65/69(b), ¶ 43, U.N. Doc. A/65/162 (July 23, 2010).

65. *Id.*

66. *Id.*

cases the teachers are the sole individuals responsible for the policy implementation.<sup>67</sup> It was documented by the Special Rapporteur of the U.N. that in Europe, the quality of the education varies little from country to country but more so within a single country.<sup>68</sup> Due to this difference, it is crucial that the Ministries of Education and Health play a vital role in ensuring the universal application of these policies in their specific country.<sup>69</sup>

Sex education in a majority of European states spans several subject areas in the classroom. Portugal teaches sex education within the courses of biology, geography, philosophy, and religion.<sup>70</sup> In other countries it is taught in civil classes, which take a broader approach to these issues of sexuality. In Belgium the moral and ethical aspects of sexuality are drawn into the discussion.<sup>71</sup> Often countries will deal with sex education from a biological point of view and focus on the aspects that emphasize the importance of health education but often neglect relational and affective issues, undermining a comprehensive approach.<sup>72</sup>

A study by the International Congress on AIDS in Asia and the Pacific (ICAAP) on the sex education policies in East Asia found that most countries' sex education policies had been in effect since the early 1990's. Papua New Guinea, Mongolia, the Philippines and Thailand were found to have the most extensive and widely implemented programs in the East Asia region. Since 2009, the implementation of these programs and policies has expanded widely with the push of the U.N. and other non-governmental organizations. However, this part of the world still does not provide comprehensive sex education by U.N. standards.<sup>73</sup> A majority of the countries report HIV education policies but relatively few adopted a comprehensive approach, which according to the U.N. requires the implementation of their liberalized and progressive approach to human rights, values, life skills, and community participation.<sup>74</sup>

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67. *Id.*

68. *Id.* at 45.

69. *Id.* at 46.

70. *Id.*

71. *Id.*

72. *Id.*

73. U.N. Population Fund, *Enhancing HIV Prevention for Adolescents through Effective HIV and Sexuality Education*, report to the special session, 9<sup>th</sup> International Congress on AIDS in Asia and the Pacific, Bali, Indonesia, 2009. [http://www.icaap9.org/s\\_contents.php?id\\_pages=2](http://www.icaap9.org/s_contents.php?id_pages=2) (last visited Oct. 10, 2011).

74. *Id.*

The ICAAP report also reported that there were no strategic connections between the various community sectors such as health and education. The policies implemented were not designed with the intent of impacting several sectors of a community. In East Asia, the implementation and impact of sex education policies is typically less significant to that of Western cultures. In these countries the topic is mostly covered in science courses such as biology or health. In the Asia-Pacific region, sex education is included in the secondary level of education in all countries and six countries include it within the primary level of education. Of the countries studied, thirteen implemented the programs without any training programs for the teachers or instructors.<sup>75</sup> Some of these countries ignore the intrusive nature of the U.N., and sex education is simply limited to its biological or moral aspects.<sup>76</sup> The U.N. suggests that education should encompass all aspects of an individual's life,<sup>77</sup> pushing their agenda on those who may not require such rigorous, crude and sometimes relentless sexualized education.

Cambodia has a legal framework, which continues to establish legal ideas and has stimulated significant progress in the creation of a comprehensive sex education program, according to guidelines set forth by the U.N. According to the study, the country has made the discussion of gender mainstream and has pushed for the expansion of the definition from what has traditionally remained male and female. The U.N. has tried to change the traditional meaning of gender since the advent of the sexual revolution<sup>78</sup> in the U.S. and Western Europe.

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75. Plan International, *Sexuality Education in Asia: Are we delivering? An assessment from a rights-based perspective*, Oct. 2010, <http://plan-international.org/files/Asia/publications/sexualityeducation>.

76. *Id.* at 49,

A concern is raised in several SRAs about the lack of comprehensive information on HIV and SRH (India, Indonesia and Nepal). It seems likely that information about high-risk behaviours, such as sex work or males who have sex with males (MSMs) are not included in most school curricula. Some national HIV strategies refer to basic (limited in scope and probably mainly biological) information about HIV and AIDS rather than emphasising more comprehensive social information. Gender issues, including stereotyping, harmful masculinities and gender-based violence, may be underestimated or totally missing. More research is needed to investigate how comprehensive curricula are in their integration of sexuality issues as well as how faithfully a curriculum is delivered in the classroom.

77. *Id.* at 19.

78. Sexual Revolutions is a term used in association with the "swinging" 1960s and 1970s. The relaxation of sexual inhibitions that began in the 1960's, which many argue continues today, <http://www.jpands.org/vol13no3/malhotra.pdf> (last visited, Oct. 21, 2011).

In Thailand, sex education has been included in the curriculum of school systems since 1978 and has even accommodated the Muslim faith by the recent creation of a manual. Vietnam has expressed a continued commitment to sex education since 2000.<sup>79</sup> Their system of education has provided great strides in the prevention of HIV and improved reproductive health.<sup>80</sup> Both HIV prevention and reproductive health are included in the compulsory curriculum for children age 10-12 and is taught as an extracurricular subject for those aged six to nine.<sup>81</sup>

The African continent has a very different educational system compared to many other regions previously discussed. Countries in Africa typically do not provide planned sexual curriculum. Generally African families are uncomfortable talking about sexuality with their children and therefore refrain from doing so altogether.<sup>82</sup> Nonetheless, many children receive information informally through friends and through HIV prevention programs provided by non-governmental organizations.<sup>83</sup> According to a study by UNESCO, in 2004, nineteen of twenty African countries with the highest prevalence of HIV had programs designed to eliminate this trend. Implementation of these programs, however, has been slow and many were not integrated into the curriculum due to a lack of organization.<sup>84</sup> A study completed by the Guttmacher Institute, a non-profit organization promoting reproductive rights including, but not limited to, abortion, found that half of 15 to 19 year olds in Burkina Faso, Ghana, Malawi, and Uganda have received some form

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79. U.N., G.A., *supra* note 64, at 54.

80. *Id.* at 54.

81. *Id.* at 54.

82. *E.g.*, Ministry of Health and Social Services of the Republic of Namibia, *Zambia Country Report Monitoring the Declaration of Commitment on HIV and AIDS and the Universal Access* 2010, 19, [http://data.unaids.org/pub/Report/2010/zambia\\_2010\\_country\\_progress\\_report\\_en.pdf](http://data.unaids.org/pub/Report/2010/zambia_2010_country_progress_report_en.pdf); ANN E. BIDDLECOM, *Protecting the Next Generation in Sub-Saharan Africa: Learning from Adolescents to Prevent HIV and Unintended Pregnancy*, 23, [http://www.guttmacher.org/pubs/2007/12/12/PNG\\_monograph.pdf](http://www.guttmacher.org/pubs/2007/12/12/PNG_monograph.pdf). Mary Ogechi Esere, "HIV/AIDS awareness of in-school adolescents in Nigeria: Implications for Adolescence Sexuality," *Journal of Psychology in Africa*, 16(2) (2006).

83. ROBERT T. FRANCOEUR AND RAYMOND J. NOONAN, eds. "Botswana" in *International Encyclopedia of Sexuality*, Kinsey Institute, 2004, <http://www.kinseyinstitute.org/ccies/bw.php>.

84. UNESCO, *Education sector global HIV & AIDS readiness survey 2004: policy implications for education and development*, 46 (Paris, May 2006), <http://unesdoc.unesco.org/images/0014/001446/144625e.pdf>.

of sex education in their education. This statistic is suspect because in Burkina Faso, more than half of fifteen to nineteen year olds have never attended school.<sup>85</sup>

The U.N. Special Rapporteur highlights the experience of Denmark where teacher training in sex education is carried out in conjunction with the Danish Family Planning Association.<sup>86</sup> The U.N. is supportive of this system primarily because of its collaborative nature and imposition of U.N. supported ideologies. Accordingly, the U.N. views this to be a good example of how to promote sex education and provide the necessary elements to the whole population.<sup>87</sup>

1. *Analysis by Perspective: The U.N. Special Rapporteur*

The U.N. Special Rapporteur considers that sex education is a right in itself, another human right, and should be clearly linked with other rights.<sup>88</sup> Those with disabilities have been included in these suggested international guidelines due to the prejudices, coupled with many laws and practices, which limit the legal capacity and ability for persons with disabilities to act on their right to informed consent.<sup>89</sup> The report discusses individuals with disabilities, and establishes that those with disabilities are wrongfully determined to not have sexual desire or a desire to be in longstanding relationships.<sup>90</sup> The U.N. argues that these individuals are being denied their "right to pleasure and happiness."<sup>91</sup> The U.N. has stated that sex education must be free of prejudices and stereotypes, which lead to the justification of discrimination against a particular group. The Special Rapporteur includes the idea of a gender perspective, which they suggest will allow people to think critically about the world around them.<sup>92</sup>

The report admits that the curriculum has a central role in perpetuating the knowledge sharing among children about the

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85. BIDDLECOM, *supra* note 82, at 8.

86. U.N., G.A., *supra* note 64, at 58.

87. *Id.*

88. *Id.* at 61.

89. *Id.* at 62.

90. *Id.*

91. *Id.*

92. *Id.* at 67.

inequities associated with patriarchal models.<sup>93</sup> These models, according to the U.N. report, drastically reduce a children's potential for full development.<sup>94</sup> This organization holds the belief that sex education should encourage a rethinking of the stereotypical roles assigned to men and women so that real equality can be achieved.<sup>95</sup>

The U.N. report emphasizes the importance of a comprehensive approach to sex education, rather than a limited scope based on abstinence. The U.N. report states that there are certain types of programs, which are limited in effectiveness because of the narrow scope of abstinence. Programs that focus exclusively on abstinence as the sole option are said to raise various problematic questions because students are denied the right to accurate information that allows them to make informed decisions.<sup>96</sup> It is argued that the U.N. is looking to further propagate the liberal ideologies put forth by Western cultures.<sup>97</sup> The report argues that abstinence-only programs are present to marginalize many young people who are already having sexual relationships and do not foster informed and responsible decision-making. According to the U.N., this type of program normalizes, stereotypes and promotes images that are disciplinary because they are based on "heteronormativity." Thus, the argument stands that by denying the existence of the lesbian, gay, transsexual, transgender and bisexual population, these individuals expose these groups to risky and discriminatory practices.<sup>98</sup>

## 2. *The Role of Families and the Community*

This Special Rapporteur specifically stated that the community is important in the formation of people's identities. However, the report pointed to the State and its unavoidable obligation to guarantee education that is free from prejudices and stereotypes. School, as a forum of socialization, opens up access to different perspectives.

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93. *Id.* at 77.

94. *Id.* at 73.

95. MIGUEL ANGEL SANTOS GUERRA, *Curriculum oculto y construccion del genero en la escuela*, <http://educacion-nosexista.org/repo/curriculum.oculto.y.construccion.del.genero.en.la.escuela.pdf> (last visited Oct. 10, 2011).

96. U.N., G.A., *supra* note 64, at 68.

97. *See generally*, ANDREW MORAVCSIK, *Taking Preferences Seriously: A Liberal Theory of International Politics*, [http://mitpress.mit.edu/journals/Inor/pdf/inor\\_51\\_4\\_513\\_0.pdf](http://mitpress.mit.edu/journals/Inor/pdf/inor_51_4_513_0.pdf).

98. U.N., G.A., *supra* note 64, at 68.

Together countries and families have complementary roles that are not mutually exclusive with regard to sex education. The report acknowledges that fathers and mothers are free to choose the nature and manner of education that their sons and daughters will be exposed to but state that this authority may never run counter to the rights of the children and adolescents. Thereby, that statement removes the parents from controlling the education of their children, a contradictory statement in the report. The central focus is on the best interests of the child.<sup>99</sup>

The report argued that the U.N. is concerned about the individual community's cultural and religious values. The report stated that the comprehensive sex education presupposes a value-based perspective even though it may include different moral considerations from a pluralistic point of view. The comprehensive approach will promote the integration of individuals into a more democratic and unrestricted society. It is a challenge, according to this report, for the educational system and communities to work together without the imposition of personal moral values on the general public. They contend that this imposition will compromise the individual's freedom to choose a particular lifestyle. The Special Rapporteur has studied cases in which approved scientific sex education was never implemented because of ecclesiastical<sup>100</sup> influence.<sup>101</sup> Ecclesiastical Influence is a source of concern for liberal ideologies whose values are losing the battle for cultural dominance against commonsense traditional values.<sup>102</sup>

### 3. *Other Conclusions and Recommendations*

The report includes conclusions and recommendations to the international community. Recommendations include:

International human rights standards clearly establish the human right to comprehensive sex education, which is indivisible from the right to education and is key to the effective enjoyment of the right to

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99. U.N., G.A., *supra* note 64, at 71-73.

100. Ecclesiastic/Ecclesiastical: "Pertaining to or of the Church. Hence ecclesiastical government is Church government; an ecclesiastical province is a grouping of Church jurisdictions or dioceses; an ecclesiastic is a Church official." Dictionary of Catholic Terms, <http://www.thesacredheart.com/dictionary.htm> (last visited Dec. 19, 2011).

101. U.N., G.A., *supra* note 64, at 74.

102. *Id.*

life, health, information, and nondiscrimination, among others.<sup>103</sup> Furthermore, sex education should be associated with the prevention of sexually transmitted infections and unwanted pregnancy; while this is necessary, it cannot provide a basis for state policies, which must consider sex education as a right in and of itself.<sup>104</sup>

Another recommendation is the elimination of legislative and constitutional limitations, which in their assumption will be a barrier to an individual's full enjoyment of the right to comprehensive sex education.<sup>105</sup> The U.N. promotes strong legislation that guarantees the right to education without discrimination against individuals in society who decide against traditional relationships and lifestyle choices.<sup>106</sup>

The report encourages the design and implementation of comprehensive and sustainable public policies aimed specifically at this effective communication of this material to individuals.<sup>107</sup> The report suggests that the policies should focus on rights, gender and respect for diversity, while providing for coordination among agencies.<sup>108</sup> These programs should ensure the inclusion of comprehensive sex education from primary school onwards, taking into account the age of first intercourse and other variables based on the age of students and the capacities associated with their levels of emotional and cognitive development.<sup>109</sup> The U.N. states that when establishing a sex education curriculum countries and organizations should provide for the inclusion and expansion of a holistic perspective that does not focus exclusively on biology. These programs should include the gender dimension, human rights, new patterns of male behavior, diversity and disability.<sup>110</sup> The report argues that it is important to provide high-quality, specialized teacher training in an institutional environment that supports teachers and increases their confidence through a curriculum framework of medium and long-term projects.

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103. *Id.* at 75.

104. *Id.* at 81.

105. *Id.* at 87(a).

106. *Id.* at 87(a).

107. *Id.* at 87(b).

108. *Id.* at 87(b).

109. *Id.* at 87(c).

110. *Id.* at 87(d).

The report cites to the importance of including families and communities as strategic allies in curriculum design and implementation. Their incorporation must be grounded in pluralism<sup>111</sup> and compliance with the obligation to provide comprehensive education, which includes scientific information based on evidence and human rights standards.<sup>112</sup> These liberalized ideologies are promoted to ensure that this extremist agenda is propagated to the masses through state and country run programs whose citizens may lack the requisite knowledge to discern from sex education and the biased political view of an international agency.

These recommendations suggested by this Special Rapporteur suggest a liberal and far spanning reach of this progressive curriculum in every region of the world. The suggested guidelines and teaching methods are in direct contradiction to that of the largest Christian institution on earth, the Roman Catholic Church.

### III. ROMAN CATHOLIC SOCIAL TEACHING IN ACCORDANCE WITH THE TEACHING OF ABSTINENCE

#### A. *Significance in Sexuality*

The Church has in recent decades<sup>113</sup> further established their presence in the debate on human sexuality. In this section, a

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Pluralism is based on dialogue. The language of pluralism is that of dialogue and encounter, give and take, criticism and self-criticism. Dialogue means both speaking and listening, and that process reveals both common understandings and real differences. Dialogue does not mean everyone at the "table" will agree with one another. Pluralism involves the commitment to being at the table -- with one's commitments.

HARVARD UNIVERSITY, The Pluralism Project, [http://pluralism.org/pages/pluralism/what\\_is\\_pluralism](http://pluralism.org/pages/pluralism/what_is_pluralism) (last visited Dec. 19, 2011).

112. U.N., G.A., *supra* note 64, at 87(h).

113. POPE PIUS XI, *The Education of the Redeemed Man*, (Dec. 1921). Pope Pius XI stated that "no approbation whatever can be given" to group sex education, and that precautions must be taken to see that young people avoid all occasions of sin; POPE PIUS XII, *Allocution to Professors of the Discalced Carmelites*, (Sept. 23, 1951). Pope Pius XII insisted that only parents should give sex education, and on April 13, 1953, he reaffirmed the decree of 1931. POPE PIUS XII, *Sacra Virginitas*, (Mar. 1954). Pope Pius XII condemned those who teach about sex, and further proclaimed in an address to families that urged them to fight those forcing the education of the youth on these matters. He initiated the discourse about how parents can protect children who are exposed to the evils of sex education, he stated, "seriously resolve both to correct them and to do what they can to provide every help for the youth entrusted to their care." "Pope Paul VI, in an address on September 13, 1972, classed sex education along with

discussion of the Church's continued efforts to emphasize the significance of human sexuality. The Christian concepts of human sexuality will be further illuminated by the nature, purpose, and means of sex education. Along with many sects in the Christian faith, the function of the family and its supreme importance in the education of our youth about human sexuality will be discussed in light of Catholic social teaching. Furthermore, the clash between civil society, sex education guidelines, and the Church will be clarified with the role of the school system as the main focus. The appropriate teaching materials for children educated about human sexuality are vital to a successful non-harming experience. These teaching materials should include modesty and friendship, which are at the center of Church debate. The Church's teaching on human sexuality has spanned many centuries and has been well-established throughout the years.

The Church has had a different position on the education of adolescents and adults on sexuality. It applies a standardized set of principles, which give parents, families, and spiritual communities the exclusive role in developing an individual's feelings and perspective on sexuality. The Church is aware of cultural and social differences existing in different countries and teaches local pastors to adapt to the specific communities that they serve."<sup>114</sup> Sexuality is a fundamental component of personality and is an important part of "feeling and expressing human love."<sup>115</sup> It is from sex that the human person receives the characteristics, which on the biological, psychological and spiritual levels, make that person a man or a woman.<sup>116</sup>

In many societies difficulties abound when the urgency of the sex education problem is not recognized, or where it is thought that it can resolve itself without a specific curriculum.<sup>117</sup> The Vatican Council II illustrated in the "Declaration on Christian Education" the proper perspective in which sex education must be set. It affirms the right of

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erotic literature and pornography as one of the evils of the day." TIMOTHY DOLAN, *Sex Education and Catholic Schools*, <http://www.ewtn.com/library/HOMESCHL/SECATHSC.HTM> (last visited April 6, 2012).

114. CARDINAL WILLIAM WAKEFIELD BAUM (Prefect), *Sacred Congregation for Catholic Education; Educational Guidance in Human Love, Outlines for Sex Education* (Nov. 11, 1983), para. 3.; POPE PAUL VI, *Gravissimum educationis*, (Oct. 28, 1965), at 11.

115. *Id.* at 4.

116. *Sacred Congregation for the Doctrine of the Faith: Declaration on Certain Questions Concerning Sexual Ethics, The Human person*, (Dec. 29, 1975) at 77, note 1.

117. POPE PAUL VI, *supra* note 113, at 1.

young people to receive an education adequate to their personal requirements.<sup>118</sup> As individuals advance in years they should be provided with positive and prudent sex education to ensure a specific maturity is found in discussions surrounding sex.<sup>119</sup>

The cooperation of various parents, teachers, and pastors is necessary for the successful education of children. Education must occur first within the family in a gradual manner and always considering the total formation of the person physically, spiritually, and psychologically.<sup>120</sup> In today's society individuals are immersed in a culture which reduces human sexuality to something solely physical and selfish.<sup>121</sup> Parents must ensure that the education they provide is "truly and fully personal," sexuality is an enrichment of the whole person including ones body, emotions and soul.<sup>122</sup>

Sex education is a basic right, therefore it is the duty of parents to control the information their children view and be attentive to their surroundings. Education and encouragement to live a chaste life is a virtuous quality, allows an individual to develop a maturity that makes him or her capable of respecting and nurturing a healthy value to their body.<sup>123</sup> A close link is found between the sexual dimension of the person and their ethical values. The purpose of educating children is to aid them in understanding and acknowledging moral norms as the necessary and highly-valuable guarantee for responsible personal growth in human sexuality. The Catholic Church is opposed to highly-regulated and secular education systems because they ignore moral principles, which are key to an individual's growth into a mature Christian.<sup>124</sup>

### B. *Catholic Concepts of Sexuality*

Christian education promotes the realization of man and woman through the development of all their being and spirits. Christian education is rooted in faith, which "throws a new light on all things and makes known the full ideal which God has set for man."<sup>125</sup> In

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118. *Id.*

119. *Id.*

120. POPE PAUL VI, *Gaudium et spes*, (Dec. 7, 1965), at 52.

121. *Id.*

122. POPE JOHN PAUL II, *Familiaris consortio*, (Nov. 22, 1981) at 37.

123. *Id.*

124. *Id.*

125. POPE PAUL VI, *supra* note 11.

recent times, men and women have tended to reduce sexuality to a genital experience alone, which leads to the devaluing of sex and a feeling of defilement. The guidelines presented by the Church intend to oppose such devaluation because sex is something that is natural and beneficial for humankind.<sup>126</sup>

C. *Nature, Purpose and Means of Sex Education*

Effective sex education recognizes the totality of the person and insists on the integration of the biological, psycho-affective, social and spiritual elements.<sup>127</sup> In order to achieve to maturation in ones sexuality, self-control is necessary, which presupposes virtues such as modesty, temperance, respect for self and for others.<sup>128</sup> When educating the next generation on sex education, it is of the utmost importance that the knowledge we impart to them includes new notions, but that it is assimilated into the corresponding values of the traditional society.<sup>129</sup> It is important that they grasp and understand the personal responsibilities that are associated with the entry into adulthood.<sup>130</sup> Educators must stimulate children to a critical reflection on received impressions, and, while they propose values, they must give testimony of an authentic spiritual life, both personal and communal.<sup>131</sup> As directed in the Sacred Congregation for Catholic Education:

Educators will have to bear in mind the fundamental stages of an individual's maturation. Educators will have to bear in mind the fundamental stages of such evolution: the primitive instinct, which in the beginning is manifested in a rudimentary state, meets in its turn the ambivalence of good and evil. Then with the help of education, the feelings are stabilized and at the same time augment the sense of responsibility. Gradually selfishness is eliminated, a certain asceticism is established, others are accepted and loved for themselves, the elements of sexuality are integrated: genitality, eroticism, love and charity. Also if the result is not always fully

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126. CARDINAL WILLIAM WAKEFIELD BAUM (Prefect), *supra* note 113, at 28.

127. *Id.*

128. *Id.*

129. *Id.* at 89.

130. *Id.* at 37.

131. *Id.* at 39.

attained, they are more numerous than may be thought who come near the goal to which they aspire.<sup>132</sup>

D. *The Function of the Family*

According to the Church, education is recognized as a duty of the family, which “is the school of the richest humanity.”<sup>133</sup> It has been long recognized that the family environment is the best to accomplish the obligation of securing a gradual education in one’s sexual life. A family has been best suited, and continues to be, for rational decision making on the introduction and education of our youth. The introduction of these topics can be traumatic for young children and must be handled in a delicate manner to ensure that the integration of this information is effective and non-harming.<sup>134</sup> In a family, the affection and reciprocal trust are necessary for the harmonious and balanced development of the child right from birth.<sup>135</sup> The effective and natural bonds, which unite parents to children, place parents in the right place to recognize a peaceful balance in the education of a child’s sexuality. These bonds allow them to establish a relationship of trust and a dialogue with their children in an appropriate manner for their age and maturity.<sup>136</sup> In regard to the “more intimate aspects, whether biological or affective, an individual education should be bestowed, preferably within the sphere of the family.”<sup>137</sup>

A continued relationship between parents and educators, based on openness and collaboration, will positively influence the maturation of young people. The full realization of conjugal life and the sanctity and stability of the family depend on the formation of conscience and values assimilated during one’s childhood. Moral values seen in the family are transmitted to children more easily.<sup>138</sup> Among these values is the respect for life in the womb and in general, that of every age and condition. The young must be helped to understand, appreciate and respect these fundamental values of existence.<sup>139</sup>

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132. *Id.* at 42.

133. POPE PAUL VI, *supra* note 119, at 22.

134. CARDINAL WILLIAM WAKEFIELD BAUM (Prefect), *supra* note 113, at 48.

135. *Id.* at 49.

136. *Id.*

137. *Id.* at 58.

138. POPE JOHN PAUL II, *supra* note 121, at 37.

139. *Id.* at 52.

The spiritual community also has a mission entrusted in them to ensure that the sex education of children is complete and done in a proper manner. A family that interacts within the faith community because it can adequately prepare a child for the active assimilation of the Christian ethic into their own lives. The difficulties, which sex education often encounters within the family, require a major commitment on the part of the Christian community including priests, Christian schools and other Christian community organizations.<sup>140</sup>

Catechesis<sup>141</sup> is another important layer to the education of children about sexual health. Therefore, in order to lead the children to maturity of faith, it must illustrate the positive values of sexuality. If parents do not feel comfortable or able to perform this sacred duty, they may have recourse to others who enjoy their confidence. A wise initiative, prudent and adapted to age and environment can avoid trauma to children and render them easier the solution to today's varying sex education problems.<sup>142</sup>

#### E. *Civil Society and Sex Education*

It is the task of our current society to be watchful of the physical and moral environment found in schools to ensure a safe environment for students to grow and learn. Civil society should respond to the positive requests of parents, not the reverse, which is common today. The Church believes that it is the task of the State to safeguard its citizens against injustices and moral disorders, such as the abuse of minors and every form of sexual violence, degrading dress, permissiveness, and pornography.<sup>143</sup> His Holiness, Pope John Paul II, indicated that the situation in which children find themselves today, confronted by the instruments of social communication, is "fascinat[ing] and devoid of defense before the world and adults, children are naturally ready to accept whatever is offered to them, whether good or bad. . .they are attracted by the 'small screen,' they

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140. *Id.* at 53-55.

141. Catechesis: Is an elementary form of religious instruction, typically oral, and traditionally under the guidance of a parent, pastor or priest, religious teacher, or other individuals in church roles (including a deacon, religious monk or nun) who poses set questions and prompts students (or disciples) New World Encyclopedia, [www.newworldencyclopedia.org/entry/Catechism](http://www.newworldencyclopedia.org/entry/Catechism) (last visited April 4, 2012).

142. CARDINAL WILLIAM WAKEFIELD BAUM (Prefect), *supra* note 113, at 59.

143. *Id.* at 64.

follow each gesture which is portrayed and they perceive, before and better than every other person, the emotions and feelings which result."<sup>144</sup> It is urgent that those who are at the receiving end of the media, especially the young, learn moderation and discipline in their use of them. They should aim to understand fully what they see, hear and read. They should discuss them with their teachers and with experts in such matters and should learn to reach correct judgments.<sup>145</sup>

In this particular area, deference is given to the rights of the child, Pope John Paul II stated that education, "stimulates the consciences of all responsible Christians, especially parents and operators of instruments of social communication, so that they do not hide behind the pretext of neutrality and respect for the spontaneous development of the child, since in reality this a behavior of preoccupying indifference."<sup>146</sup> It is argued that the duties that are incumbent on civil authority require there to be regulation on the instruments of social community to protect public morality, in particular the youth of the world, especially with regard to magazines, films, radio and television programs.<sup>147</sup>

#### F. *The School and its Task with Regard to Sex Education*

The primary duty of parents is to educate their offspring regarding the importance of human sexuality. The role of the education system is to complement the work of the parents by furnishing a safe environment where children can be motivated and guided by good example.<sup>148</sup> Effective sex education cannot be easily

144. JOHN PAUL II, Message for the XIII World Communications Day (May 23, 1979) at 930.

145. POPE PAUL VI, Decree on the Media of Social Communications *Inter Mirifica* (Dec. 4, 1963), at 10; MARTIN J. O'CONNOR, *Communio et Professio*, (1971) at 68.

146. JOHN PAUL II, *supra* note 142, at 930-933.

147. POPE PAUL VI, *supra* note 143, at 12.

148. POPE JOHN PAUL II, *supra* note 121, at 32. There is no mention of education in the U.S. Federal Constitution, see CATO INSTITUTE, *Cato Handbook for Congress, Department of Education*, <http://www.cato.org/pubs/handbook/hb105-11.html>. "The Founders feared the concentration of power. They believed that the best way to protect individual freedom and civil society was to limit and divide power. Thus it was much better to have decisions made independently by 13--or 50--states, each able to innovate and to observe and copy successful innovations in other states, than to have one decision made for the entire country. As the country gets bigger and more complex, and especially as government amasses more power, the advantages of decentralization and divided power become even greater." The Department of Education of the U.S. has codified regulations pursuant to Title 34, Code of Federal Regulations

reduced to teaching material, or to theoretical knowledge alone. Sex education has a specific objective; the effective maturation of the pupil, of self-control, and of correct behavior in social relationships.<sup>149</sup>

Education systems can contribute to this objective in various ways. All courses can offer an opportunity to coordinate themes and their relation to sexuality. The teacher should always educate in a positive manner and with great delicacy, concretely evaluating the opportunity and the methods. Individual sex education retains prior value and cannot be entrusted indiscriminately to just any member of the school community.<sup>150</sup> This education requires a teacher of outstanding sensitivity in initiating the child and adolescent in the problems of love and life without disturbing their psychological development.<sup>151</sup>

Oftentimes particular events in the life of the school require timely intervention. In such cases, school authorities should contact parents to agree on an appropriate solution. School authorities and professionals who enjoy the trust of parents can be invited to hold private conversations with pupils to help them to develop their maturity and aid in balancing in their social relationships.<sup>152</sup> Such interventions in personal guidance belong in particular to the more difficult cases, when the enormity of the situation creates the need for

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(CFR), Parts 74-86 and 97-99. Thus giving the U.S. federal government further control over the education of its nations students.

149. *Id.*

150. *Id.* at 40.

151. *Id.* at 71.

152. It is important to acknowledge the Church's recent POPE BENEDICT XVI, *To The Catholic's of Ireland* (March 19, 2010) at 7.

You betrayed the trust that was placed in you by innocent young people and their parents, and you must answer for it before Almighty God and before properly constituted tribunals. You have forfeited the esteem of the people of Ireland and brought shame and dishonour upon your confreres. Those of you who are priests violated the sanctity of the sacrament of Holy Orders in which Christ makes himself present in us and in our actions. Together with the immense harm done to victims, great damage has been done to the Church and to the public perception of the priesthood and religious life. I urge you to examine your conscience, take responsibility for the sins you have committed, and humbly express your sorrow. Sincere repentance opens the door to God's forgiveness and the grace of true amendment. By offering prayers and penances for those you have wronged, you should seek to atone personally for your actions. Christ's redeeming sacrifice has the power to forgive even the gravest of sins, and to bring forth good from even the most terrible evil. At the same time, God's justice summons us to give an account of our actions and to conceal nothing. Openly acknowledge your guilt, submit yourselves to the demands of justice, but do not despair of God's mercy.

a specialist in the matter.<sup>153</sup> “The formation and development of a harmonious personality require a peaceful atmosphere, fruitful understanding, reciprocal trust and collaboration between persons in charge. It is obtained with mutual respect for the specific competence of the various members of the educational staff, their responsibilities and the choice of the differentiated means at their disposal.”<sup>154</sup>

G. *Appropriate Teaching Materials*

In order to offer effective sex education, appropriate teaching materials are necessary. The explanation of such materials requires the contribution of specialists in moral and pastoral theology, catechists, educationists and catholic psychologists. Particular attention should be paid to the materials to be distributed to pupils. Some materials on sexuality can be harmful to children due to their graphic nature. These materials are more harmful when they present sexual realities, for which the pupil is not prepared, in a crude manner thereby creating traumatic impressions or raising unhealthy curiosity.<sup>155</sup> Youth groups and peers offer a different type of education. These go side-by-side with the action of the family and school and frequently have greater influence in the formation of the person. They intensely influence the life of the adolescent and young adult. The human sciences hold that “groups” are a positive condition for formation, because the maturation of the personality is not possible without efficacious personal relationships.<sup>156</sup>

H. *Educating about Modesty and Friendship*

Modesty defends the dignity of man, woman and authentic love.<sup>157</sup> It allows certain attitudes to restrain behavior, which

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153. *Id.* at 73 -74.

154. *Id.* at 75.

155. *Id.* at 76.

156. *Id.* at 77.

157. *Catechism of the Catholic Church*, 2521:

Purity requires modesty, an integral part of temperance. Modesty protects the intimate center of the person. It means refusing to unveil what should remain hidden. It is ordered to chastity to whose sensitivity it bears witness. It guides how one looks at others and behaves toward them in conformity with the dignity of persons and their solidarity.

*Catechism of the Catholic Church*, 2523:

maintains the dignity of the person. It is a necessary virtue and effective means of controlling one's instincts while incorporating human sexuality into the person. "Modesty has great pedagogic weight and should be taught to our children."<sup>158</sup> Children and young people will thus learn to respect the body itself as a gift from God, member of Christ and temple of the Holy Spirit. They will learn to resist the evil that they encounter and to have a vision and clear imagination to seek to express a truly human love with all its spiritual components when they meet people in friendship.<sup>159</sup>

Friendship is the height of effective maturation because it "allows and fosters true communion by its reciprocal generosity and its stability."<sup>160</sup> The bonds of friendship contribute both to understanding and to reciprocal respect when they are maintained within the limits of normal expression. If, however, they become or tend to become manifestations of a genital character, they lose the authentic meaning of mature friendship. The prejudice from this genital distraction harms relationships, those involved and the future prospects with regard to an eventual marriage. These situations also render the individuals concerned less attentive to a possible call to the consecrated life.<sup>161</sup>

From these reflections one can conclude that in the actual socio-cultural situation there is urgent need to further positive and gradual affective-sex educations to children, adolescents and young adults.<sup>162</sup> Silence is not a valid norm of conduct in this matter considering the "hidden persuaders" in today's society. The influence of these persuaders today is undeniable and it is up to parents to be alert not only to repair the harm caused by inappropriate and injurious interventions but also above all to opportunely inform their own children.<sup>163</sup> The defense of the fundamental rights of the child for the complete development of the personality conforms to the dignity of

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There is a modesty of the feelings as well as of the body. It protests, for example, against the voyeuristic explorations of the human body in certain advertisements, or against the solicitations of certain media that go too far in the exhibition of intimate things. Modesty inspires a way of life which makes it possible to resist the allurements of fashion and the pressures of prevailing ideologies.

158. *Id.* at 90.

159. *Id.*

160. *Id.* at 77.

161. *Id.* at 93.

162. *Id.* at 94.

163. *Id.* at 106.

the children of God, and belongs in the first place to parents.<sup>164</sup> Personal maturation requires continuity in the educative process, protected by love and trust, proper to the family environment. In accomplishing this mission, the Church has the duty and the right to take care of the moral education of the baptized. The contribution of the school in all education, and particularly in these matters which are so delicate, must be carried out in agreement with the family.

In order for information and sex education to be effective it must be carried out with prudence and with adequate expression.<sup>165</sup> The outcome of this education will depend largely on the human and Christian vision in which the educator presents the values of life and love. The Christian educator, whether father or mother, teacher, priest or whoever bears responsibility in this regard, can be tempted, today above all, to demand from others this task which requires such delicacy. Nonetheless, each aspect of sex education is inspired by faith and draws indispensable strength from it and from grace. The Letter of St. Paul to the Galatians puts self-control and temperance at the forefront of the discussion.<sup>166</sup> "It is God who bestows light; it is God who grants sufficient strength."<sup>167</sup>

#### CONCLUSION

There is a great divide between secular and religious societies as the U.N. and other governing bodies further impart their liberal and progressive ideologies on foreign nations. The Church, through its many teachings, boldly stands in opposition to the U.N.'s proposed regulations and ideologies, ensuring the individual person is protected and cultivated into a mature and modest sexual being. The Church has great strength in their teachings on sex education and emphasizes the importance of developing an individuals feelings and perspectives on human sexuality. The sex education provided through, and regulated by, governmental and international organizations offer programs in direct contradiction to the teachings of the Catholic Church. The U.N. has worked to further substantiate their position by defining sex education, freedom of information, and equal treatment as fundamental rights of all human beings, of course

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164. *Id.* at 106.

165. *Id.* at 109.

166. *Id.* at 110.

167. *Galatians* 5:22-24.

excluding the unborn. These specific rights substantiate the U.N.'s agenda to reach their specific goals on sex education; to purport their crude interpretation of human sexuality without regard for natural and purposeful sexual relations between a husband and wife. In recent decades many conferences have discussed sex education and with each passing year the agenda of liberal Western cultures force their opinions and ideas of human sexuality through their funding mandates and program specifications. Throughout the world, each region has specific trends, which tend to exemplify the spread of these liberal and progressive ideas and their detrimental impact on society and the dignity of the human person.

The Church has been of great influence on the dispute over sex education and continues to be the beacon of hope in the protection of children and their rights as individuals. Pope John Paul II emphasized in many of his personal writings the significance of sexuality and the many Catholic concepts that further establish the importance of one's sexual maturation. The nature, purpose and means of sex education are not only imperative to the successful development of the individual but also to the formation of future relationships and to the health and viability of a society.

It is necessary that we take a bold stand in today's society, a bold stand with the Church to defend the young individuals who are subjected to the suggested defiling methods and procedures of the U.N. along with other international governing bodies. The change of perceptions on sex education is an ever-important topic that needs to be dealt with immediately and without negotiation. With every passing year, our next generation continues to suffer from the harmful implications of U.N. regulated sex education.