

**THE PREVENTION OF CHILD SEXUAL ABUSE THROUGH COMPREHENSIVE
SEXUALITY EDUCATION: EXPLORING POTENTIALS FROM A HUMAN
RIGHTS PERSPECTIVE**

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LIST OF ABBREVIATIONS

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CESCR: Committee on Economic, Social and Cultural Rights

CmtEDAW: Committee on the Elimination of Discrimination Against Women

CmtRC: Committee on the Rights of the Child

CoE: Council of Europe

CRC: Convention on the Rights of the Child

CSA: child sexual abuse

CSE: comprehensive sexuality education

ECtHR: European Court of Human Rights

IACtHR: Inter-American Court of Human Rights

OAS: Organization of American States

OAU: Organization of African Unity

OHCHR: Office of the High Commissioner for Human Rights

SE: sexuality education

SIECUS: Sexuality Information and Education Council of the United States

UN: United Nations

UNESCO: United Nations Educational, Scientific and Cultural Organization

UNFPA: United Nations Population Fund

UNICEF: United Nations Children's Fund

WHO: World Health Organization

ABSTRACT

Child sexual abuse is a global problem and an object of deep concern within human rights. Its prevention through education programs is a topic that has been explored since the 1980s. Studies on the benefits of comprehensive sexuality education for preventing child sexual abuse gained strength from the 1990s onwards. More than teaching about the biological aspects of human sexuality, comprehensive sexuality education aims to educate young people on a healthy and ethical relationship with their sexuality and towards the sexuality of others. This research presents an overview of studies on child sexual abuse prevention through comprehensive sexual education, from the perspective of human rights. It concludes that there is a need to implement mandatory comprehensive programs for the prevention of child sexual abuse, a need that is fully supported by the main human rights instruments related to the topic.

Keywords: comprehensive sexual education, child sexual abuse, children's rights, human rights.

INTRODUCTION

Throughout my professional life as a lawyer in my home country (Brazil), I worked in some cases of children who were victims of sexual abuse. The cases have some similarities: the perpetrators were close to the victims and managed to keep the abuse in secret by a long period. Those were shocking, sad, difficult cases, but at the same time they were similar to other occurrences of child abuse reported almost weekly by the national media. My wish to help these victims was mixed up with indignation: these children destroyed by abuse would have had another fate if they had been taught to identify a situation of sexual violence through SE classes (which do not exist in Brazil) (UNESCO, 2021), and reported it to an adult. When I started the LLM studies, I decided that this would be the theme of my research.

CSA is a global issue. According to UNICEF, 1 in 8 children¹ in the world will suffer some type of sexual violence before reaching 18 years of age. This is equivalent to 12% of the children on the planet. And this number is an estimate, as most abuses are not reported to the authorities. That is, this number can be much higher (UNICEF, 2020).

CSA is a topic that arouses furor and rejection in society. The idea of a person using a child to satisfy sexual pleasure, taking advantage of the victim's innocence and vulnerability, challenges the human rationality and brings to the surface the most diverse punitive desires, from the death penalty to public lynching. Aware of these desires, some politicians and the sensationalist media explore news of CSA occurrences intensely, fueling society's furor.

¹ This research adopts the concept of "child" used in the CRC, namely: "every human being below the age of 18 years." (UN, 1989, article 1).

However, the political and media use of the CSA deflates the discussion and prevents a deep reflection on the subject. The social furor is responded with punitive policies that change little or nothing in the situation of abused children. After each shocking case, new laws are created to increase the penalties for abusers - commonly called “pedophiles” - or to implant new punitive measures, such as the prohibition of these people from going to certain places (Finkelhor, 2009).

The existence of strict laws prohibiting CSA is important to curb this practice, but they do not prevent it from occurring. Preventing CSA is more complex than creating punitive laws. It takes time, studies, and the difficult task of approaching this issue with the potential victims - children (Finkelhor, 2009). But the joint efforts of civil society, scholars, and human rights bodies have advanced in this challenge and developed other ways to prevent CSA. For example, through education.

As will be better exposed in chapter 3, the prevention of CSA through education has been discussed since the 1980 decade. At that time, the first sexual abuse prevention programs targeted at kindergarten children emerged, aiming to teach them how to recognize abuse and how to protect themselves. But many scholars pointed to the need for these programs to be integrated with a comprehensive education in sexuality and values based on human rights. This discussion is now quite mature, and CSE is already recognized as an effective way to prevent child sexual abuse.

Thus, this research does not intend to discuss whether CSE can be a way of preventing child sexual abuse. This work seeks to provide subsidies in human rights for the implementation of CSE programs, aiming the prevention of CSA. This is necessary because many countries are

still resistant to implementing CSE programs. Indeed, this is a polemical issue, and is criticized by conservative sectors of the society², which is reflected in the absence of policies for its implementation (UNESCO, 2021).

To achieve this purpose, an exploratory search of the available academic bibliography on the subject was carried out, as well as material from international human rights organizations (case decisions, general comments, general recommendations, reports, among others). A survey of international human rights legislation related to the subject was also carried out. As this work addresses two distinct general themes - CSA and CSE - they are initially treated separately. The intersection of themes through prevention is addressed after contextualizing each one, from the perspective of the aforementioned legal instruments.

This thesis is divided into four chapters, in addition to the introduction and conclusion. Chapter 1 is dedicated to exploring CSE, its definition and concepts related to human rights. Chapter 2 addresses child sexual abuse, its definitions and approaches within human rights. The third chapter explores the research theme itself: the prevention of CSA through CSE. It explains the importance of prevention and presents an overview of the main existing frameworks and guidelines on comprehensive sexuality education, and how they address the prevention of CSA. The discussion and analysis of the exposed topics are addressed in Chapter 4, where is argued that CSE has a complete content for the prevention of CSA, as it not only teaches children to defend themselves, but also prevents children and adolescents from becoming future abusers, since it discusses ethical foundations related to human rights (such as consent, gender equality,

² There are several ongoing campaigns against CSE teaching in public schools. For example, the Family Watch's "Stop CSE" campaign has a website dedicated to spreading videos and news on the issue, as well as a permanent petition (<https://www.comprehensivesexualityeducation.org/>). See American Civil Liberties Union, *Campaigns to Undermine Sexuality Education on the Public Schools*.

bullying, respect for the body and sexuality, among others). This chapter also presents the potentialities of this discussion from a human rights perspective.

This project concludes that the provision of CSE classes is a children's human right, and therefore must be immediately implemented in educational systems, on a mandatory basis.

There are many challenges to achieve this goal. It is hoped that the fundamentals and arguments presented here can contribute to this task.

1. WHAT IS COMPREHENSIVE SEXUALITY EDUCATION?

This chapter will cover the definitions and background of the CSE, and how this issue has been addressed within human rights. The objective is to offer an updated overview of a topic that is in constant development and improvement (Vanwesenbeeck, 2020), and its potential within human rights studies.

1.1. Definition and Development

Vanwesenbeeck (2020) points that the best-accepted definition of CSE comes from UNESCO's 2018 edition of the *International Technical Guidance on Sexuality Education*, which states:

Comprehensive sexuality education (CSE) is a curriculum-based process of teaching and learning about the cognitive, emotional, physical and social aspects of sexuality. It aims to equip children and young people with knowledge, skills, attitudes and values that will empower them to: realize their health, well-being and dignity; develop respectful social and sexual relationships; consider how their choices affect their own well-being and that of others; and, understand and ensure the protection of their rights throughout their lives. (p. 16)

In a similar tone, the UNFPA's 2014 *Operational Guidance for Comprehensive Sexuality Education* lists the nine core components that must always be present in the CSE programs: "a basis in the core universal values of human rights" (p. 10); "an integrated focus on gender" (p. 11); "thorough and scientifically accurate information" (p. 12); "safe and healthy learning environment" (p. 12); "linking to sexual and reproductive health services and other initiatives that address gender, equality, empowerment, and access to education, social and economic

assets for young people” (p. 12); “participatory teaching methods for personalization of information and strengthened skills in communication, decision-making and critical thinking” (p. 13); “strengthening youth advocacy and civic engagement” (p. 14); “cultural relevance in tackling human rights violations and gender inequality” (p. 14); “reaching across formal and informal sectors and across age groupings” (p. 14).

It follows from these definitions two elements that permeate academic discussions about CSE: children’s empowerment and a rights-based approach. It also reveals its broad and ambitious aims. Those two elements are crucial in the sense that distinguishes CSE from conventional methods of teaching Sexual Education (Vanwesenbeeck, 2020). While conventional methods focus on sexual and reproductive health issues, particularly the negative consequences of sexuality (such as sexually contagious infections and early pregnancy), CSE goes further and addresses the information about sexuality as a human right of children, offering them correct information and promoting critical thinking (Berglas et al., 2014).

The shift from conventional SE to CSE dates from the 1990s (Berglas et al., 2014). It was by this period that the issues of gender and sexuality were brought into the international debate on Human Rights, especially during the 1994 International Conference on Population and Development (held in the city of Cairo, Egypt) and the 1995 Fourth World Conference on Women (held in the city of Beijing, China), and their outcomes (Waites, 2009). The discussions about sexual education were part of this movement, and the subject gained new approaches, increasingly guided by human rights. On the other hand, the advent of the CRC, in 1989, placed children and adolescents as “human beings of equal value” (Hammarberg, 1990, p. 99), marking “the end of the age-old idea that children, at least in legal terms, are no more than possessions of their guardians” (Hammarberg, 1990, p. 99). These changes placed children as

subjects of rights, empowering them. In this context, sexual education started to be guided by broad, holistic, comprehensive objectives and principles (Vanwesenbeeck, 2020).

1.2. CSE and Human Rights

If on the one hand CSE principles are founded on human rights, on the other, the right to the CSE is also supported by international human rights law (UNFPA, 2014). However, this right is not found explicitly in any treaty, but in interpretive documents, recommendations, resolutions and policies of international human rights organizations, which have been interpreting and framing the CSE within the law. Below are some of these instruments, listed in chronological order.

- UN CESCR (2000) General Comment No. 14: addresses substantive issues on the implementation of the right to health, and states that “[t]he Committee interprets the right to health, as defined in article 12.1, as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as (...) access to health-related education and information, including on sexual and reproductive health” (para. 11).

- UN CmtRC (2003) General Comment No. 4: addresses the issue of adolescent health in the context of the CRC, and says that “States parties should provide adolescents with access to sexual and reproductive information (...). In addition, States parties should ensure that they have access to appropriate information, regardless of their marital status and whether their parents or guardians consent.” (para. 28)

- UN CmtEDAW (2010) General Recommendation No. 28: addresses the core obligations of States under article 2 of the CEDAW, and says that “States shall pay attention to the specific needs of (adolescent) girls by providing education on sexual and reproductive health and carrying out programmes that are aimed at the prevention of HIV/AIDS, sexual exploitation and teenage pregnancy.” (para. 21).

- Report of the UN Special Rapporteur on the right to education (UN, 2010): focused exclusively on the right to CSE. It states that this right “is both a human right in itself and an indispensable means of realizing other human rights, such as the right to health, the right to information and sexual and reproductive rights.” (para. 19)

- Report of the UN OHCHR on discrimination based on sexual orientation and gender identity (UN, 2015): stated that “[s]tates should address discrimination by: (...) [e]stablishing national standards on non-discrimination in education; (...); and providing comprehensive, age-appropriate sexuality education; (...)” (para. 79, “f”).

- UN CESCR (2016) General Comment No. 22: addresses the right to sexual and reproductive health. It recognizes this right as “an integral part of right to health enshrined in article 12 of the International Covenant on Economic, Social and Cultural Rights” (para. 1), and that its realization must come with “a right to education on sexuality and reproduction that is comprehensive, non-discriminatory, evidence-based, scientifically accurate and age appropriate” (para. 9). Also points that a violation occurs when States fail to ensure CSE in “all educational institutions” (para. 63).

- UN CmtRC (2016) General Comment No. 20: addresses the implementation of the rights of the child during adolescence, and states that “[a]ge-appropriate, comprehensive and inclusive sexual and reproductive health education, based on scientific evidence and human rights standards and developed with adolescents, should be part of the mandatory school curriculum and reach out-of-school adolescents” (para. 61).

The right to CSE is also mentioned in documents and cases from regional systems of human rights. Some examples:

- CoE’s *Convention on Protection of Children against Sexual Exploitation and Sexual Abuse* - also known as Lanzarote Convention (CoE, 2007): article 6 addresses the States’ duty to “ensure that children, during primary and secondary education, receive information on the risks of sexual exploitation and sexual abuse (...) within a more general context of information on sexuality (...)” (article 6).

- OAS’s *Declaration on Violence Against Women, Girls and Adolescents and their Sexual and Reproductive Rights* (OAS, 2014): states that “States have the obligation to guarantee education on sexual and reproductive rights in the education system” (p. 7).

- ECtHR’s decision of the case of *Dojan and others v. Germany* (2011): recognizes the importance of mandatory CSE in the construction of a democratic and pluralistic society (ECtHR, 2011).

- IACtHR’s decision of the case of *Guzmán Albarracín et al. v. Ecuador* (2020): recognizes the importance of mandatory CSE to protect children from sexual abuse (IACtHR, 2020).

In conclusion, CSE is a relatively recent issue, and its development is intrinsically related to the advancement of sexual and reproductive rights. In human rights discussions, it has mainly been framed within the right to health, the right to education, and sexual and reproductive rights. However, its wide benefits allow this framing in other spheres, as will be discussed below.

2. CHILD SEXUAL ABUSE: AN OVERVIEW

CSA is a broad and multifaceted topic. It is an object of concern in several areas of knowledge (health, education, law, public policies, among others). This chapter addresses the aspects of the CSA that are of interest to the scope of this research, as well as the main human rights instruments related to it.

2.1. Definition, prevalence and characteristics

The definition of CSA is an obstacle often mentioned in the specialized literature. Simon et al. point to the necessity of having an international consensus, due to the myriad of legislation and cultural factors that run through the topic (Simon et al., 2020). For the purpose of this work, the definition that will be used here is the one provided by WHO, as follows:

The involvement of a child or an adolescent in sexual activity that he or she does not fully comprehend and is unable to give informed consent to, or for which the child or adolescent is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society. (...) Three types of child sexual abuse are often distinguished: (i) non-contact sexual abuse (...); (ii) contact sexual abuse involving sexual intercourse (...); and (iii) contact sexual abuse excluding sexual intercourse but involving other acts such as inappropriate touching, fondling and kissing. Child sexual abuse is often carried out without physical force, but rather with manipulation (e.g. psychological, emotional or material). It may occur on a frequent basis over weeks or even years, as repeated episodes that become more invasive over time, and it can also occur on a single occasion. (p. vii)

Narrowing the definition of CSA is necessary also to differentiate it from other forms of sexual violence against children³, especially from child sexual exploitation, which is mentioned in the CRC together with CSA. CSA does not require an element of exchange for the sexual act, while sexual exploitation does (Interagency Working Group on Sexual Exploitation of Children, 2016). CSA “can occur for the mere purpose of the sexual gratification of the person committing the act” does (Interagency Working Group on Sexual Exploitation of Children, 2016, p. 19). Although these two forms of violence may overlap (Interagency Working Group on Sexual Exploitation of Children, 2016), the absence of exchange places the CSA in an exclusively private sphere (Van Bueren, 1994), which raises different issues in the legal approach.

Another obstacle often mentioned is the lack of information about the prevalence of CSA, since is an under-reported practice (UNICEF, 2020). In any case, it is recognized that CSA occurs worldwide, albeit on different scales, and that most of the abuses occur in the victim’s family circle (UN, 2006). According to UNICEF, “children and adolescents who live in low-income regions of the world, in conditions of insecurity, armed conflict or separation from their family are particularly vulnerable, but it is important to note that all children are at risk of sexual abuse and exploitation.” (2020, p. 16). Also, CSA has gender characteristics: around 90% of perpetrators are male, and girls have rates of victimization 2 to 3 times higher than boys (UNICEF, 2020).

CSA is a violation of human rights and affects societies as a whole (UNICEF, 2020). The consequences of the CSA for the victims are drastic: physical health consequences such as

³ “Sexual violence against children encompasses both sexual exploitation and sexual abuse of children and can be used as an umbrella term to refer jointly to these phenomena (...)”. (Interagency Working Group on Sexual Exploitation of Children, 2016, p. 16).

sexually transmitted infections (STIs) and gynecological disorders; early pregnancy; abuse of alcohol and drugs later in life; mental health consequences such as post-traumatic stress, depression, eating disorders and suicidal and self-harm behaviors (WHO, 2017).

Combating CSA is one of the goals of the UN's 2030 Agenda for Sustainable Development. The issue is mentioned in Goal 5 ("Achieve gender equality and empower all women and girls") (UN, 2105, goal 5), target 5.2 ("Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation") (UN, 2105, target 5.2); as well as in Goal 16 ("Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels") (UN, 2105, goal 16), target 16.2 ("End abuse, exploitation, trafficking and all forms of violence against and torture of children") (UN, 2105, target 16.2).

2.2. International human rights provisions

The main human rights instrument that addresses CSA is the CRC, which expressly prohibited it for the first time in international law (Van Bueren, 1994), thus establishing the most important milestone in this matter.

CSA is mentioned in two articles of CRC. Article 19.1 defines the States' positive obligation to take all appropriate measures to protect children from violence (including CSA) "while in the care of parent(s), legal guardian(s) or any other person who has the care of the child" (UN, 1989, article 19.1). Article 34 brings the States' positive obligation to take all appropriate measures to prevent CSA and exploitation (UN, 1989).

Other important human rights instruments on the matter are (in chronological order):

- OAU's African Charter on the Rights and Welfare of the Child, 1990: article 16.1 defines that States shall take measures to protect children from sexual abuse, "while in the care of a parent, legal guardian or school authority or any other person who has the care of the child" (OAU, 1990, article 16.1). Article 27 says that States shall undertake to protect the child from all forms of sexual exploitation and sexual abuse (OAU, 1990).

- OAS's Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará), 1994: article 2 includes sexual violence as a form of violence against women. Article 2.1 also includes intra-familial sexual abuse (OAS, 1994). This convention applies to girls and adolescents.⁴

- CoE's Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), 2007: article 1.1(a) defines that the purpose of the instrument is to prevent and combat CSA and exploitation (CoE, 2007).

- CoE's Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention), 2011: article 3(a) includes sexual violence as a form of violence against women. Article 3(b) includes domestic sexual abuse. Article 3(f) states that the convention applies to girls and adolescents (CoE, 2011).

⁴ Cf. IACtHR's decisions on the cases of *Guzmán Albarracín et al. v. Ecuador* (2020) and *V.R.P., V.P.C. et al. v. Nicaragua* (2018), among others.

Therefore, is notorious the concern of international human rights bodies on the topic. These instruments delegate positive obligations to States to combat and prevent the CSA, including the obligation to act against individuals, which is important due to the prevalence and nature of CSA, as mentioned above. In the case of the CRC and the African Charter, this obligation is explicit in the text. In the case of the CoE and OAS instruments, the jurisprudence of the respective courts has already consolidated the understanding that the State must act to protect individuals against human rights violations committed by particulars, and not just refrain from practicing abuses.⁵

⁵ Cf. ECtHR's *Case of X. and Y. v. Netherlands* (1985) and IACtHR's *Case of Velasquez-Rodriguez v. Honduras* (1988), as mention by Van Bueren, G. (1994).

3. THE PREVENTION OF CSA THROUGH CSE

After exploring the legal background and definitions needed for the research, this chapter addresses the focus of the work: the prevention of CSA through CSE. It begins with the main approaches to preventing CSA, and how it can and is being done through CSE.

3.1. The importance of prevention

According to the UN, any violence against children must be tackled primarily through prevention. This is the understanding printed, for example, in the CmtRC's General Comment No. 13 (2011), where the Committee "emphasizes in the strongest terms that child protection must begin with proactive prevention of all forms of violence as well as explicitly prohibit all forms of violence", since "preventive measures offer the greatest return in the long term" (para. 46).

Prevention is especially important in the case of children due to some specific characteristics of this group. First, children are more vulnerable to violence (UN, CmtRC, 2011). As a rule, they are more fragile than adults, both physically and psychologically, and a violent act, even a single one, can result in death or serious lifelong injury. Second, much of the violence against children takes place in places where they should be safe: in their homes or in educational institutions (UN, CmtRC, 2011), which means that children are not safe anywhere. Third, in most countries, children do not have access to the police and judiciary systems, and they need to be represented by those responsible if they ever need protection. Again, in many cases, the perpetrators of violence are the same people responsible (UN, 2006). Finally, the idea that children must be punished to learn to behave is still socially accepted, depending on the degree of violence and the culture where they live (UN, 2006).

The same reasons apply to the CSA. UNICEF (2020) also points out other specificities of the CSA that make combating the practice so complex. Sexual violence against children is still a taboo in many parts of the world, and for this reason, it remains a hidden and invisible reality (UNICEF, 2020). This fact makes data and statistics scarce, making it difficult to design public policies. Also, the victims may not always recognize that they suffered sexual abuse (UNICEF, 2020). Therefore, as Renk et al. (2002) states, “the most effective way to limit the negative consequences of abuse is through prevention.” (p. 69).

According to Daro (1994):

Preventing abuse can be seen as a process of altering the potential perpetrator, the potential victim, and the environment in which both exist. Prevention can occur on one of three levels:

- Primary prevention: targeting services to the general population with the objective of stopping any occurrence;
- Secondary prevention: targeting services to high-risk groups in order to avoid the continued spread of the problem; and
- Tertiary prevention: targeting services to known perpetrators or victims with the intent of preventing new incidents. (p. 199)

As already mentioned, all children are subject to sexual abuse. Thus, the prevention of CSA must occur at the primary level, in which the entire population must be the target. Prevention policies through general education are at this level.

3.2. The prevention of CSA through CSE

The idea of preventing CSA through Sexuality Education is not new. In 1989, Whatley and Trudell wrote about the need for a joint approach to SE and prevention to CSA in the U.S. educational system (Whatley & Trudell, 1989). According to the authors, at that time these two subjects were generally addressed separately. While SE classes were designed for adolescents and aimed to combat early pregnancy, HIV and other STIs, the CSA prevention programs were directed to kindergarten children and did not address any issue related to sexuality (Whatley & Trudell, 1989). Even the SE content directed to adolescents was reduced to less controversial subjects, such as anatomy and biology, and sexual abstinence until marriage was encouraged (Whatley & Trudell, 1989). In 1997, Lamb wrote about a similar idea. For the author, both SE classes based only on technical-scientific knowledge and training for children to protect themselves from sexual abuse should be offered under a single content, which also encompasses the moral and ethical character related to sexuality (Lamb, 1997).

In fact, the content aimed at children to teach them how to protect themselves against CSA has been administered separately from SE classes. This is confirmed in the work of Reppucci & Herman, which wrote, in 1991, about the numerous ongoing programs that were offered in the U.S. schools aiming to prevent CSA and early pregnancy. The article addresses the issues separately. Prevention to early pregnancy is addressed within the scope of SE, in classes aimed at pre-teens and adolescents, especially girls. CSA prevention programs are covered outside of this scope (Reppucci & Herman, 1991). The same is observed in Daro's article (1994), which addresses the CSA prevention programs through teaching children about personal safety, and in which SE is not mentioned.

These programs are extensively covered in the literature. They are called by different names: “CSA Prevention Programs” (Reppucci & Herman, 1991, p. 128), “child-empowerment programs” (Finkelhor, 2007, p. 641), “CSA Education” (Kenny et al., 2008, p. 36), “personal safety skills” (Kenny et al., 2008, p. 36), “abuse-response skills” (Kenny et al., 2008, p. 37), “self-protection skills” (Kenny et al., 2008, p. 37), among others. They usually emphasize primary prevention and the detection of CSA, and are taught through programs out of the school curriculum (Reppucci & Herman, 1991). Duration ranges from 1 to 30 short sessions (Reppucci & Herman, 1991). The content addressed seeks to teach children about what sexual abuse is, how to protect themselves from abuse and the importance of telling an adult about what happened (Reppucci & Herman, 1991; Kenny et al., 2008). Other topics related to sexuality are avoided (Reppucci & Herman, 1991).

The effectiveness of these programs has been largely tested over the last few decades, with results considered promising by UNICEF (UNICEF, 2020), and with wide approval by experts (Finkelhor, 2007; Finkelhor, 2009; Kenny et al., 2008). At the same time, however, they are considered insufficient to prevent CSA, as they are not comprehensive and do not address more complex issues related to human sexuality, such as consent and sexual pleasure. Furthermore, some authors point to possible negative side effects of these programs: children can develop fear and/or a negative notion about sex. As pointed by Whatley & Trudell (1989), “[t]he failure to incorporate child sexual abuse prevention in a comprehensive sexuality education program can create very negative messages about sexuality and greatly limit the value of these curricular efforts beyond puberty” (p. 179).

Another important issue raised by Whatley & Trudell (1989) is the fact that these programs do not prevent CSA from occurring, since the mere attempt by the abuser to commit the abuse can

already be considered as CSA, from the point of view of child protection. In this way, it is not real prevention, but a way to detect abuse early. In their words:

Prevention programs teach a child to recognize and report abuse. This certainly is crucial in preventing continued incidents but it does not prevent the initial abuse. These programs can be more accurately considered a form of early detection that might improve the outcome. (...) a child who is placed in the position of needing to resist an adult's power has, in fact, been abused. Even if no action legally defined as sexual abuse has occurred, the thwarted attempt by the adult is still an abuse of power and trust. True prevention cannot be based on the abilities of young children to recognize potential abuse, stop a powerful adult from abusing them, and then report this all to a trusted adult. (p. 180)

For the authors, "true prevention would mean educating individuals so that they never abuse" (Whatley & Trudell, 1989, p. 180). In other words, true prevention to CSA needs to tackle both ends of the abuse cycle: victimization prevention and abuser prevention. A similar conclusion is pointed by Wurtele (2009): "[i]t is also time to shift the focus from potential victims to potential offenders. Our task must be to stop the development of the next generation of molesters." (p. 14)

Renk et al. (2002) also point to the insufficiency of these programs, and the immediate need for the burden of prevention to be shifted from children's shoulders and shared with the entire community. The article describes a series of proposals to make this happen. Among them is preventing the emergence of potential abusers by changing social patterns of gender and sexuality issues (Renk et al., 2002).

CSE, in turn, presents solutions for these identified gaps, as will be demonstrated in the examples below.

a) UNESCO's *International Technical Guidance on Sexuality Education* (2018)

This guideline (UNESCO, 2018) defines the following key concepts of CSE:

1. Relationships
2. Values, Rights, Culture and Sexuality
3. Understanding Gender
4. Violence and Staying Safe
5. Skills for Health and Well-being
6. The Human Body and Development
7. Sexuality and Sexual Behaviour
8. Sexual and Reproductive Health (p. 35)

Prevention to CSA is addressed mainly at key concept 4, which is divided into 3 topics: “violence; consent, privacy and bodily integrity; and safe use of Information and Communications Technologies (ICTs)” (UNESCO, 2018, p. 53). Topic 4.1 (Violence) presents the following learning objectives for children aged 5 to 8 years (UNESCO, 2018):

- It is important to be able to recognize bullying and violence, and understand that these are wrong
 - It is important to be able to recognize child abuse and understand that this is wrong
 - It is important to be able to recognize child abuse and understand that this is wrong
- (p. 54)

The same topic presents the following goals for children aged between 9 and 12 years old: “sexual abuse, sexual harassment and bullying (including cyberbullying) are harmful and it is important to seek support if experiencing them” (UNESCO, 2018, p. 54); “intimate partner violence is wrong and it is important to seek support if witnessing it” (UNESCO, 2018, p. 54)

As for children aged between 12-15, the objective is: “Sexual abuse, sexual assault, intimate partner violence and bullying are a violation of human rights” (UNESCO, 2018, p. 55).

Topic 4.2 (consent, privacy and bodily integrity) presents the following learning objectives (UNESCO, 2018):

- 5-8 years: Everyone has the right to decide who can touch their body, where, and in what way
- 9-12 years: It is important to understand what unwanted sexual attention is and the need for privacy when growing up
- 12-15 years: Everyone has the right to privacy and bodily integrity; Everyone has the right to be in control of what they will and will not do sexually, and should actively communicate and recognize consent from their partners
- 15-18+ years: Consent is critical for healthy, pleasurable and consensual sexual behaviour with a partner; It is important to be aware of factors that can impact the ability to acknowledge or give consent (p. 56)

But the prevention of CSA is indirectly addressed in several other topics in this guideline. Topic 3.3 (Gender-based violence), for example, teaches children about what is GBV - including sexual GBV -, why it is wrong and harmful, etc. (UNESCO, 2018). Key concept 5 (Skills for

Health and Well-being) presents the topic of pressure from society on the initiation of sexual life, and how a child can find help in dealing with sexuality issues (including CSA) (UNESCO, 2018). Finally, topic 7.2 (Sexual Behaviour and Sexual Response), addresses the issue of inappropriate touching (UNESCO, 2018).

b) WHO and BZgA's *Standards for Sexuality Education in Europe* (2010)

This handbook presents an age-based matrix of CSE curriculum content. In each age group, the following general themes are explored: “The human body and human development; Fertility and reproduction; Sexuality; Emotions; Relationships and lifestyles; Sexuality, health and wellbeing; Sexuality and rights; Social and cultural determinants of sexuality” (WHO Regional Office for Europe & BZgA, 2010, p. 35).

In the age group 0 to 4 years, important issues for the prevention of CSA are addressed: “the awareness that it is ok to ask for help” (WHO Regional Office for Europe & BZgA, 2010, p. 38); “the right to be safe and protected” (WHO Regional Office for Europe & BZgA, 2010, p. 38); “say ‘yes’ and ‘no’” (WHO Regional Office for Europe & BZgA, 2010, p. 38); “differentiate between ‘good’ and ‘bad’ secrets” (WHO Regional Office for Europe & BZgA, 2010, p. 38); “the attitude ‘My body belongs to me’” (WHO Regional Office for Europe & BZgA, 2010, p. 39); “the three-step model (say no, go away, talk to somebody you trust)” (WHO Regional Office for Europe & BZgA, 2010, p. 39); “respect for their own and others’ bodies” (WHO Regional Office for Europe & BZgA, 2010, p. 39); “respect for “no” or “yes” from others” (WHO Regional Office for Europe & BZgA, 2010, p. 39).

Some of these concepts are taken up in the age group from 4 to 6 years old (WHO Regional Office for Europe & BZgA, 2010). Other concepts covered in this stage are: “an awareness of

risks” (WHO Regional Office for Europe & BZgA, 2010, p. 39); “abuse: there are some people who are not good, they pretend to be kind, but might be violent” (WHO Regional Office for Europe & BZgA, 2010, p. 39); “turn to somebody you trust if in trouble” (WHO Regional Office for Europe & BZgA, 2010, p. 40);

Relevant concepts covered on ages 6-9: “an understanding of ‘acceptable sex’ (mutually consensual, voluntary, equal, age-appropriate, context-appropriate and self-respecting)” (WHO Regional Office for Europe & BZgA, 2010, p. 41); “sexual violence and aggression” (WHO Regional Office for Europe & BZgA, 2010, p. 41); “where to get help” (WHO Regional Office for Europe & BZgA, 2010, p. 42); “set boundaries” (WHO Regional Office for Europe & BZgA, 2010, p. 42); “sexual rights of children (information, sexuality education, bodily integrity)” (WHO Regional Office for Europe & BZgA, 2010, p. 42).

There are several other handbooks and guidelines on CSE, and they also provide a complete content on preventing CSA. For example, the SIECUS Guidelines present a complete program to be adopted in the U.S. educational system, but that could also be applied in other countries (SIECUS, 2004). There is also the *It's all One Curriculum* guidelines, written by a group of experts on CSE from all over the world, which provides a complete theoretical framework to be adopted on different realities, inside or outside educational curricula (International Sexuality and HIV Curriculum Working Group, 2011). Both address the prevention of CSA and provide subsidies for a complete education of children and adolescents in issues related to sexuality and human rights.

4. DISCUSSION AND ANALYSIS

The information presented in the previous chapters allows confirming the assertion that CSE is an effective mean of combating CSA. Its great advantage in this task is not only teaching children to recognize, avoid and report attempts of abuse, but the possibility of changing social behavior patterns related to human sexuality and gender issues.

Sexuality is a fundamental part of every person's life, whether positively (by experiencing it) or negatively (by restraining it). It is part of the human physiology and psyche. However, its importance is proportional to the taboos that surround it. In a context where there is no CSE, sexual knowledge is acquired in a fragmented way through the media and religious, social and family values. These sources are often at odds with each other (for example, the highly sexualized media industry versus religious values proposing sexual abstinence until marriage) (Reppucci, & Herman, 1991). In the midst of this are the sexual desires, fantasies and impulses inherent in human beings (Lamb, 1997). CSE proposes to be a guide for children and teenagers in this troubled mass of information and feelings, with the ultimate goal of forming young people with a healthy relationship with their own and to the others' sexuality (UNESCO, 2018).

CSA is a form of rape, and rape is about power and control (Walby et al., 2015). CSE recognizes the intrinsic link between sexuality and power. As pointed out by UNESCO, "sexuality is linked to power. The ultimate boundary of power is the possibility of controlling one's own body. CSE can address the relationship between sexuality, gender and power, and its political and social dimensions" (UNESCO, 2018, p. 17).

But it is important to note that this advantage of the CSE is also its main limitation since discussions related to sexuality addressed to children meet great resistance from society and religions in general. CSE is commonly related to early sexual initiation, to the disrespect for the role of the family and religious and cultural values, and to an effort to introduce a lifestyle that is stranger to local standards (UNESCO, 2018). Despite the positive tone presented by several authors in this regard (UNESCO, 2018; UNESCO, 2021; Vanwesenbeeck, 2020), this is, in fact, an immense challenge, especially considering the recent conservative wave in the political world, which positions the CSE inside with the so-called “gender ideology” - an anti-gender rhetoric used by the conservative extreme right “to counter gender and sexual equality policy” (Corredor, 2019, p. 616).

In this sense, human rights are an important tool for the implementation of CSE programs, as shown in item 1.2. above. However, this research considers that the approach within the human rights mechanisms carried out so far has not been sufficient to convince States and society about the importance of CSE. It is in this sense that the prevention of CSA is presented here as a potentially touching topic, and one that should be better explored by human rights organizations when the issue in discussion is CSE. Likewise, the CSE should be mentioned and emphasized when the subject in question is the CSA.

Although CSE and CSA are two themes that dialogue with each other, the link between them is not always established. For example, the recent UNICEF publication on CSA prevention does not mention CSE explicitly, despite mentioning prevention programs targeting young children (UNICEF, 2020). CmtRC’s General Comment No. 13 (2011), also does not explicitly mention the CSE, despite understanding education as an important way to combat violence against children.

Documents that address the importance of CSE also fail to emphatically link prevention to CSA. The UN documents cited in chapter 1 mention CSA prevention superficially. Four of the seven of the documents mentioned list CSE as a right to health (CESCR's General Comment No. 14, CmtRC's General Comment No. 4, CESCR's General Comment No. 22, CmtRC's General Comment No. 20), understanding that CSE is fundamental for preventing STIs and early pregnancy. CmtEDAW's General Recommendation No. 28 relates the CSE to the elimination of discrimination against women and girls (as mentioned in Article 2 of CEDAW). Report of the UN Special Rapporteur on the right to education links the CSE to the right to education, and the Report of the High Commissioner for Human Rights on discrimination based on sexual orientation and gender identity links the CSE to sexual rights.

The prevention of CSA is related to all these frameworks, but they do not exhaust the issue, especially if they are approached separately and without a specific deepening of this agenda. What is proposed here is a greater emphasis on CSA prevention through CSE, aiming to achieve the right of every child to a life free from violence.

The main potential of this approach within human rights is the possibility of using the international legislation that explicitly prohibits the CSA as a juridic argument for implementing CSE. As demonstrated in item 2.2 above, CSA is mentioned both by a UN convention and by instruments from the three regional human rights systems. This legislation provides the necessary support for civil society to demand the implementation of CSE programs in the education system in a mandatory way, starting in the early school years.

On the other hand, the emphasis on the need to prevent CSA through CSE avoids the child protection agenda from being misused by conservative governments. For example, the

conservative Hungary's government recently implemented a law increasing the sentence for those criminally convicted for CSA. Before being approved, this law was amended to include a provision prohibiting the approach of LGBTQI+ issues in educational materials and in any type of media for most of the day, with the aim of "protecting children". The idea behind this inclusion is to associate the LGBTQI+ population with pedophilia and sexuality deviations, which is a common idea among conservative sectors of society (Novak, 2021).

It also avoids the conservative argument that the prevention of CSA can be done without approaching gender issues, as the anti-gender movement advocates. It must be made clear that the prevention of CSA through CSE can only occur following the characteristics of the "good quality CSE": "scientifically accurate; incremental; age- and developmentally-appropriate; curriculum based; based on a human rights approach; based on gender equality; culturally relevant and context appropriate; transformative; and able to develop life skills needed to support healthy choices" (UNESCO, 2021, p. 1). This is how the cycle of abuse can be broken, and true prevention can be delivered to children, as they deserve.

CONCLUSION

This research concludes on the great potential in approaching CSA prevention by CSE from a human rights perspective. There is a wealth of legislative and jurisprudential material to support this approach, with emphasis on the CRC, which is emphatic when states, in its article 34(a), that States shall take all appropriate measures to prevent “the inducement or coercion of a child to engage in any unlawful sexual activity” (UN, 1989, article 34(a)). Therefore, from the human rights perspective, the CSE is a human right of the child. States must implement the CSE curriculum on a mandatory basis in the educational system, from the early school years, to prevent and eradicate child sexual abuse.

The right to CSE is a recent discussion, and therefore, is a human right still under development. Prevention of CSA can be an element in this discussion if approached in an emphatic and in-depth manner. In this regard, it is recommended that international human rights organizations highlight the importance of CSE in preventing CSA in their recommendations when one of these issues is under discussion. Likewise, regional human rights courts must also do this in their decisions in related cases.

But the main recommendation to be made is aimed at civil society, which needs to understand the importance of a complete and effective protection of children against AAC. It is necessary to break down prejudices against the CSE, and for that, it is necessary to understand that children have every right to access this type of information. CSE does not pose risks to children's development, on the contrary. In an increasingly connected world, children find it very easy to access age-inappropriate information, even if their parents and caregivers are

careful. In this context, the CSE offers adequate information about sexuality, suitable for each age group, so that children can learn about fundamental values for adult life.

Banning discussions about sexuality in the classroom on the grounds of protecting children is, actually, a threat to their safety. As Lamb points out, every child abuser was once a child. But something happened during his lifetime, during his psychological and moral upbringing, that led him to become an abusive adult. Perhaps, if this person had received correct orientations about sexuality, its fate would be different.

As mentioned at the beginning, CSE is not the only way to fight CSA. It must be combined with other approaches at other levels of prevention and coping. However, it is perhaps the only one of these approaches that addresses the roots of the problem, and for this reason, its existence is fundamental in building a safer and just society for children.

PRACTICAL COMPONENT

The practical component of this capstone project is a video essay entitled *Prevenção ao abuso sexual infantil através da educação sexual: vamos conversar sobre isso?* (in English: *Preventing child sexual abuse through sexuality education: let's talk about it?*)⁶. It is available on the YouTube platform via the link <https://www.youtube.com/watch?v=v1VAKS7gonc>. The video is aimed at the general Brazilian public, but its message is universal. It was recorded in Portuguese and has English subtitles. All material used in the production of the video has the necessary copyright authorizations. The purpose of the video is to raise society's awareness about the importance of preventing CSA through SE.

⁶ The video presents the SE (and not CSE) due to the fact that this is the most used term in Brazil, including among scholars.

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