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**TO THE ISSUE OF TRANSFORMATION OF SEX EDUCATION  
IN THE CONTEXT OF FAMILY AND EDUCATIONAL LAW  
("HUMAN-CENTEREDNESS OF LAW: ISSUES OF SEX EDUCATION  
IN THE CONTEXT OF LEGAL CONSTRUCTIONS OF FAMILY  
AND EDUCATIONAL LAW")**

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**Abstract.** *The article considers modern trends in the transformation of sex education in the context of family and educational law in Russia. Special attention is paid to the concept of human-centeredness of law as a basis for the development of family relations and the educational sphere. The Constitution of the Russian Federation defines that "children are the most important priority of the state policy of Russia. The State shall create conditions conducive to the all-round spiritual, moral, intellectual and physical development of children, and to fostering in them patriotism, citizenship, and respect for their elders. The State, ensuring the priority of family upbringing, assumes the responsibilities of parents with regard to children without care". In the context of the implementation of strategic documents and legislative changes aimed*

*at preserving traditional values and ensuring the safety of children, the prospects for introducing new approaches to sex education into school programs, including through the subject of “Family Studies”, are being considered. The specifics of the child’s socialization process make it possible to consider work on sex education valid already at preschool age, and it requires continuation at other stages of a child’s development. The authors emphasize the importance of respect for individual rights and protection from violations as fundamental principles that influence the formation of relevant legislation and the practice of its application.*

**Keywords:** *sex education, family law, educational law, human-centric law, traditional values, children’s safety, school curriculum, family studies, personal rights, legislation.*

Modern Russia is facing an important challenge — to create a more harmonious society in which human dignity and individual rights are central. An important event in the life of the country was the approval on November 9, 2022, by the President of Russia of a strategic document — “The Fundamentals of state policy for the safe custody and strengthening of traditional Russian spiritual and moral values”, which took into account, among other things, the proposals of civil society consolidated by its institutions. This work continued in 2023 with the Decree “On amendments to the Fundamentals of State Cultural Policy”, aimed at supporting, preserving and developing all branches of culture, shaping the personality on the basis of the inherent value system of Russian society, and the approval on May 17 by the President of the Russian Federation of the “Strategy for the Comprehensive Safety of Children in the Russian Federation for the period up to 2030”, which lists changing perceptions of traditional family values among the main threats to the safety of children in Russia. Further, the President of the Russian Federation declared 2024 the Year of the Family in Russia. The corresponding decree of November 22, 2023, was posted on the official portal for the publication of legal acts. In mid-November of the same year, the Deputy, Nina Ostanina, reported that next year a new subject — “Family Studies” — may appear in the school program. Of course, one of the key ways to achieve this aim is to establish human-centeredness as the basis for the development of family relations and education. The human-centeredness of law is a fundamental principle in the field of the legal system that focuses on the human person, their rights, and dignity<sup>1</sup>. At the heart of this approach is respect for the individual, recognition of their rights and freedoms, and protection against arbitrariness and violations. This principle permeates all aspects of law and influences the formation of laws, law enforcement and the judicial system.

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<sup>1</sup> Petrova E., Sokolov V. (2017). The Concept of Human-Centric Law in Russian Legal Discourse. Moscow Law Review, 5(1), 78–94.

In this article, we will review what sexuality education is today in terms of the legal constructs of family and educational law.

### **The history of sex education**

The concept of sex education has a long history and can be found even in the descriptions of the Great Soviet Encyclopedia. According to this definition, sex education is “a system of medical and pedagogical measures aimed at fostering in parents, children, teenagers and young people the correct attitude to sex issues”. The aim of sex education is to promote the harmonious development of the younger generation.

However, it is important to note that in modern society, the understanding, and objectives of sex education may differ significantly from historical perceptions. Today, sexuality education encompasses a broader range of issues, including sexuality education, gender equality, sexual freedom and personal rights.

Sexuality education has been given a new meaning by the emergence of a new category — reproductive rights — that is being actively explored around the world.

Reproductive rights have been internationally recognized since they were enshrined in the Beijing Platform for Action adopted at the Fourth World Conference on Women in 1995. From the notion of reproductive health comes a cluster of rights for both men and women:

- Right to Information: this right provides people with the opportunity to be informed about safe, effective, affordable and acceptable methods of family planning and birth control. Being informed enables people to make informed decisions about their reproductive lives.

- The right to access family planning methods: this right ensures access to safe, effective, affordable and acceptable methods of family planning of each family's choice. This includes the right to choose methods of birth control, taking into account individual needs.

- The right to health care: this right entails access to appropriate health care services to ensure that women have a safe pregnancy and childbirth. It also guarantees that couples are provided with the best possible conditions to care for the health of their newborns.

### **Information and reproductive rights: the role of sexuality education in legal constructions of family and educational law**

Reproductive rights focus on the importance of information and knowledge in the context of sex education and the regulation of reproductive interests. Thus, with information about biological processes and sexual relationships, people can better

understand themselves and their reproductive needs. The importance of sexuality education is emphasized, especially in the context of teenagers, who begin puberty well before adulthood. Education in this area helps teenagers to better understand themselves, their bodies and the rules of safe sex. Reproductive rights also focus on aspects of sexual equality and respect. This includes respect for sexual freedom, consent, and the right of every individual to protect their bodies. Legal constructs in this sphere can help control sexual harassment and violence.

Sexuality education intersects with medical, pedagogical, moral, ethical and aesthetic aspects. In the modern context, it not only teaches children and adolescents about aspects of reproduction and physiology, but also contributes to their understanding of sexual identity, sexual rights and responsibilities.

Sexuality education is a very intimate and controversial issue that should be implemented with great care. The Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, November 4, 1950) provides that the education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential. It should also be directed to the development of respect for the child's parents, their values and the national values of the country in which the child resides (Article 29 of the Convention on the Rights of the Child). With regard to sex education, all relevant guidelines note that it is normal for all children to be curious about sex. In addition, they note that parents should talk to children's educators in the child's educational setting to determine what information is appropriate for the child's age and maturity. Since all people are unique, have different abilities and absorb information in different ways, it is necessary to determine (parents have the most power in this sphere) when and how much information a child should receive in order to fully and safely explore issues of their gender. One of the most authoritative sources is the United Nations Children's Fund's International Technical Guidance on Sexuality Education (UNESCO. (2021). *Guidance on Comprehensive Sexuality Education: A Foundation for Lifelong Learning*. Paris: UNESCO Publishing; United Nations Educational, Scientific and Cultural Organization (UNESCO). (2018). *International technical guidance on sexuality education: An evidence-informed approach*).

Russian legislation on education is devoid of norms obliging to conduct sex education in educational organizations. Article 2 of the Federal Law No. 273-ФЗ of December 29, 2012 "On education in the Russian Federation" enshrines the general concepts:

— education is a single purposeful process of upbringing and education, which is a socially significant good and is carried out in the interests of the individual, family, society and state, as well as a set of acquired knowledge, skills, abilities, competence, values, activity experience and activity of a certain scope and

complexity with the aim of intellectual, spiritual and moral, creative, physical and (or) professional development of a person, fulfillment of their educational needs and interests;

- education — activities aimed at the development of personality, formation of students' industriousness, responsible attitude to work and its results, creation of conditions for self-determination and socialization of students on the basis of socio-cultural, spiritual and moral values and rules and norms of behavior accepted in the Russian society in the interests of the individual, family, society and state, formation of students' sense of patriotism, citizenship, respect for the memory of the defenders of the National Homeland and the exploits of Heroes of the National Homeland, law and order, the man of labor and the older generation, mutual respect, careful attitude to the cultural heritage and traditions of the multinational people of the Russian Federation, nature, and the environment;

- learning — a purposeful process of organizing students' activities to master knowledge, skills, abilities and competence, to gain experience of activities, to develop abilities, to gain experience of applying knowledge in everyday life and to form students' motivation for lifelong education<sup>1</sup>;

The content side of the process is defined in the state educational standards, but even in them there is no direct mention of sex education. Order of the Ministry of Education and Science of Russia No. 413 of May 17, 2012, approved the Federal State Educational Standard of Secondary General Education<sup>2</sup>. The focus of the standard is widely disclosed, in particular, to provide education and socialization of students, to create conditions for the development and self-realization of students, for the formation of a healthy, safe and environmentally appropriate lifestyle of students. The concept of a healthy lifestyle covers not only elementary rules of "washing hands before dinner", but also the rules of behavior of a future socially mature member of society, including in the reproductive sphere. By the way, this conclusion follows from the characterization of the "portrait of a school graduate" (P. 5 of the Standard), in which the following elements can be found:

- realizing and accepting the traditional values of the family, Russian civil society, multinational Russian people, humanity, realizing their involvement in the fate of the National Homeland;

- self-conscious as a person, socially active, respectful of the law and the rule of law, aware of their responsibility to the family, society, the state, and humanity;

- who consciously follows and promotes the rules of a healthy, safe and environmentally sound way of life, etc.

<sup>1</sup> Federal Law "On Education in the Russian Federation" of 29.12.2012 No. 273-ФЗ.

<sup>2</sup> Order of the Ministry of Education and Science of the Russian Federation dated 17 May 2012 No. 413 "On Approval of the Federal State Educational Standard for Secondary General Education".

The standard also describes the requirements for the subject outcomes of the fundamental courses “Biology” and “Basics of Life Safety”. If we analyze the content of the BLS course, we can find elements of sex education in it. Thus, a schoolchild should have an idea about a healthy lifestyle, about factors that have a negative impact on health, about the main infectious diseases and their prevention. The basics of sex education should by no means be understood as a certain amount of knowledge about the techniques of sexual relations with all the details and perversions.

Sexuality education in St. Petersburg schools was taught as part of the science curriculum, which led to a series of lawsuits against schools for banning such education without parental consent. Booklets of the Russian Family Planning Association were handed out at classes. On March 2, 2004, the Nevsky District Court of St. Petersburg prohibited school N No. 516 from conducting educational activities related to sex education with respect to plaintiff A’s child. Another school held lectures on sexually transmitted diseases, at which booklets were distributed. A statement of a lawsuit was filed by one of the parents. However, on June 5, 2003, the Nevsky District Court dismissed M’s lawsuit in defense of her young daughter. On December 1, 2003, the Judicial Collegium for Civil Cases of the St. Petersburg City Court dismissed M’s cassation appeal. The arguments of the courts were based on the general principles of the legislation on education, which, incidentally, can be used in justifying both points of view on sex education<sup>1</sup>.

In the regional acts of the Republic of Tatarstan we can find the “Program of preparation of persons willing to foster a child left without parental care” (approved by the Order of the Cabinet of Ministers of the Republic of Tatarstan on October 20, 2012, No. 878)<sup>2</sup>. It should be noted that section 9 of the program is devoted to the peculiarities of sexual education of an adopted child. In particular, within the framework of courses for persons who wish to foster a child left without parental care in their family.

The topics covered in this section are:

- Age patterns and peculiarities of psychosexual development of the child, the difference in the manifestations of normal childhood sexuality and sexualized behavior. The forming of sexual identity in the child. Gender role orientation and awareness of gender identity.
- Ways to protect the child from sexual abuse.
- Sexualized behavior of a sexually abused child<sup>3</sup>.

<sup>1</sup> Family Code of the Russian Federation of 29 December 1995 No. 223-ФЗ.

<sup>2</sup> Family Code of the Republic of Tatarstan of 13 January 2009 No. 4-3PT.

<sup>3</sup> Resolution of the Cabinet of Ministers of the Republic of Tatarstan from 20 October 2012 No. 878 “On Approval of the Program of preparation of persons willing to foster a child left without parental care”.

Of course, in order for human-centeredness to become the basis for the development of family relations and the educational sphere, support at the legislative level is needed. Russia has already made certain steps in this direction.

However, additional efforts are needed to achieve full human-centeredness. Important innovations and challenges in this sphere include:

1. Inclusiveness and Accessibility:

— *Educational entitlement*: New approaches to sexuality education take into account the diversity of sexual orientations and gender identities. Educational programs are becoming more inclusive, providing information and support for all students regardless of their sexual orientation or gender identity.

2. Consent and Boundaries:

— *Family Law*: Understanding consent and respecting boundaries become key elements in teaching family relationships and sexual rules. Parents and caregivers teach children about conscious consent and respect for personal boundaries.

3. Digital Technology:

— *Educational law*: With the advancement of digital technology, online resources and programs are becoming available to a wider audience. Electronic educational resources provide information on sexuality education and reproductive rights, improving access to knowledge.

4. The role of the Family:

— *Family Law*: Parents become important actors in the process of sex education. Family law recognizes and supports the parental role in transmitting information and values about sexual relationships and reproductive rules.

5. Rights and Responsibilities:

— *Educational Law*: Educational programs become more aware of rights and responsibilities in sex education. Students are explained their rights to information and education in this sphere, as well as their responsibilities in complying with rules and regulations.

6. Supporting Professionals:

— *Education Law*: The professional development of teachers and educators in the field of sex education becomes a priority. Education law provides appropriate support and resources for training personnel.

The transformation of sexuality education in the context of family and educational law is linked to a broader understanding of individual rights, sexual variety and modern challenges, such as the digital environment and changing socio-cultural norms. As a result, human-centered law emphasizes the importance of respecting the rights and dignity of each individual in the context of sexuality education, both in the family and in educational institutions. This principle provides the basis for the development of policies and laws that take into account the needs and rights of each person to be informed and educated about sexuality education.

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