

## Promoting Equity and Social Justice: Analysing the Global Impact of Educational Laws on Sex Education in Spain and the United Kingdom.

**Purpose:** Government's role and sex education are vital in promoting inclusivity and sexual health. To understand the impact that the legislation has had on sex education, it is necessary to evaluate it at the different training levels. **Design/methodology/approach:** The method used is a critical review aimed at comparing educational and state legislation and its impact on Sex Education in Spain and the United Kingdom. **Findings:** In most countries the compulsory contents in the curriculum are oriented to sexually transmitted infections and contraception. Nonetheless, this approach is deemed inadequate and restrictive, failing to cope the challenges posed by globalization, including the increased spread of sexual infection. Legislative constraints hinder the comprehensive implementation of public health education strategies and social justice concerning sexuality. **Originality:** Insufficient analysis exists on the effects of ministry measures in sex education, connecting health, well-being, and sustainability. This underscores the urgency of researching the legislative, educational, and societal consequences, enabling interventions to address negative sexual attitudes and behaviours, including gender violence, biases against sexual diversity, emotional challenges, sexual freedom, and health problems, based on respect for Human Sexual Rights. **Research Limitations:** Scope may miss legislative nuances and regional differences. **Practical Implications:** Findings emphasize comprehensive sex education to tackle modern challenges and to urge policy makers to incorporate these insights. **Social Implications:** Enhanced sex education laws foster health equity that will contribute to reducing violence and improving positive attitudes and behaviours.

Keywords: curriculum; legislation; education policy; Europe; health promoting schools; health promoting universities; sex education.

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### INTRODUCTION

There are numerous studies that analyse behaviours and attitudes towards sexuality, examining educational and training progression in different groups, considering prostitution, prisons, people with disabilities, the LGTBIQ+ Community, adolescents, young people, old age, eroticism, masturbation and sexual violence among others of the populations, themes and stages evaluated (Applebaum, 2020; Larsdotter *et al.*, 2022; Ma *et al.*, 2022; Moore *et al.*, 2021; Pickles *et al.*, 2022; Pourkazemi *et al.*, 2020; Sperling, 2021; Sill, 2022; Zbigniew *et al.*, 2022). In addition, new didactic strategies are proposed to improve the teaching-learning process on sexuality and how they should be taught, having a debate between the cross-sectional of the contents, the optional, the creation of a subject in the curriculum and the generational adaptation of the syllabi (Zbigniew *et al.*, 2022). These investigations also indicate the influence of sociocultural norms such as ideology, historical context, religious affiliations, personality, and sexual identity that are

explained in relation to sexuality and its expression (Sperling, 2021). These aspects are considered by the educator who points out the main obstacles to imparting sex education in the classroom, among which the lack of training, the regulation in the school curriculum, the lack of time to deliver this education, the ideologies of the centres and the fear of the reaction of the parents and society (Hirst *et al.*, 2022). Teacher considers that the concepts are understood, but what they want is for cases to be exposed and they emphasize the need to create action guides that are common among educational centres (Pourkazemi *et al.*, 2020). The solution in which the educators, relatives and in general in the community agree is the security that it would give them to impart these teachings if they were regulated and protected by educational laws so as not to depend on the ideological doctrines of the centres and relatives and feel protected by the government (Larsdotter *et al.*, 2022). In this way, they consider that a normative curriculum would be established to be followed by all teachers, improving training, or including experts in the centre that impart this education (Sperling, 2021). In the same way that the content of coital relationships is regulated, Sexually Transmitted Infection (STI) and contraception should be included in the curriculum the rest of the aspects of human sexuality, since they are fundamental to form civic citizens in society (Pourkazemi *et al.*, 2020). The problem starts with the fact that if we indicate with parental pins as in Spain or with the option of deciding whether or not to receive this training, we are hinting that it is expendable training and not important for the development of students and, therefore, for their future as adults (Cunha-Oliveira *et al.*, 2021).

Sex education is considered a right and widely recognized in all legislation, however, the main obstacles are also related to the ambiguity of its regulation that causes uncertainty and helplessness to impart these teachings (Sperling, 2021). It is noteworthy that despite the number of quantitative and qualitative studies and interventions on educational approaches, programs, methodologies to be used, the influence of sociocultural factors on parenting and teacher training, few investigations have analysed what is in relation to legislation and educational impact in the United Kingdom (UK) and Spain (Alonso, *et al.*, 2023). It is clearly defined that, although social changes begin from education, it drives the transformations that generate greater coeducation, they are not inclusive and equal for all people until they are protected and guaranteed by legislation (Sill, 2022). However, we can see the differences in strategies used between Spain and the United Kingdom, for example in Spain in 2021 respect for diversity was guaranteed by state legislation 2/2021, of June 7, on social equality and non-discrimination for reasons of gender identity, gender expression and sexual characteristics that guarantees the rights of trans people and in the United Kingdom has been protected in the regulation of its educational curriculum (Department of Education, 2021). In this way, although these contents are not taught in Spain, all citizens have the obligation to respect these rights.

The Covid pandemic has made it necessary to understand that Health Education is not a training that should be voluntary and out of interest, but that it clearly affects the improvement of the quality of life of citizens, having an impact on mental health, nutrition sexuality, addictions, social relations (Dixon *et al.*, 2021). It seems incomprehensible that we consider that everything that is related to our healthy development is the only thing in which we do not need to be trained because we believe that it is more important to develop labour capacities than citizenship, showing that it is more important to improve the work quality than human development (Zrudlo, 2022). It is always stated that the school must be inclusive, that it is a place of personal growth, numerous publications, training courses

and congresses market these ideas that are sold in all publishers and mainly in one language, the English, but when it comes to the truth it seems that we leave as optional the sexual teachings that make us learn and respect what the rights and duties of each citizen are (Beach and Vigo-Arrazola, 2020). It is clearly marked that one thing is what is said and the social and political tendencies that are often blurred in the legislation (Dixon *et al.*, 2021). This study is a clear example of this situation and allows us to understand the main problems that are found in European countries and extrapolate this situation to the global context, being able to glimpse that the regulation protected by the legislation is the main obstacle so that effective measures that are proposed to improve sex education are really carried out (Moore *et al.*, 2021) and hence the difficulty that we have found for there to be other analyses that evaluate the impact of the legislation on the sex education, since few investigations highlight the influence of this factor in democratic education (Calvo, 2021).

In both the UK and Spain, sexuality education should be framed within a broader conceptualisation of education for health, well-being and sustainability from a social justice and equity perspective (Ramaswamy, 2021). This approach recognises that traditional policies and interventions often perpetuate inequalities and fail to address the needs of the most marginalised in society (Lee and Lau, 2023). In response, curriculum designs that support these innovative pedagogical initiatives must be legislated to reduce disparities and promote inclusion (Carlsson and Torres, 2022). These initiatives must prioritise the critical enquiry and action-oriented skills needed to advance equity and social justice. However, schools in both countries are facing obstacles in addressing issues such as health disparities, environmental and climate injustice, power imbalances and oppression, which are deeply embedded in social structures and norms (Alonso, *et al.*, 2023). Efforts are being made to amplify the voices of children and young people, especially those who are rarely heard in research findings, to ensure that their perspectives are central in shaping these educational approaches (Carlsson and Torres, 2022). Culturally sensitive and responsive approaches to sexuality education must be employed to make health, wellbeing, and sustainability education more relevant and inclusive, recognising the diversity of socio-cultural, political, and economic environments (Lee and Lau, 2023). Sustainability policies are intertwined with discussions on food, consumption, and diversity, with the aim of promoting a more equitable and sustainable future for all (Ramaswamy, 2021).

Inclusive education seeks to provide equal opportunities for all students, regardless of their personal, cultural, or social situation (Lee and Lau, 2023). Worldwide, it has become a policy priority to address educational inequalities and ensure quality and equitable education (Carlsson and Torres, 2022). Furthermore, the importance of inclusive education is highlighted in contexts with special difficulties, where educational inequalities are more evident due to cultural and social diversity (Zrudlo, 2022). These existing inequalities by country remain stark and negatively influence the health of their residents (Boonstra, 2015). In this sense, the teaching of Sex Education acquires special relevance in the training of students.

Creativity is an essential skill in inclusive education, as it enables students to respond innovatively to complex situations (Lee and Lau, 2023). Creativity and creative group practices are identified as useful tools to promote inclusive education by fostering communication skills, teamwork, and participation of all students (Beach and Vigo-Arrazola, 2020).

The contents of sex education taught worldwide are remarkably diverse. The International Conference on Population and Development and global organisations have repeatedly called on governments to improve equitable access to health and educational programmes (Vanwesenbeeck *et al.*, 2019). In emerging countries, educational measures continue to be contingent on policies of sexual abstinence or based on the religious morality of nations that sometimes legitimise sexism and discrimination towards sexual minorities. Moreover, their main purpose is often to prevent the transmission of sexual infections (Vanwesenbeeck *et al.*, 2019). It is considered necessary to establish collaborative Global Health strategies between the different countries to overcome the difficulty of addressing this issue internationally (EEGSE, 2016). Due to the variety of educational and legislative strategies worldwide, in this study we will focus on comparing sex education policies in Europe and more specifically between Spain and the United Kingdom, since they are the countries in which authors have been educated, have lived, and have developed their research projects. This experience will also allow a verified approach to the current situation.

Sex education in Europe has more than half a century of history. Sweden was the first country to add it to its educational curriculum in 1955 (Boonstra, 2015). Afterwards, between the 1970s and 1980s, Finland and other Nordic countries progressively incorporated it into their curricula (Parker *et al.*, 2009). Subsequently, between the 1990s and 2000, France, the United Kingdom, Portugal, Spain, Estonia, Ukraine, and Armenia successively joined this proposal, in order of incorporation into their school curricula (EEGSE, 2016; Parker *et al.*, 2009). Finally, in 2003, Ireland and the rest of the European countries not mentioned before progressively joined in it (Parker *et al.*, 2009).

To understand the educational proposals of each country, it is necessary to analyse the curriculum, its approach and teaching methodology (Vanwesenbeeck *et al.*, 2019). In general, in Mediterranean and Eastern European countries, a biologist's perspective influenced by the moral ideologies of the country has prevailed, as opposed to a more professionalised and individualised approach that has been taught in Nordic countries (Suominen *et al.*, 2020). The body in charge of its regulation in most European countries has been the equivalent of the Ministry of Education in Spain, in relation to other ministries such as Social Affairs or Health and in cooperation with their departments (EEGSE, 2016). Another issue that revolutionised the importance of integrating sexuality education in Europe was the concern about the spread of Human Immunodeficiency Virus (HIV), following its declaration as a pandemic in the 1980s, which led governments to develop strategies within health education programmes to prevent transmission of the infection (UNESCO, 2018).

The most used didactic method has been peer teaching in the classroom and the material resources used tend to be continuously and scientifically updated through previous literature published and endorsed by the European Union and/or the governments of each country (EEGSE, 2016; Ramaswamy, 2021). However, the didactic methodology with an interactive approach has been the most efficient in Europe (Vanwesenbeeck *et al.*, 2019). Another common aspect in European countries is that sexuality education is usually taught by teachers at the school. In addition, volunteers, and staff from Non-Governmental Organisations (NGOs) are often hired by schools to provide this education or complement it (UNESCO, 2018). It is important to involve qualified interdisciplinary professionals to prevent a scientific detachment from these teachings (Ramaswamy, 2021). Furthermore, it is necessary to enhance the Sex Education training of teachers, as their role is crucial due to their daily interaction to provide contextualized teaching

(Fingalsson, 2023). On the other hand, involving local sexual health services allows sexual health education to be more effective by understanding the environment outside the classroom (Applebaum, 2022).

At the transnational level, common factors influencing its implementation have been presented as: the difference between urban and rural areas, different religious identities and the cultural diversity that exists due to the migratory richness of a globalised society (Beach and Vigo-Arazola, 2020). People living in rural areas, belonging to religious minorities, migrants and/or other individuals at risk of social exclusion have less access to educational and health resources (Boonstra, 2015; Carlsson and Torres, 2022).

Sexuality education in Europe is a controversial topic. According to Vanwesenbeeck *et al.* (2019) and Suominen. *et al.* (2020) a comprehensive approach based on Human Sexual Rights is necessary to reconcile:

- Political opinions.
- Proactively advocate for healthy sexuality in the media.
- Cross-border legislative and educational strategies (Global Health).
- Scientific and critical educational interventions leading to greater social awareness.
- Planning comprehensive health strategies for sexuality-related crises.
- The creation of sustainable education programmes that comprehensively include sexuality.
- The explicit regulation of its curriculum and the training of teachers and other professionals to acquire the competencies in sexuality education for its delivery.
- The inclusion of everyday contexts through activities in the community and with the family to teach it comprehensively.

The objective is to compare the educational and legislative framework of Spain and the United Kingdom, and its impact on Sex Education in these respective countries.

## **METHODOLOGY**

This study conducts a critical review of literature to analyse sexuality education legislation and practices in Spain and the United Kingdom. Utilizing a critical review methodology, the analysis aims to discern key insights and disparities in educational frameworks, considering contextual factors and diverse perspectives (Grant and Booth, 2009). Articles were selected based on a thorough search strategy encompassing relevant databases such as Scopus, Web of Science, PubMed, and Cochrane Library, using keywords such as ""Sex Education," "legislation," "Spain," and "United Kingdom." Additionally, information was gathered from education department websites and by reviewing the laws in the Official Gazette of the Spanish State (BOE.es) and the Legislation.gov.uk database, where the laws of these countries are published. Only peer-reviewed articles and government reports directly related to the aim were included. Data extraction focused on study aims, methodology, sample characteristics, and findings. A comparative analysis approach was employed to identify similarities and differences in the effects of educational laws on sexuality education practices. Themes and patterns were discerned from the data, and critical insights were synthesized to offer a comprehensive understanding of the subject matter.

## RESULTS AND DISCUSSION

### Normative framework for Sex Education in Spain

The Catholic roots of Spain and its regional cultural differences have interfered with the implementation of Sex Education, reflecting the influence of these factors on subjects such as contraception, sexual diversity, and abortion (Calvo *et al.*, 2021). Nevertheless, socially there is a growing degree of acceptance and popular demand for curricular adherence to Sex Education (Alonso, *et al.*, 2023). The Spanish government has not established a minimum normative curriculum and sex education content is implicitly diluted in its laws, with no regulation of the provision of a compulsory subject (Bejarano-Franco and García-Fernández, 2016). A varied network of NGOs and entities are involved in this education, providing perspectives ranging from those focused on sexual abstinence to broader emotional approaches depending on the characteristics of the association (Pickles *et al.*, 2022). Overall, it is considered that there is a marked negative difference in sex education training in rural versus urban areas. Despite greater educational commitment, most Spanish students continue to learn about sexuality through informal means such as family, friends or through the Internet in social networks that are not scientifically endorsed (INJUVE, 2019).

In Spain, educational campaigns on sexuality were implemented from a health perspective to control Sexually Transmitted Infections (STIs), with special emphasis on the HIV, which have been insufficient because adolescents, LGTBIQ+ people, immigrants, intravenous drug users and sex workers continue to be those with the highest rates of contagion (INJUVE, 2019; WHO, 2021). Bearing in mind these key aspects, we will explain its regulation in the Spanish school and university curriculum.

### *Regulation of Sex Education in the school curriculum in Spain*

The Spanish school curriculum on sexuality is subject to the programmes of the Ministry of Education that have appeared under different names over the last thirty years. In all educational laws, the study of human sexual development, reproduction, and the control of STIs is compulsory (Calvo *et al.*, 2021).

After the approval of the LOGSE (Organic Law 1/1990, of 3 October, on the General Organisation of the Educational System), sex education was included in the curriculum of Health Education, and its name appeared for the first time in educational legislation. While it should be noted that the Community of the Canary Islands introduced didactic folders under the name of Affective-Sex Education, which were coordinated by the Harimaguada Collective of the University of Las Palmas (López, 2015). The contents on sexual and affective education were incorporated through the section on Cross-sectional Themes, giving a more focused approach to education in values (equality between sexes, stereotypes, gender roles, etc.) and contextualised current problems, avoiding the fragmentation of the teaching of the contents in the curriculum. The problem with this law is that it dealt with the contents of affectivity and sexuality in an ambiguous way, by not mentioning them explicitly (Bejarano-Franco and García-Fernández, 2016).

Subsequently, the LOCE (Organic Law 10/2002, of 23 December, on the Quality of Education), includes content related to equality, but does not include content related to sexuality, affectivity and inclusive language, and a clear regression can be observed in

terms of Sex Education with respect to the LOGSE (Bejarano-Franco and García-Fernández, 2016). Nevertheless, this law was not implemented.

In the LOE (Organic Law 2/2006, of 3 May, on Education), the Basic Competences were incorporated, allowing the Autonomous Communities to add other competences. Castilla la Mancha added the Emotional Competence which includes contents related to affectivity and, therefore, to Sex Education, returning to an integrating vision in which values of equality, freedom and prevention of sexist attitudes were incorporated (Decree 67/2007). This educational regulation sought to generate critical and respectful citizens (Bejarano-Franco and García-Fernández, 2016).

The LOMCE (Organic Law, 8/2013, of 9 December, for the Improvement of Educational Quality) replaces the eight Basic Competences and the Emotional Competence of Castilla la Mancha with seven Key Competences. Sex Education is included based on the use of inclusive language, the visualisation of family diversity and education in values of tolerance, equality, respect, and freedom. The limitation of this law lies in the lack of mention of equal opportunities between the genders (Bejarano-Franco and García-Fernández, 2016).

The LOMLOE (Organic Law 3/2020 of 29 December), which amends Organic Law 2 of 2006, promotes quality education for all students, without any kind of discrimination based on sexual diversity, sexual orientation, sexual identity, or gender, both in its aims and in each of the educational stages. It adopts a gender equality approach through coeducation throughout the education system. However, we will have to wait for the regulatory development of the law through its royal decrees at each stage to see how it will really address both coeducation and sex education (Calvo *et al.*, 2021).

Although the new education law has not yet had time to be developed, this form of teaching in Secondary Education and the fact that it is not explicitly regulated in the curriculum of Nursery and Primary Education creates gaps in this knowledge and the non-acquisition of comprehensive healthy sexuality competences (Alonso, *et al.*, 2023; Calvo *et al.*, 2021).

### ***Regulation of Sex Education in university curricula in Spain***

In the university laws currently regulated by the Ministry of Universities, no aspect has been found that explicitly mentions sex education, being covered by Human Rights and state laws that all citizens in the Spanish nation must comply with, such as, for example, Organic Law 3/2007, of 22 March, for the effective equality of women and men. The current LOMLOU (Organic Law 4/2007, of 12 April, which modifies Organic Law 6/2001, of 21 December, on universities) explicitly mentions respect for gender equality and promotes the creation of structures to guarantee effective equality in the university environment. On this basis, through rector's resolutions, Equality Units are being set up at national level and equality plans are being developed to guarantee, among other things: parity in teaching staff positions and the drafting of studies and proposals to promote effective equality at the University, as well as favouring the adoption of state legislation that regulates these issues (García-Vega *et al.*, 2017). On the other hand, we must recognise that this law, in article 46, section 2b, 2g and 2j, emphasises the right to equal opportunities by sex, to freedom of expression and association and not to be treated in a trait of sexism (Alonso, *et al.*, 2023).

The Bologna Declaration (1999) laid the foundations for the construction of the European Higher Education Area (EHEA), which began to be implemented in 2010 and whose assimilation by European universities has been a great didactic challenge (Zgaga, 2019). Since Spain's entry into the European Union in 1986 and the implementation of the Bologna university plan, which commenced in 1999, there have been no significant changes in the teaching of sex education in university institutions. This is despite the fact that this pivotal moment in European higher academic education has facilitated professional exchange and enhanced interdisciplinary quality (Zgaga, 2019). This new higher academic organisation was initially regulated in Spain under the provisions of Royal Decree 1125/2003 of 5 September and Royal Decree 1393/2007 of 29 October, recently repealed by Royal Decree 822/2021 of 28 September (Conferencia de Ministros Europeos, 1999).

However, in Spain during the 1970s and 1980s, professionals specialised in sex education promoted the training of educators, the publication of relevant literature on teaching resources and methodology, the organisation of scientific events specialising in this subject and developed the first Doctorate programme in Sexology at the University of Salamanca, which would be a reference for the creation of this educational offer in other universities (Martínez, *et al.*, 2014). Specifically, due to the educational pressure exerted from the university and the declaration of the HIV pandemic, in 1989 the Ministry of Education and Science published a Plan for Educational Research and Teacher Training in which the need for coeducation in gender equality and health education was mentioned in two programmes, although sex education was still not explicitly mentioned (Alonso, *et al.*, 2023).

From the 1990s to the 2000s, the subject of Affective-Sex Education was taught at the Universities of La Laguna and Las Palmas of Gran Canaria in initial teacher training centres (García-Vega *et al.*, 2017). Gradually, this subject appeared as an optional subject in the Nursery and Primary Education Degrees at the universities of Almería, Madrid, Guipúzcoa, La Laguna, León, Salamanca, Zamora, Ávila, and Segovia (Martínez, *et al.*, 2014).

In other universities and humanities and health careers, sex education began to gain weight in the subjects of Education for Health and for equality (Pickles *et al.*, 2022). Currently, these options are still insufficient and are highly conditioned by the training of the educators who teach them and are transmitted in a biased way (García-Vega *et al.*, 2017).

On the other hand, we should point out that the continuing education courses promoted by universities in educational centres have tended to include, reinforce, and increase their teaching on this subject in collaboration with university experts, institutions and sexology associations that have multidisciplinary teams to address these new socio-cultural contexts (Alonso, *et al.*, 2023). However, this lack of compulsory formal training at university is contributing to it remaining hidden in the curriculum (Azzopardi-Lane, 2021). According to Martínez *et al.* (2014), the teachers with the highest percentage of training in sex education at university were teachers from Castilla y León with a percentage of 23.5%, showing that only 12% had received sex education training at university and 25% had received continuing sex education training. In this study, differences were found by sex, age and educational stage, with female teachers in Nursery and Primary Education having more training compared to the rest of the teachers in the sample. In more recent studies, such as that of Alonso, *et al.*, (2023) in



undergraduate and master's degree students, a reduction in sexist and homophobic prejudices has been found in comparison with previous research, but differences are still marked by criterion variables, specifically by gender and political ideology.

As we have been able to analyse, despite the incorporation into the EHEA and the recommendations of international organisations such as UNESCO (2018), the training of future university lectures and professionals in sexuality continues to be scarce, partial and heterogeneous, due to the fact that it is taught as optional subjects or as cross-sectional content, restricting the relevance of this topic (Azzopardi-Lane, 2021; García González *et al.*, 2021). Although we must recognise that there has been progress in gender equality education through the efforts of the Equality Units and university rectorates, we also believe that this transformation is due to social change. The university as an institution must take the lead and focus on being a model that leads educational actions aimed at transmitting healthy strategies to face this challenge (Zgaga, 2019). In Table I, we summarise the difficulties that basic university teacher training in Sex education must face.

[INSERT TABLE 1]

### **Normative framework for sex education in the United Kingdom**

According to Parker *et al.* (2009) after a period of increasing human rights after the Second World War, the 1980s saw a decline in access to contraception, tightening of abortion laws and restrictions on gay rights in Europe, and consequently in the UK.

According to Eurostat (2017) UK had the sixth highest proportion of first births to teenage mothers in Europe with 5.4% compared to Spain with a percentage of 2.6%, ranking eighteenth according to surveys last conducted in 2015 and exceeding the European average of 4.

Since 1999 England has had one of the highest rates of teenage pregnancy in Europe, which has led to the development of specific national strategies for teenage pregnancy that continue to be considered insufficient. Since 2001, national strategies for sexual health with a particular focus on HIV have been in place (Ramaswamy, 2021). Currently, these teachings are integrated into the curriculum (Department of Education, 2021), although, as in Spain, they do not meet the competency criteria for sex education established by the WAS (2014) for their approach. At the societal level, this education enjoys staunch support from most of the population and is progressively gaining importance in schools, public and private organizations, as well as in advertising campaigns (Bloomberg *et al.*, 2021).

### ***Regulation of Sex Education in the school curriculum in the UK***

Since 1996, content on human reproduction and STI prevention was made compulsory in the national curriculum and in subsequent years was introduced as an optional subject in certain state schools. On 1 March 2017, the Department for Education expressed the intention to change the terminology "*Sex and Relationship Education*" to "*Relationship and Sex Education*" in all schools in the UK in Section 34 of the *Children and Social Work Act, 2017* (Department of Education, 2021). The changes included in this Act, which came into force in September 2020, have made this subject compulsory from the age of 11 onwards and regulated it in the Regulations as "*Relationships Education*,

*Relationships and Sex Education (RSE) and Health Education". It covers sex education on attachment in the family, healthy human relationships with friends and partners, respect for other sexual identities and orientations, healthy behaviours and attitudes, physical and mental well-being, regulating online dangers and learning how to be safe and available resources for help. It also stresses that it does not encourage sexual initiation or any sexual identity and orientation and only promotes healthy sexual development (Bloomberg *et al.*, 2021).*

In addition, it will be mandatory for all schools to have regulations governing Sex Education, requiring educators to recognise the legality of same-sex marriage and for families to be trained in sex education at school upon request (Department of Education, 2021). Since the entry into force of this national school curriculum, the biological aspects of human growth and reproduction will be mandatory because they are considered essential aspects of the National Science curriculum and cannot be withheld from any pupil (Mukoro, 2021). However, families may remove their children, under 16 years of age, from the rest of the content as they are not considered mandatory request (Department of Education, 2021). From the age of 16 and onwards, it will be up to the adolescents to decide this issue. Another limitation is that flexibility is given for private schools such as independent or religious schools to adapt these contents according to their educational vision (Wilder, 2022).

### ***Regulation of Sex Education in the UK's university curriculum***

As in Spain, universities in the United Kingdom have adhered to the Bologna Declaration since 1999, which governs the European Higher Education Area. This recognises the right of universities to freedom of research and teaching, to select their teaching staff, to guarantee a quality training process for students and to promote exchange between universities (Zgaga, 2019). Although this process has been very enriching for the European university environment by unifying academic teaching, credit recognition (ECTS), the increase in shared programmes and European professional recognition, but it has not had any impact on sex education (Bird and Pitman, 2019).

As in Spain, sex education programmes have been adapted to the current context, but the subjects related to these issues in the different degrees continue to be mostly optional or remain vaguely regulated in the rector's resolutions, which means that some content remains hidden in the curriculum and depends on the decision of the universities and their teaching staff, mainly protected by national laws (de-Vries *et al.*, 2020; Wilder, 2022). The laws that mainly regulate social norms are the *Sexual Offences Act, 2003*, *Equality Act, 2010*, *Marriage (Same Sex Couples) Act, 2013*, *Marriage and Civil Partnership (Scotland) Act, 2014* and *Northern Ireland (Executive Formation etc) Act, 2019*, focused on gender equality and related to the right to same-sex marriage which finally culminated in 2020 with the right to same-sex marriage throughout the UK (Cortina and Festy, 2020). The same right was achieved throughout Spain in 2005, with Law 13/2005, of 1 July, amending the Civil Code on the right to marry.

The pedagogical methodology of the British university is based on the search for students who learn independently, and the teacher's task is to act as a guide in their learning (Bloomberg *et al.*, 2021). Therefore, students will create their ideas of socio-cultural norms according to their study and the environment in which it takes place (de-Vries *et al.*, 2020). Although there is ambiguity in student learning in Sex Education, according to Bird, and Pitman (2019) there is a growing momentum in university students wanting

to make the hidden curriculum visible, showing that most university curriculum reading lists are dominated by white, heterosexual, and Eurocentric males. These data highlight the lack of information on ethnic and sexual diversity taught at universities, which contributes to the maintenance of racial and sexual prejudices (Mukoro, 2021). Moreover, they add that this view came to represent the academic staff in charge of university education. This approach is emphasised in the study by Applebaum (2022) in which it is argued that the university must be the body in charge of health promotion because of its direct impact on the labour and educational market. This author considers that it is necessary to measure emotions and affect through the attitudes of teachers because these have an impact on the physical and mental health of students. Nevertheless, this impact has hardly been evaluated in UK students (Wilder, 2022).

On the other hand, it shows how the university has tried to implement its agenda on sexual equality issues, giving importance to the creation of gender equality and LGTBQ+ associations on campus that have contributed to generating safer spaces in which sexual minorities feel represented (Campbell and Starr, 2019). This is a positive measure that is improving the rights of the student body, but it is still considered insufficient due to the resistance of certain socially conservative groups (Astle *et al.*, 2021).

Finally, as in Spain, the curriculum most adapted to Sex Education has been developed in careers related to the humanities and health, which include teacher training (Campbell and Starr, 2019). However, according to de-Vries *et al.* (2020) health and education professionals considered themselves unprepared to address sexuality and especially issues related to sexual diversity when carrying out their professional work because they consider the curricula to be outdated.

### **Comparative analysis of sex education in Spain and the United Kingdom**

In both countries we can observe a favourable evolutionary trajectory towards sex education that has included the biological aspect as compulsory in school education and is beginning to incorporate content on sexual diversity. At school level, sex education in the UK is a compulsory subject, but the essential learning contents are the same as those included in the Spanish curriculum (INJUVE, 2019). We can consider its special recognition as a subject and the training of families as an advance in the UK, although in Spain, gender equality has gained special importance in the new educational legislation and competences (Calvo, 2021; Mukoro, 2021).

According to Eurostat (2021), the UK and Spain are the third and fourth countries with the highest number of European university students after Germany and France with a representation of 12.3 and 10.2 % of the total. In 2019, 40% of Spaniards and 50% of Britons aged 30-34 had completed tertiary education, where the European average is 40% and this number is increasing year by year, indicating that almost 80% of the population will go on to receive a university education (Eurostat, 2020). These data support the need to incorporate Sex Education in Higher Education to improve the training of citizen responsible of their health.

At university level in both countries the provision of sex education is similar due to the professional uniformity of the European curriculum. We can see that two decades ago, training was scarce and there were hardly any experts in this field (Calvo, 2021; Mukoro, 2021). Nowadays, educational training is available in health sciences and education degrees, master's degrees, and doctoral programmes (Alonso, *et al.*, 2023). The efforts of

sexuality professionals in the university sector to develop sex education in the school and university context are also recognised, making it one of the most important continuing teacher education programmes in the field of health education (Astle *et al.*, 2021, Martínez *et al.*, 2014).

We can consider the university as an institution promoting positive changes towards sexuality, as exemplified above, favouring the establishment of organisations that defend the rights of sexual minorities within university campuses, anti-bullying protocols, promotion of parity in faculty selection commissions, etc. (Applebaum, 2020). However, this training is still limited to certain sectors and contingent on the prior training of faculty. This obstacle has allowed some less humanistic careers to have no mention of sexual health education in their curricula and greater adherence to gender roles (Cunha-Oliveira *et al.*, 2021; de-Vries *et al.*, 2020; Wilder, 2022). Hence, Table II and Table III compare the similarities and differences in sex education at school and university between these two countries.

[INSERT TABLE 2]

[INSERT TABLE 3]

The regulation of Sex Education in school and university curricula is subject to the different national and European programmes that focus on a minimum required by the State, which makes its formation depend on the prior training of teachers and the provision of educational centres and curricula (EEGSE, 2016). After understanding the Spanish and British legislative situation, Sex Education needs to be explicitly incorporated into educational programmes and curricular proposals for different subjects (Alonso, *et al.*, 2023, Ramaswamy, 2021). International organisations, such as UNESCO, Sexual Information and Education Council of the United States (SIECUS) and the American Association of Sexuality Educators, Counsellors, and Therapists (AASECT) advise its regulation at the legislative level and the implementation of theoretical-practical educational interventions that integrate healthy sexual attitudes and behaviours to facilitate the acquisition of this competence (UNESCO, 2018). The renewal of the modules and competences of the subject of Sex Education and its methodology in the United Kingdom is quite in line with the requirements of these international bodies, if its teaching were compulsory and homogeneous for all students (Bloomberg *et al.*, 2021).

Students, teachers, and professionals must understand this construct from a perspective centred on psychobiological and psycho-affective development, which favours healthy strategic coping during the various stages of life (Calvo, 2021; Cunha-Oliveira *et al.*, 2021). In order to understand these concepts, it has been necessary to analyse the contents to be taught from a perspective that integrally includes the biological, sociological, epistemological, psychological, and pedagogical dimensions (Szucs *et al.*, 2021). This part is not analysed in our study since there are numerous investigations that we have been mentioning in this discussion that show what are the objectives and the didactics to follow to implement sex education in the classroom and our purpose has been to criticize the legislative impact (Wilder, 2022).

## CONCLUSIONS

The general aim of this article was to compare educational and state legislation and its impact on Sex Education in Spain and the UK. As with all multifactorial phenomena, adherence to negative attitudes towards sexuality and risky sexual behaviour is due to the interaction of social, individual, and psychological aspects. Despite the establishment of regulated and compulsory educational strategies by both governments, sexual risk behaviours and STI transmission have increased except for new cases of HIV infection in Europe (Department of Education, 2021; INJUVE, 2019).

The comparison between sex education approaches in non-university education settings in Spain and the UK reveals striking differences in their regulatory frameworks and educational practices. In Spain, sex education remains transversal and compulsory, supported by legislation such as the state legislation 2/2021 that ensures social equality and non-discrimination based on gender identity and sexual characteristics (Alonso, *et al.*, 2023). On the other hand, the UK enforces compulsory sex education but faces challenges related to how it is taught and its societal repercussions (Department of Education, 2021). The results emphasize the need for improved teaching strategies and standardized curricula, advocating for a normative approach guided by legislation to overcome ideological and societal obstacles. The COVID-19 pandemic underscores the vital role of health education in enhancing citizens' quality of life, demonstrating that comprehensive sex education should not be deemed optional, but an integral part of personal and societal development (Dixon *et al.*, 2021). This study highlights that despite the rhetoric of inclusivity and personal growth within the education system, the implementation often falls short, revealing the critical role legislation plays in shaping effective sex education measures. The regulatory framework, as evidenced, stands as a pivotal factor influencing the success and impact of sex education programs, shedding light on the need for further analysis in understanding its role in democratic education (Bloomberg *et al.*, 2021, Sill, 2022).

In this sense, it is necessary to implement a biographical-professional model in non-university education, which is based on a democratic style that facilitates effective communication between students, families, the centre, and socio-health services in order to intervene by promoting the beneficial elements and reducing the main sexual risk factors (Pourkazemi *et al.*, 2020). This methodology should connect sexual predispositions and behaviours to develop competences that allow a comprehensive approach to human sexuality (Larsdotter *et al.*, 2022).

It is understood that the proposal for the implementation of Sex Education in the state non-university education curriculum cannot be solely and explicitly regulated in relation to biological content. It must comprehensively address personal growth in the rest of the dimensions, including the affective and gender approach, in order to effectively and efficiently prevent negative sexual attitudes and behaviours (Cunha-Oliveira *et al.*, 2021). All these strategies present in the state legislation should be ratified and unified in the educational legislation, considering social transformations and family education (Calvo, 2021; Carlsson and Torres, 2022) When comparing the Spanish and British educational systems, we can see that in the United Kingdom a subject has been created that comprehensively encompasses this subject. By providing the option to label certain contents as optional, a situation akin to Spain's arises when these contents are regarded as cross-sectional. In this way, this teaching is non-inclusive because it is not accessible to all students and the compulsory contents are seen as more important than the rest of the topics (Wilder, 2022).

Sex education is a fundamental pillar for the prevention of gender-based violence and the achievement of sexual equality, as can be seen in the legislation reviewed (Sperling, 2021). The current analysis will allow us to understand the specific legislation context in which this education has taken shape.

Given the scarcity of studies on the specific analysis of sex education in comparison with legislation, it is considered that governments have a fundamental role in the regulation and training of family members, teachers and students that contributes to the improvement of the sexual health of their populations (Szucs *et al.*, 2021). In this regard, the development of Sex Education programs should be adapted to promote sexual health and well-being, fostering the growth of citizens who respect human rights and contribute to more sustainable societies.

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