
FOSTERING SEXUAL AUTONOMY THROUGH COMPREHENSIVE SEX EDUCATION

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ABSTRACT

This article deals with the importance of sexual autonomy and sex education as a means of ensuring the same. The lack of proper sex education and the taboo around it accelerate the crime rates along with other significant issues like teenage pregnancies, STDs, uncertainty regarding sexual minorities and so on. This proves to be the biggest hindrance in a person's way to achieve sexual autonomy, leaving behind vital issues to discuss, including reproductive health, human rights and legal awareness of the remedies. India's position with regard to the above-mentioned issue is analysed through comparison with foreign initiatives and international programmes for imparting comprehensive sex education. The loopholes and challenges are also discussed, along with proposals for reform.

INTRODUCTION

A recent study by the All India Educational and Vocational Guidance Institute highlighted that half of the young population in India feels that they don't have appropriate sex knowledge and education.¹ While discussing sexual autonomy, the first question is whether people know what this term means. Laws related to rape and consent have been in the country for a long time, but what about the cases that go unreported because of a limited understanding of sexual autonomy and the rights granted with it. Sex education in India aims at disseminating information about health choices regarding sex lives, contraception, STDs, sexual abuse, etc. It is directly connected to the issues revolving around sexual autonomy prevalent in the date. The first step to preserving it and making informed choices is to spread awareness through sex education. This article primarily focuses on the competency of laws regarding sex education in the country and the inconsistencies in regulations.

LACK OF SEX EDUCATION AND THE TABOO BEHIND IT

The recent controversy related to the movie 'OMG 2' sparked debates on the tussle between sex education and morality.² It was certified as an A-rated film, which opposed the whole objective and the message it intended to promote. This taboo and the casual attitude towards the same make it even dangerous. One more instance of an MP explaining the drop in fertility rates in an indecent manner came up, which again leads us to think about how sensitive the issue really is.

Sexual Autonomy comes with the knowledge of what it entails, and it's through sex education that it can be achieved. The lack of sex education takes the form of sexual abuse, unwanted and teenage pregnancies, STDs, and is multiplied with accompanying circumstances like child marriage, rural life, lack of knowledge about sexual minorities and so on.

Consent plays a vital role and is a matter of right, which is still not known to many. Mostly, people in rural areas don't understand the effect of unprotected sex or are not acquainted with

¹ Neha Sood & Prateek Suman, On the Lack of Comprehensive Sexuality Education in India, YCSRR, <http://www.youthcoalition.org/>.

² Censor's changes to Akshay Kumar's character in OMG 2 are 'not justified', says Vivek Agnihotri, THE HINDU, (Aug.10, 2023), <https://www.hindustantimes.com/entertainment/bollywood/censors-changes-toakshay-kumars-character-in-omg-2-are-not-justified-says-vivek-agnihotri-101691638703592.html>.

the knowledge of contraceptives, which can lead to family planning issues as well as health hazards like STDs. These situations are accelerated in cases of child marriage.

A report of the Beed district of Maharashtra came into the news, where women were forced to undergo hysterectomy (removal of the womb) to prevent sexual abuse and stop menstruation, as it slows down the work.³ This affected the physical health of women and is a straight violation of their sexual and reproductive rights. But women don't even know what is being done with their bodies.⁴ They don't have their sexual autonomy in their hands, as they don't know what it means.

If we can prevent this, we'll be in line to avoid the loss of sexual autonomy in the long run.

INDIA'S POSITION IN THE CURRENT SCENARIO

One of the earliest programs of action relating to sexual autonomy was the ICPD (International Conference on Population and Development) held in 1994 in Egypt to combat the issues faced regarding reproductive health, contraception, sexual abuse, etc.⁵

It acted as a precursor for all the other programmes and laws in the next two decades, and considered reproductive health a human right.⁶

India ratified this treaty in 1994. However, no significant action was taken by the government in the next ten consecutive years. It only garnered the limelight after the government launched the AEP (Adolescence education programme) jointly with NACO and UNICEF in 2005.⁷ Its primary focus was to sensitise adolescents about reproductive and sexual health, to introduce the basic concepts in the school curriculum, to make them dive into activities for life skill development and develop a rational behaviour towards significant issues, including STDs and

³ Deepa Parent & Ruchi Kumar, Outrage as sugar cane workers in India still being 'pushed' into having hysterectomies, THE GUARDIAN, (Jun.12,2025), <https://www.theguardian.com/global-development/2025/jun/12/outrage-as-sugar-cane-workers-in-india-stillbeing-pushed-into-having-hysterectomies>.

⁴ Megha Rajagopalan & Qadri Inzamam ,The Brutality of Sugar: Debt, Child Marriage and Hysterectomies, THE NEW YORK TIMES, (March.24,2024), <https://www.nytimes.com/2024/03/24/world/asia/india-sugarcane-fields-child-labor-hysterectomies.html>.

⁵ Oommen C. Kurian, Thirty years after the Cairo Conference: Assessing the ICPD Programme of Action 1994, (Jun.9,2024), <https://www.orfonline.org/expert-speak/thirty-years-after-the-cairo-conference-assessing-theicpd-programme-of-action-1994>.

⁶ Reproductive Rights are Human Rights, Center for Reproductive Rights, (2009), <http://www.reproductiverights.org/>

⁷ *Supra note 1.*

drug abuse. But unfortunately, it was banned in 12 states on vague and irrational grounds, analysing the country's future on political and conservative grounds rather than what is genuinely suitable and needed of the hour.⁸

Later, the government launched SHP (School Health Programme) under the Ministry of Health and Family Welfare and the Ministry of Education, along with other schemes like Rashtriya Kishor Swasthya Program and Rashtriya Bal Swasthya Program. The SHP has a couple of initiatives under it, primarily focusing on similar issues listed underneath AEP.

Other initiatives include the Reproductive and Child Health program (2006) and the School AIDS Education Programme (2002), which also suffered criticism on the grounds of morality and traditional values.⁹ The latest NEP 2020 talks about promoting basic health and safety training, but doesn't explicitly mention sexual education.

There have been numerous family planning initiatives in place, like Accredited Social Health Activist (ASHA), which motivates women to visit health checkup units, wherein they're encouraged to register their pregnancies and informed regarding family planning methods.¹⁰

INTERNATIONAL PROGRAMMES AND FOREIGN INITIATIVES

International organisations like UNESCO, WHO, AND UNFPA promote the concept of comprehensive sexual education.¹¹ They published such guidelines in 2018, named the International Technical Guidance on Sexuality Education (ITGSE).¹²

It is basically a framework that can be integrated with the school curriculum to impart knowledge about the cognitive, social, physical, and emotional aspects of sexuality. This aims to empower students to live an informed, healthy life.

⁸ Id.

⁹ Operational Guidelines on School Health Programme under Ayushman Bharat, MINISTRY OF HEALTH & FAMILY WELFARE AND MINISTRY OF HUMAN RESOURCE & DEVELOPMENT, (April 2018).

¹⁰ Smisha Agarwal, The impact of India's accredited social health activist (ASHA) program on the utilization of maternity services: a nationally representative longitudinal modelling study, (Aug. 19, 2019), <https://humanresources-health.biomedcentral.com/articles/10.1186/s12960-019-0402-4>

¹¹ The journey towards comprehensive sexuality education: global status report, UNESCO, <https://www.who.int/publications/m/item/9789231004810>

¹² International technical guidance on sexuality education: An evidence-informed approach, UNESCO, (Dec.1,2019), <https://www.unesco.org/en/articles/international-technical-guidance-sexuality-education-evidence-informed-approach>

Countries like the Netherlands, Sweden, the UK and Canada have mandated such programmes into the curriculum and include diverse topics like anatomy, puberty, sexual diversity, etc.¹³ Sweden was the pioneer in mandating it in the curriculum. Brazil abolished eight laws that banned sex education as they violated the rights to education and equality.¹⁴

Australia, Germany, and France are among the countries with the best sex education mechanisms. Australia, Germany, and France are also among the countries with the best sex education mechanisms.

The ministerial commitment for CSE and sexual and reproductive health services for adolescents and young people in Eastern and Southern Africa has been endorsed by 21 countries in the Eastern and Southern Africa region. Ministers of Education and Health from 25 countries endorsed the WCA commitment in 2023 in West Africa.¹⁵

Some follow the abstinence-only method, which relates to abstinence from sexual acts before marriage, whereas conservative nations, especially Islamic countries, still believe in giving education after marriage.

Also, even though many countries do follow the CSE framework, there are loopholes such as a lack of LGBTQ+ inclusive sex education, proper training amongst teachers, misinformation propagated on the internet and the taboo that still prevails.

CHALLENGES AND PROPOSAL FOR REFORM

The imparting of sexual education is not a new phenomenon and has been prevalent for ages.

Kamasutra and Panchtantra were an integral part of the curriculum.¹⁶

UNESCO conducted evidence review in 2016 bases on 22 systematic views and 77 randomised controlled studies that comprehensive sexual education leads to positive effects such as delay

¹³ Anna Katz, Sex Ed Goes Global: the Netherlands, (July.19,2018),

<https://dukecenterforglobalreproductivehealth.org/2018/07/19/sex-ed-goes-global-the-netherlands/>

¹⁴ *Brazil: Attacks on Gender and Sexuality Education*, HUMAN RIGHTS WATCH,(May.12,2022), <https://www.hrw.org/news/2022/05/12/brazil-attacks-gender-and-sexuality-education>

¹⁵ CSE implementation at regional and country levels, UNESCO,

<https://csetoolkit.unesco.org/toolkit/getting-started/cse-implementation-regional-and-country-levels>

¹⁶ Mr. Nachiket B. Paradkar, *From manuscripts to modernity: tracing the role of women in ancient indian sex education and knowledge transmission through Kamasutra*, (June,2024).

in initiation of sexual intercourse, decreases the frequency of the act and number of sexual partners, and reduces risk-taking behavior, increasing condom use, which are its primary objectives.¹⁷

Firstly, although health is a subject that comes under the state list, education does come under the concurrent list along with the Right to education, which should be paid heed to amidst the ban from different state governments. Secondly, when a country is under the obligation of an international treaty, it has to fulfil all its commitments. Also, implementation in private institutions remains a challenge due to the wider autonomy they possess.¹⁸

Secondly, the guidelines issued by UNPFA regarding comprehensive sexual education should be implemented for the welfare of the students. Everyone should be taught about reproductive health, puberty, gender identities,¹⁹ Etc. The course shouldn't be limited to the biological aspect but should include social and legal consequences. Teachers should be equipped to deliver accurate knowledge without being hesitant and in an age-appropriate manner. The country should adopt means uniquely designed for our social structure to implement such initiatives.

Taking these initiatives into account, it is visible that even though there are schemes for the promotion of sex education, it all revolves around adolescents and teenagers, ignoring the fact that adults from rural areas (especially women), low-income families and conservative communities who consider this a taboo are blind towards these issues. Apart from school programmes, there's a need for sex education among adults as well, especially those belonging to low-income families, rural populations or marginalised communities. Health checkup centres, awareness camps, family planning schemes, etc., are ways to combat this issue.²⁰

In relation to the Prohibition of Child Marriage Act, 2006,²¹ the catch is that India doesn't have a uniform civil code, which means personal laws are also to be considered. According to Muslim personal law, a girl can marry at 15 with consent. Due to this inconsistency, this issue has been debatable, and the act is not followed throughout. However, after judicial

¹⁷ Paul Montgomery and Wendy Knerr, Review of the Evidence on Sexuality Education, UNESCO, (2018).

¹⁸ *Supra note 1*

¹⁹ Vinaya Bharam, The Importance of Early Sexual Education in Indian Schools, <https://www.kspp.edu.in/blog/the-importance-of-early-sexual-education-in-indian-schools>

²⁰ Dr. Kumari Vineeta, Is India ready to incorporate Sex education in Academic curricula, 4 IOSR JRME 1, 1-6 (2014).

²¹ The prohibition of child marriage act, 2006, No. 7, Acts of Parliament, 2007 (India).

interpretation, one can conclude that the 2006 Act overrides personal laws and applies to every citizen.²²

Another issue is that the whole concept of sex education prevalent in India talks about the health aspect of it, but it doesn't focus on the legal aspect. Even if a person knows that something wrong happened but doesn't know the legal remedy for it, it's futile. Special provisions should be made for the inclusion of legal guidance in imparting sex education to all the country's citizens.

Stringent laws in relation to sexual abuse, inclusion of sexual minorities and child marriage can help promote sexual autonomy only if coupled with good quality sex education that is accessible for all.

CONCLUSION

Lack of sexual autonomy along with sex education are issues of concern keeping in mind the current scenario of the high crime rate in India related to sexual abuse, rape, teenage pregnancies etc. The scope of it is not just limited to fighting for change in law and assuring punishments to the culprits but it includes every step, including the upgradation of the sex education scenario, organising sexual wellness and reproductive health campaigns, talking about it freely, letting go of the taboo and most importantly, letting people know about their rights and duties.

²² *Moidutty Musliyar v. State of Kerala*, 2024 SCC OnLine Ker 4188 (India).