



Comprehensive Sexuality Education in Latin America and the Caribbean: Where We Are and Where We Should Go

Educación sexual integral en América Latina y el caribe: Dónde estamos y hacia dónde deberíamos ir

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Abstract

In this paper we propose to provide a concept of Comprehensive Sexual Education and identify arguments based on International Human Rights Law that should define its scope and the extension of the obligations of the States in the region. In particular, we will identify five standards linked to sex education and its normative regulation; namely: a) legality, b) comprehensiveness, c) transversality, d) teacher training and e) role of families. In our opinion, these standards constitute indicators that should be considered by any public policy of Comprehensive Sexual Education. Based on this, we propose to critically analyze the regulations on sex education that exist in fifteen countries of the region. This, in order to identify aspects that could be relevant when designing a public policy of Comprehensive Sexual Education that is in accordance with international human rights standards in the matter.

Keywords: *Education; Sexuality; Legality; Integrality; Transversality; Role of the family.*

Resumen

En este trabajo nos proponemos brindar una conceptualización de la Educación Sexual Integral e identificar argumentos basados en el Derecho Internacional de Derechos Humanos que deberían definir su alcance y la extensión de las obligaciones de los Estados de la región. En particular, identificaremos cinco estándares vinculados a la educación sexual y su regulación normativa; a saber: a) legalidad, b)

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integralidad, c) transversalidad, d) formación docente y e) rol de las familias. A nuestro entender, estos estándares constituyen indicadores que deben ser considerados por cualquier política pública de Educación Sexual Integral. Basado en ello, nos proponemos analizar críticamente la normativa en materia de educación sexual que existe en quince países de la región. Esto, con el fin de identificar aspectos que podrían ser relevantes a la hora de diseñar una política pública de Educación Sexual Integral que sea acorde a los estándares internacionales de derechos humanos en la materia.

Palabras clave: *Educación; sexualidad; legalidad; integralidad; transversalidad; rol de la familia.*

I. INTRODUCTION

In June 2020, the Inter-American Court of Human Rights – hereinafter, the IACHR or the Court indistinctly – issued the judgment *Guzmán Albarracín et al. v. Ecuador*,¹ which was the first pronouncement of that Court on the obligations of the States of the region to guarantee safe educational environments for children free of violence, among others. There, the Court understands Comprehensive Sex Education – hereinafter, CSE – as a powerful tool for compliance with the standard set therein; whose importance will be highlighted again months later in the case *Manuela et al. v. El Salvador*.² Although it is the Inter-American Court itself that mentions the progress made in various States of the region;³ it is interesting to get to know in greater depth the different regulations adopted in Latin America and the Caribbean in the field of sex education.⁴ This, in order to know, first, what the current situation in the region is; secondly, to identify clear international standards, considering that in several countries there is still a wide debate on the incorporation of CSE in school curricula;⁵ and third, to visualize the issues that are missing from existing regulations in light of the standards identified here. In this way, comparative analysis can provide different alternatives when it comes to recognizing and regulating CSE.

As a result of the above, this paper aims to identify standards and critically analyze the regulations on sex education that exist in fifteen countries⁶ of the region. First, we will provide

¹ *Guzmán Albarracín et al. v. Ecuador* (2020)

² *Manuela et al. v. El Salvador* (2021), par. 298. We understand that these judgments are relevant to, and in compliance with the control of conventionality, outlining the terrain that States must follow in the matter. However, and although the Inter-American Court has highlighted the obligation of the States of the region to exercise control of conventionality when making effective the human rights standards that arise from the IACHR and its enforcement bodies, it is necessary to clarify that this mandate is not exempt from problems or resistance on behalf of the States. In this regard, see HENRÍQUEZ VIÑAS (2018).

³ *Guzmán Albarracín and Others vs. Ecuador* (2020), see note 134.

⁴ We understand here that sex education and Comprehensive Sex Education are not the same. In this sense, a sex education policy will not necessarily be comprehensive. Being able to visualize the characteristics that make up each one, and therefore define its integrality will depend on the specific context in which its analysis is developed throughout this study.

⁵ In this sense, we understand that the standard set by the Court in the judgment *Guzmán Albarracín* does not provide much clarity either because CSE is recognized only as a tool for understanding sexual violence (Nocs. 140). However, there are other international standards that would help to complement what is indicated therein.

⁶ Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay.

a conceptualization of CSE and its foundations. Second, we will conceptualize five standards linked to CSE and its normative regulation: legality, integrality, transversality, teacher training and the role of families. These standards are, in our view, indicators that any CSE policy should consider. In this sense, they constitute guidelines or orientation for States.⁷ Third, and based on these concepts, we will analyze the norms, relevant case law and programs existing in the different States of the region. This will allow us to identify aspects that may be relevant when designing a public policy of CSE that is in accordance with international human rights standards in the matter.

II. CONCEPT AND FOUNDATIONS OF CSE

CSE is defined as:

a specific approach to sex education that seeks to teach cognitive, emotional, social, interactive and physical aspects of human sexuality in an age-appropriate manner, based on accurate scientific data and unbiased information, aimed at equipping recipients with the knowledge, skills and values necessary to make informed decisions for the enjoyment of complete, healthy and safe sexuality.⁸

Through this concept, it is possible to affirm that CSE has, at least, the following foundations in International Human Rights Law:⁹

1. Recognition of the progressive autonomy of children and adolescents. Until the end of the twentieth century, it was understood that these were subjects of guardianship that deserved special protection, which resulted in them not taking part in the decisions that involved them. However, the paradigm based on the understanding of children and adolescents as true subjects of rights is here to stay. Currently, it is understood that there is a gradual process by which children can exercise rights by themselves according to their age and degree of maturity.¹⁰
2. Recognition of education as a human right, characterized as a key-right or multiplier right,¹¹ since it serves for the exercise of full citizenship and allows access to other rights. Education as a human right seeks to guarantee the integral development of people.¹²

⁷ In this sense, there are States that will be able to advance more and others less, but in any case we are interested in highlighting that in light of international standards, there is a way forward that indicates which approaches are possible and which are not.

⁸ IACHR (2020), para. 208. In a similar sense, UNESCO (2014); Committee on CSE (2006), General Comment No. 22, Paras. 9 and 49.f;

⁹ The right to Comprehensive Sexuality Education is circumscribed within the scope of CSE. Over time, the various treaty bodies of the Universal Human Rights System have been concerned with defining their content and extent of States' obligations in this regard. The Committee on CSE, through its general observations, builds a scheme of four essential characteristics that accompany these rights: availability, accessibility, acceptability and adaptability. For example, in its General Comment No. 13 on the right to education, it emerges that the form and content of education must be culturally appropriate and respond to the needs of students considering their varied cultural and social contexts -acceptability and adaptability-. Committee on ESCR (1999) General Comment No. 13. See also: General Comment No. 14 (2000), para. 12.

¹⁰ In this regard, see IACHR (2017) para. 337-341; IACHR (2019) section C.1.

¹¹ TOMASEVSKY (2004).

¹² RONCONI (2018). Likewise, see COMMITTEE ON ESCR (1999).

3. Recognition of sexual and non-reproductive rights. Various human rights instruments have advanced in the recognition of sexual and – non– reproductive rights, which imply the possibility of people making decisions about their sexual and reproductive life with freedom and confidence based on their convictions. In this sense, sexual rights guarantee people's control over their sexuality. The components of sexuality that should be considered protected are, at a minimum, sexual identity, sexual orientation, choice of partner and absence of coercive sexual activity. Therefore, they imply the protection of sexuality that is not necessarily heterosexual and not – necessarily – procreative. Reproductive rights, on the other hand, imply the recognition of the right of every person to decide on the number of children, the spacing of births and the interval between them; the right to have the information and means to do so; and to achieve the highest standard of sexual and reproductive health, including the right to make reproductive choices free from discrimination, coercion and violence.¹³

4. Strong commitments by the States to guarantee equality and non-discrimination. At this point, it is necessary to say that modern society was erected according to generic binary sex, from which sex assigned at birth has been associated with certain features that produced inequalities, leaving women at a disadvantage with respect to men.¹⁴ This inequality is the tip of the iceberg of situations of violence and discrimination suffered by certain social groups, especially women, girls and LGBT+ people. Equality clauses indicate that States must provide tools to improve the situation of vulnerable groups.¹⁵

Therefore, we may affirm that there is an inescapable link between autonomy, education, sexual and reproductive rights and equality, especially with respect to childhood and adolescence, since:

(a) From a theoretical and normative point of view, children and adolescents have sexual and reproductive rights. Sexuality has a subjective dimension; it is part of identifications, sexual identities, affections, pleasure, it is the way we relate to others. It is also a unique construction, marked by the primary context in which we are born, grow and that is recreated throughout life. Children and adolescents must be able to exercise their sexual and non-reproductive rights according to their progressive autonomy.¹⁶ In this way, the approach that is made from early childhood, especially in adolescence and youth, is decisive in life choices: who I choose to live with, how I lead my love life, sexual life, whether I want children or not, when, with whom, and,

¹³ Some examples can be seen in: IACHR (2011), IACHR (2019) para. 210. It should be borne in mind that the recognition of reproductive rights as human rights is very important, not only for women but also for other groups – in general, belonging to the LGBT+ COMMUNITY-. However, the high impact on women's lives is relevant. They are rights linked mainly to women because the roles socially assigned to them have determined that responsibility for reproductive matters fall almost exclusively on them.

¹⁴ MAFFÍA (2008), p. 1.

¹⁵ In this regard, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, arts. 7-8; Convention on the Elimination of All Forms of Discrimination against Women, arts. 3-4; Yogyakarta Principles, principle 2; Committee on the Elimination of Discrimination against Women, General recommendation Number 25 (2004), para. 1, art. 4; General recommendation No. 35 (2017) among others.

¹⁶ In this regard, see *Guzman Albarracin* (2020), note 127.

b) from a pragmatic point of view, and bearing in mind the *Guzmán Albarracín* case, there are many cases where these rights are violated by States through abuses of power by responsible adults, even in educational institutions (which result in sexual violence, especially against women and girls).¹⁷ In this sense, CSE becomes a powerful tool when it comes to empowering children and adolescents to know their rights and make possible violations visible.

To make free decisions, access to information is essential. In this way, the CSE is an especially relevant tool, as it seeks to eradicate existing inequalities in relation to gender from school spaces and generate educational spaces that allow children and adolescents to have knowledge regarding their sexual and -non- reproductive rights in a way respectful of diversity, questioning normativity or binarism.

III. CSE STANDARDS

The interpretation of various human rights instruments and the Inter-American Court's *Guzmán Albarracín* judgment allows us to identify at least five relevant standards in the field of sex education. These standards do not operate in isolation but must be read in a transversal way, and we understand that they operate as basic indicators of the CSE regulation.¹⁸ In this way, in some cases States could have regulated a sex education policy that did not conform to the standards (for example, having a CSE public policy without there being an enabling law, or regulating sex education from a biomedical approach, among other possibilities). This does not imply that the efforts of States are not valued, but on the contrary is sought is to show that States should do more.

3.1 Legality or why is it necessary to have a law guaranteeing CSE?

In its Consultive Opinion No. 6 (1986) the Inter-American Court establishes that rights must be limited only by formal law, that is, law emanating from the National Congress of each State. The Court held on that occasion that the word "law" is used in the formal sense, that is, as "a legal norm of a general nature, confined to the common good, emanating from the constitutionally provided for and democratically elected legislative bodies, and elaborated according to the procedure established by the constitutions of the States Parties for the formation of laws".

The requirement of a formal law for the regulation of a right is known as the principle of legality and is based mainly on allowing democratic debate. That is, that the regulation of rights remains in the hands of the most representative body: Congress or Parliament.

Although the Inter-American Court in *Guzmán Albarracín* affirmed that States must adopt "legislative or other measures" (par. 112) in relation to the prevention of violence

¹⁷ Particularly in the case of Paola Guzmán Albarracín, the Court ruled that there was a violation by the Ecuadorian State of these rights, following what was held in the Amicus presented by the Committee of Experts of the MESECVI regarding consent, the analysis of each case must consider "the power relationship between the parties with a gender focus; whether there is a particular context that facilitates violence; if there are other cases with the same patterns; the particular conditions of the victim (age, gender, etc.); the actions of the perpetrators, and the visible and invisible consequences on the victims" (*Guzmán Albarracín* (2020), note 127).

¹⁸ Following the compliance mechanism of the Protocol of San Salvador. In this regard, see PAUTASSI (2013).

against women and girls, given the debates and oppositions that have originated around the CSE, we understand that it is relevant that its recognition be carried out by law as:

- It ensures greater stability and effectiveness in relation to lower-ranking norms and allows public policy not to depend on political changes – or changes of governments. This is especially important in education where changes and outcomes can only be identified in the long term.

- Given the importance of CSE for the comprehensive development of children and adolescents, it makes it possible to know the reasons (either to repeal it if it is sanctioned, to modify it or to sanction it if there is no law) and whether these are public reasons (for example, that they are in accordance with human rights standards in the matter) or, on the contrary, are associated with particular reasons.¹⁹

- It gives guarantee to the subjects -teachers, assistants, directors- that they must implement and carry out this policy. In that sense, for example, Dudiuk claims that having a sex education law in Argentina allowed teachers to work with more confidence on the contents, without fear of receiving complaints from families and / or directors, or at least, gives them legal support.²⁰

3.2 Integrality

On this point it is possible to make a distinction of the different elements that compose it. First, adopting a comprehensive view implies that biological aspects must be incorporated, as well as the emotional, the relational, the ethical, the sociological, the cultural, the economic and the political.²¹ Thus, it becomes essential to transcend the idea that sex education is limited only to a moralistic or sanitarian perspective and incorporate other aspects that allow a comprehensive approach to the subject.

Second, integrality also implies incorporating a gender perspective, taking into consideration that this is not reduced to a male-female binarism since international and regional regulations also recognize rights for LGBT+ people.²² Thus, the teaching of CSE must be focused on women and diversity. In addition,²³ it is necessary to incorporate perspectives of new masculinities with approaches that also challenge and convene cisgender males.²⁴

Third, adopting a holistic view implies that all children and adolescents must be taught in a way adapted to their age. This implies promoting a CSE that starts from respect for their

¹⁹ In this sense, in many cases religious or moral arguments are resorted to. See RAWLS (1993). These public reasons are relevant in the event that a majority seek to repeal the law establishing CSE. We thank the arbitration for comments on this point.

²⁰ DUDIUK (2021).

²¹ MALTZ (2018), p. 22

²² In this regard, v. Inter-American Court, Advisory Opinion OC-24 (2017).

²³ In this regard, IACHR (2020) para. 210, 211, 212, 213. Likewise, Inter-American Court of Human Rights Advisory Opinion 24/17.

²⁴ BIONDI & PETRONE (2020). At the level of the universal system, the Report of the United Nations Special Rapporteur on the right to education mentions the need to incorporate a gender perspective in the programming and curriculum design of sex education that explicitly includes the dimension of masculinities. UN (2010), para. 22, 63, 66.

progressive autonomy and their recognition as subjects with the right to decide freely, intentionally and informed about different aspects of their own lives, such as those linked to their sexuality and reproduction.²⁵ It must also account for the inclusion of people with disabilities.

Fourth, adopting a holistic view implies that it must be respectful of identity. In public policies, the way in which the contents that are established as mandatory are adopted, there must be a special appreciation of cultural diversity and the promotion of intercultural dialogue. Thus, it is necessary for CSE to take into account the voice of children and adolescents, women, LGBT+ people, the Afro-descendant community, and indigenous peoples, among others. Sexuality is part of the bonds with other people, so it is important to consider each of the cultures to build an CSE respectful of different identities.

Hence, CSE implies a paradigm shift on sex education. It is based on considering that sexuality encompasses biological, psychological, social, economic, political, cultural, ethical, legal, and historical aspects, among others. The Inter-American Court has already ruled on comprehensiveness in considering violence against women beyond physical violence including sexual and psychological aspects and that make visible oppressive gender stereotypes, both in the public and private spheres.²⁶ For this reason, CSE seeks to overcome traditional, moralistic or biological approaches and put at the axis of the teaching-learning process: knowledge and care of the body; the protection of privacy; the right to identity and sexual and reproductive health; the valuation and respect for one's own body and that of others, for family, cultural, ethnic, gender, and ideological diversity, among others.²⁷

3.3 Role of the family

Different international rights provide for the right of parents to choose the education of their children.²⁸ This is the “trump card” that is always invoked when it comes to putting limits on the teaching of Integral Sexual Education in schools, through arguments such as “do not mess with my children” or “I educate my children”. These arguments seek to give the State a “subsidiary” character vis-à-vis families, which would imply that the State should only intervene to support or replace them if necessary.²⁹ However, this is not viable from a human rights perspective,³⁰ as the Convention on the Rights of the Child (1990), was “a forceful response on the responsibility of society and the State to care for and protect the

²⁵ Linked to this, see Committee on the Rights of the Child (2003), General Comment No. 4, para. 26. On the obligation of states to provide age-appropriate sex education, see also: Committee on the Rights of the Child (2016) General Comment No. 20, para. 61; IACHR (2019), para. 257.

²⁶ To expand, see *Guzmán Albarracín v. Ecuador* (2020), par. 111- 115.

²⁷ To expand on the standard of integrality and the obligation of States, see recitals 112 and 113 of the judgment.

²⁸ Among others, Article 18.4 of the International Covenant on Civil and Political Rights, Article 13.3 of the International Covenant on Economic, Social and Cultural Rights and Article 12.4 of the American Convention on Human Rights.

²⁹ MORGADE (2021), p. 29.

³⁰ For example, art. 5 of the Convention on the Rights of the Child, on the one hand, imposes on States the obligation to respect the rights and duties of parents regarding the guidance and direction of their children as well; On the other hand, it conditions this to respect for the progressive autonomy of children and adolescents. In a similar vein, IACHR (2019), para. 115.

integrity of children”.³¹ In this sense, the Inter-American Court in the *Guzmán Albarracín* judgment affirmed that an education that is imparted in violation of human rights is also a violation of the right to education. States must adopt appropriate actions to prevent human rights violations during the educational process of girls and boys and particularly consider discrimination based on gender-based violence (par. 118).

For this reason, the right of parents to educate their children is, in general, severely limited to guarantee certain knowledge and the acquisition of skills for the development of full citizenship by children and adolescents. Hence, it is not optional for parents to educate their children, and in this way, children must be educated in certain places - schools or colleges, that is, in a formal or official environment - authorized by the State. This is the first limit to the freedom of parents to educate their children.

Other limits are linked to the freedom of parents to choose the education of their children. That limit is found in the very concept of the right to education, which applies to children, and is imposed by the determination of the purpose of education.³² Understanding education as a human right implies that parents cannot refuse that their children receive certain contents that the State qualifies as indispensable for the full development of citizenship, such as learning to add and subtract, to identify letters, to read and write. There are also other contents, such as Comprehensive Sex Education, the teaching and learning of which is essential for the development of the autonomy of the person being educated, and therefore its teaching cannot be discarded by responsible adults.³³

The right of parents to choose educational centers where to send their children or to educate them in certain values is not a "trump card" that allows them to oppose any teaching with which they do not agree.³⁴ If there are strong arguments indicating that the State must teach a certain content, families should tolerate such education even when they then reinforce and/or modify it with complementary education - for example, their own advice, teaching of a particular religion, among others. Thus, for parents to be able to oppose the teaching provided in schools according to the contents set by the State, it is necessary that the commitment to human rights education is not compromised.³⁵

3.4 Transversality

The teaching of sex education must be transversal. This implies that it is not taught in a certain subject or as a fixed content which has no links with other learning that occurs in school. In this sense, Morgade argues that “the main results indicate that, beyond the theoretical principles that become formal statements, at present and from the sanction of the Law of Comprehensive Sexual Education the theme of 'sexuality' is usually included with an aggregate juxtaposed in specific 'workshops' or in special classes without impacting the

³¹ MORGADÉ (2021), p. 31.

³² RONCONI (2018).

³³ GUTMANN (2001). Also, Committee on the Rights of the Child (2005), para. 17.

³⁴ In this sense, MORGADÉ (2021) affirms that process resistance laicizers have been reconfigured according to the current political forces and in Latin America the link between State and Church still has important articulations.

³⁵ In this sense, see UN (2010), Para 71.

curriculum in its epistemological and methodological foundations.”³⁶ If “all education is sexual”, it is urgent to take into consideration the organization of institutional life in everyday life. It is not enough with a specific workshop or a section on CSE but daily practices must be transformed – among managers, teachers, students, administrative staff. CSE involves not only attending to situations of extreme violence but also to the prejudices, stereotypes, affections that circulate in everyday life in school – the colors assigned to boys and girls, the differentiated use of uniforms, the games assigned to boys and girls, the examples used, the images in textbooks, the way teachers act, among others. In this sense, the Court in *Guzmán Albarracín* ruled that to prevent violence against women, girls and adolescents, States must adopt comprehensive measures, which includes not only having a legal framework for protection (such as Curriculum Designs) but also concrete practices that allow, among other things, to act effectively in the face of complaints.³⁷ That is why we affirm that it is not enough to have a few hours of CSE per week, but that education must be transversal and promote intervention in cases of violence as well as comprehensive prevention in every school environment (classroom practices, coexistence in common spaces, questioning situations of disparity of power between students and school staff, among others).

3.5 Teacher training

The role of teachers in the teaching-learning process is central. They are active and transformative subjects in this process. Therefore, it is necessary that teachers manage to identify and transmit that sexuality is always present in the teaching-learning process: in the ways in which we relate to other people, in the assessments and comments we make – for example, what boys can do and what girls can do. In the ways in which we promote or not the expression of emotions, in the language with which we address the students, in the contents selected to teach-learn, among others.

The importance of teacher training has a strong impact on transversality. Teachers are the ones who have theoretical and pedagogical tools to be able to carry out the teaching-learning process of the CSE. They are also the ones who are in daily contact with children and adolescents. It is not enough for a person who is an expert on sexuality to go to school once or twice a year to learn, as usually happens to fulfill teacher training mandate on CSE. Respect for the other and non-violence are learned every day, and this is the central objective of CSE, which must be continuous.

However, teachers are also subjects who have a certain culture, stereotypes, and experiences that influence the teaching-learning process, and that even, as in the case of *Guzmán Albarracín*, can perpetuate violence. Therefore, when it comes to CSE, teacher training becomes fundamental.³⁸ Morgade claims that to guarantee this, the focus must be placed on the ethical issues of teaching.³⁹ It is not enough to establish normative provisions, but it is necessary to train teachers, deliver adequate materials so that they can carry out their

³⁶ MORGADE (2016), p. 79.

³⁷ *Guzmán Albarracín v. Ecuador* (2020), par. 113.

³⁸ In this regard, the Inter-American Court in the *Guzmán Albarracín* case condemned Ecuador, among other things, to train educational personnel on addressing and preventing situations of sexual violence (para. 245).

³⁹ It should focus on three dimensions: 1) Care tasks in the work of teaching and the politicization of love for childhood; 2) Human Rights as the minimum agreements of life in common, and 3) The encounter between "otherness" and rights. For further see MORGADE *et.al* (2021), ch. 1.

teaching-learning processes. In addition, it is important to note that teacher training is central to all educational actors; that is, managers, supervisors, preceptors, and all professional persons -or not- who have contact or relationship with children and adolescents at school.

If this way of implementing teacher training in CSE is carried out, the impact is enormous. All training facilitates the development of knowledge, improves skills and behaviors. Finally, it improves educational skills by providing a theoretical and operational foundation suitable for education. In this way, any public policy that takes CSE seriously must include a strong element of training and recognize these trainings with teacher scores, with salary bonuses, among others. In addition, this training must be permanent and gender sensitive. It is not enough with initial training or with a particular course but must be given continuously.⁴⁰

IV. NORMATIVE DEVELOPMENTS IN LATIN AMERICA AND THE CARIBBEAN

A survey carried out during 2021 shows that regulatory developments that have taken place in terms of CSE in the region are still incipient in terms of legality, comprehensiveness, transversality, role of families and teacher training. Of the 15 countries analyzed,⁴¹ it is possible to affirm that although there are normative advances – since in general the issue of sex education is on the public agenda – there are still strong challenges for its adequate implementation according to international standards. This information is outlined in the following table:

Country	Relevant regulations	Standards
Argentina	There is no reference to CSE in the National Constitution (hereinafter, NC). However, constitutional hierarchy is given to treaties of human rights (art. 75 paragraph 22) such as the Convention on the Rights of the Child, UNCRC, among others. Specifically, in 2006 Law 26,150 was enacted, creating the	The Program recognizes sex education in a comprehensive (art. 3) and transversal (art. 4) way. It also establishes compulsory teacher training (art. 4)

⁴⁰ The United Nations General Assembly through Resolution 70/137 on the Rights of the Child of 2015, urges States to fully realize the right to education through the inclusion of CSE into educational programs and take specific measures such as the creation of teacher education and training programmes for formal and non-formal education (para. 49.u). In a similar vein, the Committee on the Elimination of Discrimination against Women in its General Recommendation Nro 35 of the year 2017 recommended states, as a preventive measure against gender-based violence, the creation of mandatory, periodic and effective training in the field of sexual and reproductive health for all educational personnel - among other sectors - in order to equip them to prevent and adequately combat gender-based violence (para. 30.e).

⁴¹ To carry out the survey of each country, primary sources were used -specifically official pages of the agencies of each State-. In those cases where the primary sources did not yield more data -either because there were no official pages or they did not have information-, the use of secondary sources has been chosen -such as pages of civil society organizations, academic papers, among others.

	"National Program for Comprehensive Sex Education".	It gives, however, a strong role to the family and private establishments (art. 5). ⁴²
Bolivia	<p>The NC establishes the right to exercise sexual and reproductive rights (art. 66), but no reference is made to the CSE. However, the articles specify the right to the integral development of children and adolescents, the best interest of the child, gender equity and the full enjoyment of human rights.</p> <p>It does not have a specific regulation on CSE, however Law No. 343 on Youth (2013) establishes gender equality as one of the guiding principles (art. 6). It also promotes the development of policies for responsible and safe sexuality (art. 38). In addition, Law N° 548 known as the Child and Adolescent Code (2014) establishes timely training in comprehensive sexual education within the framework of curricular contents (art. 116 (i)).</p>	<p>The Institutional Strategic Plan of the Ministry of Health 2016-2020 establishes strategic objectives and actions, among which the prevention of adolescent pregnancy and the promotion of sexual and reproductive rights stand out.</p> <p>The Constitution (art. 64) and the Child and Adolescent Code recognize the central role of families in decision-making regarding the education of children.</p>
Brazil	It makes no mention of it in the NC nor does it have a specific law on CSE. Only Law N° 8069, known as the Statute on Children and Adolescents, focuses on the protection of pregnant women (arts. 8, 228), access to health centers (art. 10) and the prevention of teenage pregnancy.	An important role is given to families in the education of their children, the possibility for parents to take action against the media if they consider that content that contradicts education is being delivered, is recognized (art. 320 paragraph 3.II CN).
Chile	The NC makes no mention of CSE. However, sexual education is provided for in Law N° 20,418, which lays down rules on information, guidance, and regulation of fertility services. This body of law was enacted in 2010. Article 1 establishes that educational establishments recognized by the State must include a sex education program within the secondary education cycle. According to art. 1, it must include	It must be adopted according to the educational project, convictions and beliefs that each educational establishment adopts and imparts, together with parental centers and guardians (article 1 of law 20,418). In addition, the

⁴² Some criticisms of the point can be seen in RONCONI (2021).

	<p>content that promotes responsible sexuality and provides full information on the various existing and authorized contraceptive methods. For its part, Law 21,430 "On guarantees and comprehensive protection of the rights of children and adolescents" of 6/3/22 establishes protection of sexual rights. However, this law was controversial, since prior to its sanction the Constitutional Court of Chile declared unconstitutional three of its articles referring particularly to the role of the family in the progressive autonomy of children and adolescents and to the secular and non-sexist character of education established by the original bill.⁴³</p>	<p>law says that the main executing body of the law is the Ministry of Health – directly impacting teacher training.</p>
Colombia	<p>There is no mention of CSE in the NC nor does it have specific laws. However, Law N° 115 "General Education Act" (1994) stipulates that sex education must be provided according to age, at all levels of education (art. 14). In addition, other relevant laws establish that the State must prevent and address sexual violence, violence within the family and child abuse, and promote the dissemination of sexual and reproductive rights (art. 41, paragraph 26, Law No. 1098 "Code of Children and Adolescents" of 2006) and creates the national system of school coexistence and training for the exercise of human rights, sexuality education and the prevention and mitigation of school violence (Law 1620 "School Coexistence Law" of 2013).</p>	<p>A Program of Education for Sexuality and Construction of Citizenship was created. In addition, a "Guide 1, sexuality in the integral formation of children, adolescents and young people" (2008) was developed, which sets out central principles from which schools must select content that they consider appropriate for their community. We were unable to obtain information on its validity and application.</p>
Costa Rica	<p>There is no mention in the NC or a specific standard on CSE. However, Act N° 7,739 "Code on Children and Adolescents" (1998) establishes a legal framework for the comprehensive protection of the rights of children and adolescents. Articles 44, 55 and 58 stipulate that specific obligations of the Ministry of Health are "to guarantee the creation and development of comprehensive care and education programs for minors, including programs on sexual and</p>	<p>Very recently, the Ministry of Health identified the "National Sexuality Policy 2010-2021", whose purpose is that "the Costa Rican State guarantees and respects access to and exercise of the right to a safe, informed, co-responsible sexuality for all people who inhabit this</p>

⁴³ In this regard, Constitutional Court of Chile (2021), Sentence Rol 11.315/11.317-21-CPT (cumulative).

	reproductive health”. In addition, Law 7735, “General Law on the Protection of Adolescent Mothers” (1997), mentions the obligation of the State to provide sex education, albeit through health centers and specifically to adolescent mothers, with the aim of avoiding unplanned pregnancies (art. 9).	country, as an integral part of the human right to health” within which CSE is mentioned as a main objective of national policy.
Cuba	The Constitution makes no mention of CSE but of sexual and reproductive rights (art. 43). In particular on CSE there is the National Center for Sex Education (CENESEX) (1988), whose objective is “to contribute to Comprehensive Sexual Education, the development of sexual health and the recognition and guarantee of sexual rights for all people without distinction”. More recently, Resolution No. 16 of 2021 of the Ministry of Education approves the “Comprehensive Education Program in Sexuality with a focus on gender and Sexual and Reproductive Rights in the National Education System” to be applied in the educational curriculum at all levels and pedagogical training.	Resolution 16 highlights the importance of integral education, mainstreaming issues of diversity, gender and human rights. Likewise, this resolution highlights the importance of informing not only children and adolescents but also their respective families and the community in general about educational and health issues. It also establishes the obligatory nature of teacher training.
Ecuador	It does not mention CSE in the NC nor does it have a specific norm on the subject, only the “Organic Law of Intercultural Education” (2011) in Art. 3 on purposes of education recognizes “the guarantee of plural and free access to information on sexuality, sexual rights and reproductive rights ...” (paragraph 3)	The Ecuadorian State was recently condemned by the Inter-American Court in the <i>Guzmán Albarracín</i> case and different inter-institutional meetings are being held to comply with the sentence.
Honduras	The Constitution guarantees the right to education (arts. 121 and 123), but says nothing about sex education, nor about gender, nor equality/equity between men and women. The Basic Law on Education gives families a wide margin of choice (arts. 1, 10 and 11).	In 2018, a Guide for Teachers was created, which are guidelines and proposals for activities for teachers to carry out in the classroom. We don’t know how it is implemented or if it is still in force.
Mexico	The NC makes no mention of CSE. However, there is the General Education Law (2019), which mentions	The General Education Law speaks of integrality,

	Comprehensive Sex Education as part of the curricula and programs (Art. 30 paragraph X). Likewise, the General Law on the Rights of Children and Adolescents (2014) identifies CSE as a specific purpose of education (Art. 58 paragraph VIII).	which is necessary in teacher training.
Nicaragua	The NC makes no explicit mention of the CSE but recognizes the International Convention on the Rights of the Child as the basis for the special protection of children (Art. 71) and speaks of the State's duty to protect responsible maternity and paternity (Art. 78). In addition, article 44 of the Children and Adolescents Code (1998) states: "Children and adolescents have the right to receive comprehensive, objective, guidance, scientific, gradual and formative sex education that develops their self-esteem and respect for their own bodies and responsible sexuality".	
Paraguay	The Constitution (1992) does not recognize the CSE. However, article 61 establishes the right to family planning and maternal and child health and thus recognizes the right of individuals to decide freely and responsibly the number and frequency of the birth of their children, as well as to receive, in coordination with the relevant agencies, education, scientific guidance and services adequate in the matter. In addition, the CSE is expressly provided for in article 14 of the Children and Adolescents Code, which specifically states that the "State, with the active participation of society and especially of parents and relatives, shall guarantee services and programs for the health and comprehensive sex education of children and adolescents".	The National Plan for Sexual and Reproductive Health 2014-2018 incorporates sexual and reproductive rights into the field of health, limiting sex education to "classic prevention". Especially in this country, attention is drawn to Resolution No. 29664, which prohibits the dissemination and use of printed and digital materials referring to theory and the so-called "gender ideology" in educational institutions.
Peru	It does not have reference to the CSE in the NC or in a specific standard.	
Dominican Republic	It does not have a specific standard on CSE nor a general standard or program on the subject.	The Code for the System for the Protection of the Fundamental Rights of

		Children and Adolescents makes a robust mention of the obligation of the family with regards to the education of its children (Principle VIII).
Uruguay	Article 40, paragraph 8, of the General Education Act No. 18437 (2008) recognizes sex education in a cross-cutting manner. Specifically, it recognizes that "sex education will aim to provide adequate instruments that promote in educators and students, critical reflection on gender relations and sexuality in general for a responsible enjoyment of it." Other important laws are Law No. 18,987 on Voluntary Interruption of Pregnancy, approved in 2012, and in 2018, Law No. 19,684 on Comprehensive Protection for Trans Persons. In 2008, the Sex Education Program (PES) was created.	CSE must be vertical and integral (according to the PES). In addition, article 2 of Law No. 18,426 (2008) on the Defence of the Right to Sexual and Reproductive Health establishes the obligation to train primary, secondary and tertiary teachers for education in the exercise of sexual and reproductive rights as part of full citizenship and in respect for the reference values of their cultural and family environment.

Table 1. *The normative situation of CSE in Latin America and the Caribbean.* **Source:** own elaboration based on Consultancy on CSE (Center for Reproductive Rights, 2021-2022), Mimeo.

The various norms and public policies identified here allow us to make the following assertions about CSE in the region:

4.1 On legality

Argentina is the only country where there is a specific law on CSE – Law N° 26,150. In other cases, there are laws that, although not specific, do refer to the importance of sex education – Paraguay, Uruguay, Bolivia, Colombia, Nicaragua. As it was argued, the existence of a specific law on comprehensive sex education is important because it allows the norm to be maintained over time, gives greater stability to public policy and gives teachers guarantees. In this sense, a clear example of how robust programs can be set aside when they are not established by law is the case of Brazil. In 2011 the so-called "School Kit against Homophobia" was created – later called the "gay kit" by the media. It consisted of a package containing a series of brochures, posters, and audiovisuals. A brochure called "School without Homophobia" was also created, in which didactic proposals were deployed to work on the topic of inequality between men and women and homophobia in the classroom. This brochure specifies the guides for adolescents, teachers, and family to address the videos. Once launched, the videos began to have an important circulation on the web, and were in the sights of the media, who echoed the criticism of religious groups and legislators representing evangelical sectors. One of the main criticisms that was wielded was that the videos made

apology of homosexuality or transsexuality, as they were considered inadequate in their content with regards to the age of the recipients. Such was the social debate it generated that President Dilma Rousseff spoke out against them in response to questions from journalists. She said that while she defended the anti-homophobic policy in schools, she considered that the videos were not appropriate and that "the state could not advertise sexual options and could not interfere in people's private lives."⁴⁴ Subsequently, its distribution was vetoed, and it was established that this type of materials had to be previously analyzed by a committee of the Secretariat of Social Communication dependent on the Presidency. This was confirmed by decision of the Superior Electoral Tribunal -SET-, which requested the suspension of the links, web sites and social networks related to the issue. The social dimension of this was very large.⁴⁵

On the contrary, the case of Cuba is interesting, where although there is no law, since 2011 there is a Sexuality Education Program with a Gender Focus and Sexual Rights in the National Education System – created by Resolution 16/2011 – which was subsequently updated by Resolution 16 of 2021. This program articulates comprehensive sexuality education strategies at the national, provincial, municipal and community levels.⁴⁶

On the other hand, the specificity of the law accounts for the place given to sexual education. In this sense, it is not the same that sex education is included in the field of education than in other spaces. In some cases, there are normative provisions on sex education but, for example, framed within health laws.⁴⁷ In this way, sex education is placed far from the field of education and depending on other areas. Thus, specific policies - creation, execution, monitoring, budget - of sex education are in the hands of the Ministry of Health, as well as topics related to children or women, among others. This is the case of Chile where there is no specific law on CSE but Law No. 20,418 (2010) that establishes rules on information, guidance, and regulates fertility services establishes that "educational establishments recognized by the State must include within the secondary education cycle a sex education program, which, according to its principles and values, includes content that tends to responsible sexuality and provides complete information on the various existing and authorized contraceptive methods, according to the educational project, convictions and beliefs adopted and imparted by each educational establishment in conjunction with the centers for parents and guardians.⁴⁸ The regulations of the aforementioned law, for its part, maintain that the main executing body of the law is the Ministry of Health - this impacts on teacher training, teaching and pedagogical materials, non-transversality and others. This type of regulation speaks of the existence of a policy of sex education but that it is not comprehensive. Even when it represents some kind of an advance, it does not meet international standards. If we seek an education that is integral and transversal, it cannot be

⁴⁴ BAEZ *et. al.* (2015), p. 19

⁴⁵ BAEZ *et. al.* (2015).

⁴⁶ In one of the reports of the Committee on the Rights of the Child (2019) on this country, it is argued that achievements in comprehensive sexuality education are reflected in the low indicators of maternal and infant mortality and adolescent pregnancy, broad access to sexual and reproductive health services, and the promotion of gender equity, among others.

⁴⁷ Even this can be noted in some human rights instruments that speak of sexual health, for example, General Comment No. 22 of the Committee on ESCR (2016). We appreciate the comment to the person who made the arbitration of the article.

⁴⁸ Republic of Chile, Law No. 20.418, art. 1.

in the hands of health agents who do not know how the education system works, what teacher relations are like, among others.

On the other hand, there are few cases where the regulations governing sex education are national in scope -Argentina-. This has led local jurisdictions and even educational establishments to define the scope of sex education and content -Peru, Bolivia, Costa Rica-. This means that state policies on the subject are not unified but rather depend on the will of each jurisdiction or, where appropriate, of each particular educational establishment that implements them. In this sense, the Ministry of Education of Colombia affirmed that “Schools enjoy full autonomy to define their educational project according to their values and principles. Educational institutions are responsible for harmonizing this autonomy with the respect for the rights of students established by the Constitution and the law.”⁴⁹ That is, although the preparation of these manuals is limited by the Constitution and even by the Constitutional Court itself, the role assigned to families and schools is very large. This shows that there is no state policy to address the problem and generate safe educational spaces free of violence.

4.2 On integrality

With regards to the three aspects of comprehensiveness, it is possible to argue that there is a diversity of situations in regional regulations. In many cases there is a policy of sex education, but it is not comprehensive but rather focused on the prevention of teenage pregnancy and HIV transmission. A biological or moralistic approach to sex education prevails. For example, in the case of Chile, where the recognition of sex education is linked to the prevention of pregnancies and sexually transmitted diseases. In the case of Bolivia, according to the Institutional Strategic Plan, sex education aims to prevent teenage pregnancy and promote sexual and reproductive rights – from a sanitarian perspective. Thus, what sex education does is consolidate hegemonic meanings and roles in school discourse. In addition, as Báez argues, “sometimes the biomedical gaze can be read in terms of broadening and democratizing the experiences of young people, while in other situations, the tonality it develops only frightens the affective-erotic practices of everyday life.”⁵⁰

Likewise, this approach must consider the age of each child and adolescent in the teaching of the CSE, respecting their degree of maturity. We can see this in some countries. In the case of Colombia, for example, the general education law establishes that sex education must be provided according to age. Along similar lines, Bolivia establishes in the Code of Children and Adolescents that the right to receive sex education goes according to physical development. Something similar is established in the Program created in Argentina.

Finally, it is important to integrate the intersectional perspective, particularly in the case of Latin America and the Caribbean, this implies working with the indigenous peoples, Afro-descendant communities, among others. Although we found diversity with regards to the incorporation of integrality in terms of content and age, no specific provisions on CSE and

⁴⁹ Ministry of Education of Colombia, available at <https://www.mineducacion.gov.co/1759/w3-printer-357802.html> (Consultation date 12/09/2022).

⁵⁰ BAEZ (2015), p. 4.

intersectionality have been found in the information surveyed. This is, then, a key challenge when creating and developing a CSE policy.

4.3 On transversality

Sex education has been established at all levels of education – preschool, basic and secondary education – in Bolivia, Argentina, Uruguay and Colombia.⁵¹ In the latter case, however, sexual education is conceived as a pedagogical project of each educational institution. In the case of Chile, sex education is provided for the middle level only.

In addition, in many cases, the approach that has been given to sex education is not that of transversality. That is, it is taught in a certain subject or as fixed content, with no links to the other learning that occurs in school. We have the case of Costa Rica, where Law 8,626 creates the National Day for the Prevention of Pregnancy in Adolescents, in which official and private institutions related to adolescents must carry out activities to provide qualified and truthful information on sexual and reproductive health, as well as the prevention of pregnancy in adolescents and the protection of pregnant adolescents. This makes the lack of transversality and integrality foreseeable.

4.4 On the role of the family

In many cases, the level of interference of families and/or educational institutions with respect to deciding on CSE content is high, leading to the policy not being as effective. This is, for example, the case of Argentina, Bolivia, and Colombia. In the case of Argentina, article 5 of the law establishes that "each educational community will include in the process of preparing its institutional project, the adaptation of the proposals to its sociocultural reality, within the framework of respect for its institutional ideology and the convictions of its members". Because of this, content has been limited/eliminated or sex education is taught in a biological, moralistic or prohibitionist way. Establishments, particularly private denominational ones, have adapted CSE to a form of teaching that does not correspond to the spirit of the norm or to what the principle of autonomy and the right to education imply.⁵² In the cases of Colombia, Bolivia, Honduras and Peru, the different regulations give families a wide margin to decide what to teach in terms of CSE. For its part, in the case of Chile, the role of the family was also the focus of debate, given that prior to the enactment of Law 21,430 on the Integral Protection and Guarantee of the Rights of Children and Adolescents, the⁵³ Legislative requested the declaration of unconstitutionality of some articles referring to the possibility of interference by families in the progressive autonomy of children and adolescents in reference to making decisions about their body. Finally, the Chilean Constitutional Court declared the article unconstitutional, expanding the margin of action of mothers and fathers with regards to these decisions.

⁵¹ In the latter case, Article 14 of the General Education Law establishes that "the study of these subjects and training in such values does not require a specific class. This training needs to be incorporated into the curriculum and developed across the entire curriculum." However, "sexual education is conceived as a pedagogical project of each educational institution."

⁵² RONCONI (2021).

⁵³ Available in <https://www.bcn.cl/leychile/navegar?idNorma=1173643> (accessed 8/12/22)

This means that it is the groups of families with economic or political power or even the institutions themselves that oppose the CSE. However, this conflict of rights should have a clear answer. The State sets the contents, and these must be complied with. It is false to believe that CSE will involve teaching children about sex, and reducing it to sexual acts, or that it will involve the promotion of diverse identities, among others. On the contrary, CSE seeks to broaden the outlook, generate awareness, respect for one's own body and that of other people, promote respect for the word, the recognition of diverse identities by expanding the autonomy of children and adolescents.

In Ecuador, the ruling of the Constitutional Court of June 27, 2018⁵⁴ is relevant when it concludes that “the intervention of fathers, mothers or the person in whose care they are, on the sexual and reproductive rights of adolescents, must be aimed at providing them with the necessary and sufficient guidance and tools that allow them to make free informed and responsible decisions”. These are rights that children and adolescents already have, and no one can take away from them.

4.5 On teacher training

In the various regulations analyzed, in general, little importance has been given to continuous teacher training, an essential requirement to achieve the full validity of sex education. As we have stated, teachers are key agents in the teaching of CSE, because ultimately, they are the ones who are with the students daily and can put into action regulations and / or policies established by the States. We have said that it is essential that there be specific CSE laws, that it is mainstreamed in educational systems and that it is implemented effectively, but none of that is enough if there is no teacher training that comprehensively trains those who they will train. This means that there must be content that is specific to health but cannot be limited only to those.

In the survey carried out, it has been difficult to identify the role of teacher training. In this sense, it is possible to highlight those countries such as Argentina, Colombia, Uruguay has continuous teacher training.⁵⁵ In this way, the analysis of the local regulations of the different countries of the region allows us to conclude that there is no sustained and uniform progress throughout the region in terms of CSE. On the one hand, in certain cases there have been positive advances because it has been possible to sanction or implement laws, regulations and programs that in some way seek to approach to the issue. However, these advances have not been sustained over time, implying in many cases setbacks in the designs or continuity of public policies on sex education. In many cases there has been a lack of political will, budget cuts, advances by ultra-conservative groups that have sought to eliminate the discussion on sex education or have refused to include it in teacher training programs. In this way, it is still necessary to strengthen and polish these public policies so that they are guided by the standards that we have indicated here and, in this way, comply with the international commitments assumed.

⁵⁴ Sentence No. 003-18-PJO-CC, Case N.0 0775-11-. JP. Available at http://doc.corteconstitucional.gob.ec:8080/alfresco/d/d/workspace/SpacesStore/058c80cb-6995-476f-b64b-ad1c97529b4c/0775-11-jp-sen_2018613115111.pdf?guest=true (accessed 8/12/22).

⁵⁵ In the case of Argentina, art. 4 of the CSE Act, for example.

V. CONCLUSIONS

Various human rights standards and, especially in the region, the case *Paola Guzman Albarracín v. Ecuador*, provides strong reasons to develop robust public policies on sex education.

If we understand sexuality as a right that is central to the exercise of citizenship, and children and adolescents as true subjects of rights, it is essential that the school promotes respect for sexuality, identity, equality and non-discrimination. For this purpose, it is necessary to promote spaces for training and exchange protected by the human rights paradigm.

In the internal regulations of each of the countries of Latin America and the Caribbean, progress and implementation are dissimilar. Not all countries have specific CSE laws. This can result in sex education being kept away from schools and regulated only as a health issue, and that there is no specific budget, among other consequences. However, CSE is much more than that and must involve other aspects of sexuality. In this sense, sex education must be comprehensive, that is, not focused on a biological or moralistic model but on the integral formation of the sexuality of children and adolescents. In addition, in certain cases programs have been created but as such have not been sustained over time. In many cases, a relevant role is given to families, which mainly implies leaving aside the objective of the CSE. Initially, it is important to note that in general these policies have placed little focus on teacher education. We understand that this is relevant insofar as teacher training will allow to denaturalize and question stereotypes in a sustained and long-term manner.

The modification or creation of public policies of CSE in the sense that we have studied here could account for the importance that the States give to the need to disarm unequal practices, to take the rights of women and diversities seriously, as well as the recognition of children as true subjects of rights according to the effectiveness of the commitments that States have assumed in the framework of International Human Rights Law.

BIBLIOGRAPHY CITED

- BÁEZ, J. (2015). Políticas educativas, jóvenes y sexualidades en América Latina y el Caribe. Las luchas feministas en la construcción de la agenda pública sobre educación sexual, CLACSO, Documento de trabajo. Disponible en http://biblioteca.clacso.edu.ar/clacso/becas/20150825093603/politicaseducativas_educacionsexual_2015.pdf
- BÁEZ, J. & GONZÁLEZ DEL CERRO, C. (2015). Políticas de Educación Sexual: tendencias y desafíos en el contexto latinoamericano. *Revista del IICE* /38. Disponible en <http://revistascientificas.filo.uba.ar/index.php/iice/article/view/3458/3192>
- BIONDI, A. & PETRONE, L. (2020). La batalla cultural: El rol de la ESI en la deconstrucción de las normas sociales de género. Buenos Aires: CIPPEC. Recuperado de <https://www.cippec.org/publicacion/la-batalla-cultural/>
- DUDIUK, A. (2021). Las mujeres cuentan, las niñas también. Educación inicial con perspectiva de género y derechos, Editorial de la Universidad Nacional de La Plata (EDULP)
- HENRÍQUEZ VIÑAS, Miriam Lorena (2018): “El control de convencionalidad interno. Su conceptualización de la jurisprudencia de la Corte Interamericana de Derechos Humanos”, en: *Anuario Mexicano de Derecho Internacional* (Vol. 19), pp. 327-355.
- GUTTMAN, A. (2001). *La educación democrática. Una teoría política de la educación*. Barcelona: Paidós.
- MAFFÍA, D. (2008). Contra las dicotomías: feminismo y epistemología crítica. Seminario de epistemología feminista (págs. 1-9). Buenos Aires: Instituto Interdisciplinario de Estudios de Género. Disponible en <http://dianamaffia.com.ar/archivos/Contra-las-dicotom%C3%ADas.-Feminismo-y-epistemolog%C3%ADa-cr%C3%ADtica.pdf>
- MALTZ, L. (2018) Educación Sexual Integral. Una oportunidad para la ternura. Reflexiones y propuestas para abordar en las salas de Nivel Inicial y compartir con las familias. Ediciones Novedades Educativas. Buenos Aires.
- MORGADE, G (2016) *Educación sexual integral con perspectiva de género*. Buenos Aires: Ediciones Homo Sapiens.
- MORGADE, G. *et. al* (2021) “ESI en la formación docente. Contra el androcentrismo académico, la pedagogía bancaria y el paradigma tutelar” en MORGADE, G. (et.al) (2021), *ESI y formación docente. Mariposas Mirabal: experiencias en foco*. 1º ed. Rosario: Homo Sapiens Ediciones.
- RAWLS, J. (1993) *Political Liberalism*, Columbia University Press, New York.

PAUTASSI, L. (2013) “Midiendo derechos sociales : los indicadores de progreso previstos en el Protocolo de San Salvador” en AA:VV *Hablando de derechos | DESC+A Hilando Derechos*, Mides, Uruguay.

RONCONI, L. (2018). *Derecho a la educación e igualdad como no sometimiento*. Universidad del Externado de Colombia, Bogotá.

RONCONI, L. (2021). Derecho a la educación. Violencia de género. Corte IDH. Caso Guzmán Albarracín y otras Vs. Ecuador. Fondo, Reparaciones y Costas. Sentencia de 24 de junio de 2020. Serie C No. 405 Disponible en <https://publicaciones.unpaz.edu.ar/OJS/index.php/debatesddhh/article/view/1207/1122>

TOMASEVSKI, K. (2004). *El asalto a la educación*. Barcelona: Itermón Oxfam

LEGISLATION CITED

Argentina:

Ley 26.150 del 4 de octubre de 2006 “Programa Nacional de Educación Sexual Integral”.

Bolivia:

Ley N° 342 del 5 de febrero de 2013 Ley de la Juventud, Ley N° 548 del 17 de julio de 2014 Código Niña, Niño y Adolescente.

Brazil:

Ley N° 8069 del 18 de enero de 2012 Estatuto del Niño y del Adolescente.

Chile:

Ley N° 20.418 del 28 de enero de 2010 Normas sobre información, orientación y prestaciones en materia de regulación de la fertilidad; Ley 21.430 “Sobre garantías y protección integral de los derechos de la niñez y adolescencia”

Colombia:

Ley N° 115 del 8 de febrero de 1994 “Ley general de educación”, Ley N° 1098 del 8 de noviembre de 2006 Código de Infancia y Adolescencia, Guía 1, la sexualidad en la formación integral de los niños, niñas, adolescentes y jóvenes” de 2008.

Costa Rica:

Ley N° 7.739 del 6 de enero de 1998 Código de la Niñez y la Adolescencia, Ley N° 7735 del 19 de diciembre de 1997 Ley General de Protección a la Madre Adolescente.

Dominican Republic:

Ley N° 136 del 7 de agosto de 2003 Código para la Protección de los derechos de los niños, niñas y adolescentes.

Ecuador:

Ley Orgánica de Educación Intercultural del 31 de marzo de 2011.

Mexico:

Ley General de Educación del 30 de septiembre de 2019, Ley General de los Derechos de Niñas, Niños y Adolescentes del 4 de diciembre de 2014.

Nicaragua:

Código de la Niñez y la Adolescencia del 24 de marzo de 1998.

Paraguay:

Ley N° 1680 del 8 de mayo de 2001 Código de la Niñez y la Adolescencia

Uruguay:

Ley N° 18437 del 12 de diciembre de 2008 Ley General de Educación, Ley N° 18.987 del 22 de octubre de 2012 de Interrupción Voluntaria del Embarazo, Ley N 19.684 del 26

de octubre de 2018 Ley de protección Integral para Personas Trans, Ley N° 18.426 del 1 de diciembre de 2008 Ley de Defensa del Derecho a la salud sexual y reproductiva.

CASES CITED

Corte Interamericana de Derechos Humanos, *Guzmán Albarracín y Otras Vs. Ecuador*, 24 de Junio de 2020 (Fondo, Reparaciones y Costas). Disponible en https://www.corteidh.or.cr/docs/casos/articulos/seriec_405_esp.pdf

Corte Interamericana de Derechos Humanos, *Manuela y otros vs. El Salvador*, 2 de Noviembre De 2021. (Excepciones Preliminares, Fondo, Reparaciones y Costas), disponible en https://www.corteidh.or.cr/docs/casos/articulos/seriec_441_esp.pdf

Corte Interamericana de Derechos Humanos, *Opinión Consultiva OC-24 (2017)* “Identidad de Género, e Igualdad y No Discriminación a parejas del mismo sexo”, 24 de Noviembre de 2017. Disponible en https://www.corteidh.or.cr/docs/opiniones/seriea_24_esp.pdf

Corte Interamericana de Derechos Humanos, *Opinión Consultiva Nro. 6 (1986)* “La expresión "Leyes" en el Artículo 30 de la Convención Americana Sobre Derechos Humanos”, 9 de mayo de 1986. Disponible en https://www.corteidh.or.cr/docs/opiniones/seriea_06_esp.pdf

Corte Constitucional de Ecuador (2018), Sentencia N.o 003-18-P.JO-CC, Caso N.o 0775-11-JP. Disponible en <http://portal.corteconstitucional.gob.ec:8494/FichaRelatoria.aspx?numdocumento=003-18-PJO-CC#:~:text=La%20intervenci%C3%B3n%20de%20los%20padres,decisiones%20libres%20informadas%20y%20responsables> (fecha último acceso 16/12/2022).

Tribunal Constitucional de Chile (2021), Sentencia Rol 11.315/11.317-21-CPT (acumuladas). Disponible en <https://www.tribunalconstitucional.cl/expedientes?rol=11315-21> (fecha último acceso 16/12/2022)

OTHER DOCUMENTS

- AG ONU (2016), 70/137: Derechos del niño, A/RES/70/137, septuagésimo período de sesiones.
- CEDAW (2017) Recomendación General Nro. 35, sobre la violencia por razón de género contral la mujer, por la que se actualiza la Recomendación General Nro. 19, CEDAW/C/GC/35.
- CIDH (2011) *Acceso a la información en materia reproductiva desde una perspectiva de derechos humanos*.
- CIDH (2017) *Hacia la garantía efectiva de los derechos de niñas, niños y adolescentes: Sistemas Nacionales de Protección*, OEA/Ser.L/V/II.166
- CIDH (2019), *Violencia y discriminación contra mujeres, niñas y adolescentes: buenas prácticas y desafíos en América Latina y en el Caribe*. OEA/Ser.L/V/II. Doc.233/21.
- CIDH (2020). *Informe sobre personas trans y de género diverso y sus derechos económicos, sociales, culturales y ambientales*, OEA/Ser.L/V/II. Doc. 246. Disponible en: <http://www.oas.org/es/cidh/informes/pdfs/PersonasTransDESCA-es.pdf>
- Comité de Derechos del Niño (2003), *Observación General Nro. 4: la salud y el desarrollo de los adolescentes en el contexto de la Convención sobre los Derechos del Niño*.
- Comité de los Derechos del Niño (2005), *Observación General Nro. 7: Realización de los derechos del niño en la primera infancia*
- Comité de los Derechos del Niño (2016) *Observación general Nro. 20 sobre la efectividad de los derechos del niño durante la adolescencia*.
- Comité de los Derechos del Niño (2019), *Informe del fondo de las Naciones Unidas para la infancia “La adecuación normativa a la Convención sobre los Derechos del Niño en América Latina Avances y deudas con la niñez*, Panamá.
- Comité DESC (1999) *Observación General Nro. 13: El derecho a la educación (artículo 13 del Pacto)*, E/C.12/1999/10.
- Comité DESC (2006), *Observación General Nro. 22 relativa al derecho a la salud sexual y reproductiva (artículo 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales)*.
- ONU (2010). Informe del Relator Especial de las Naciones Unidas sobre el derecho a la educación. A/65/162.
- UNESCO, Oficina Regional de Educación para América Latina y el Caribe (2014), *Educación integral de la sexualidad: conceptos, enfoques y competencias*. Santiago de Chile. Disponible en <https://unesdoc.unesco.org/ark:/48223/pf0000232800> (fecha último acceso 14/12/2022).