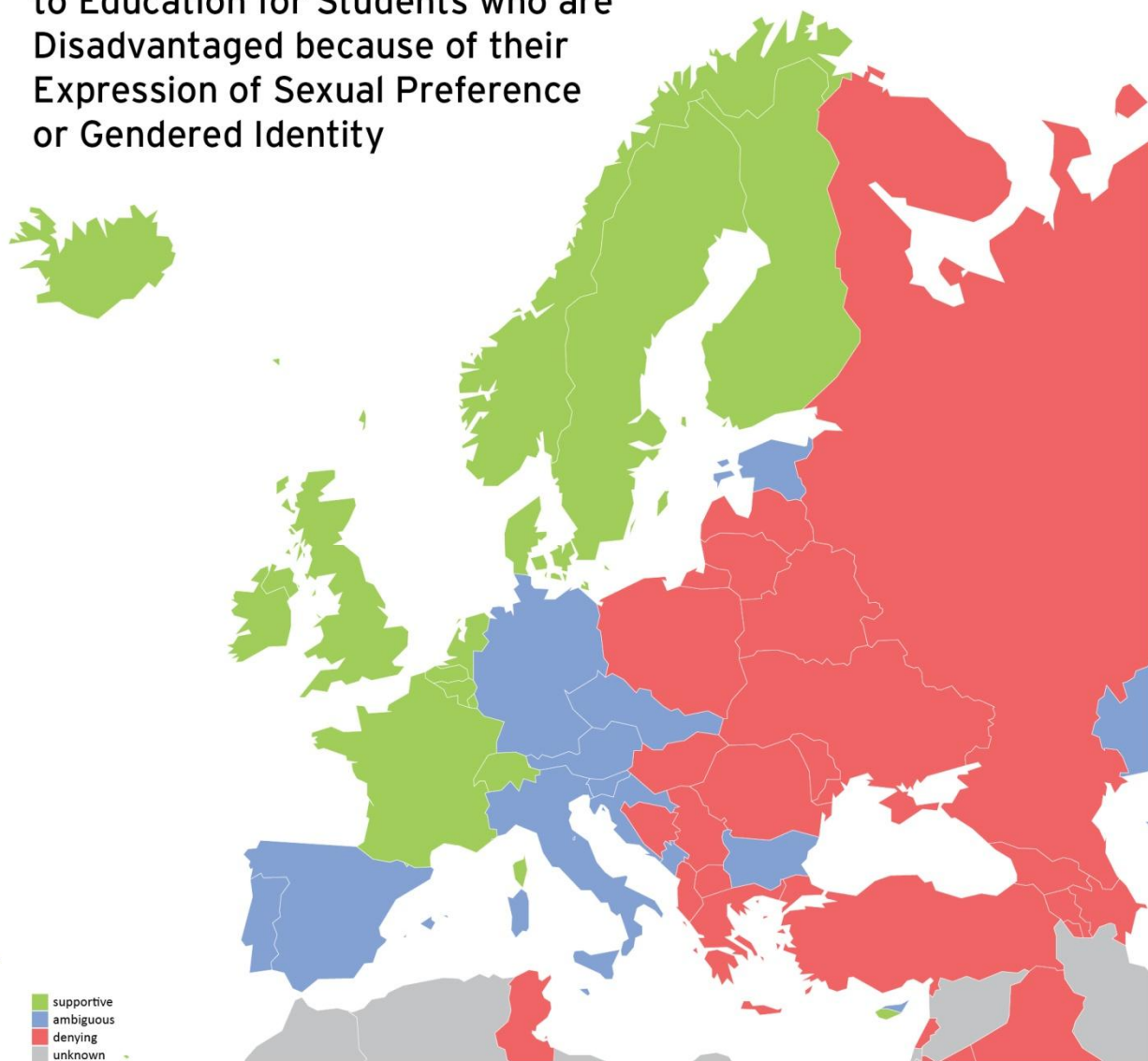


# European Report 2017

on the Implementation of the Right  
to Education for Students who are  
Disadvantaged because of their  
Expression of Sexual Preference  
or Gendered Identity



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## Citation and credits

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Hundreds of people contributed to this report as respondents to the GALE Checklist and by delivering feedback to draft versions of the country reviews. We asked respondents and contributors whether they wanted to be credited by name.

The contributors below have let us know we could publish their name

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# INTRODUCTION

GALE is proud to present the first edition of the GALE European Report on the Implementation of the Right to Education for Students who are Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity. This European Report is a preliminary version of a part of the World Report that will be published in 2018. This version was produced in advance because of a conference of European leaders that will take place in January 2018. The European report will also be updated in 2018.

## Goal of this report

The goal of the report is to provide analytical information and recommendations to ameliorate the situation in the education sector and especially *to stimulate a dialogue and cooperation between the relevant stakeholders*: LGBTIQ+ activists, professionals in the education sector and government officials responsible for education policy.

## How to read this report

The report contains an introduction and more detailed country reports of the 47 Council of Europe member States. In the country reviews, we offer an overview of both the legal and social situation in general and more specifically on the 15 checkpoints of the GALE Checklist on the Implementation of the Right to Education. For each of the checkpoints we attempted to make an assessment as to whether a State is forbidding, discouraging, encouraging, or supporting that part of the international consensus on the right to education, or that the State is inactive or indifferent. By calculating the scores, we have divided the States in denying, ambiguous or supportive States. We realize such a categorization may create pride, disappointment or irritation with involved stakeholders. We hope that working this way will stimulate discussion and dialogue, which in turn may lead to more consensus on the real situation and more agreement and commitment on required next steps.

## Reliability and transparency

For many States, data to assess the situation is still very limited. Many country reviews do not reach a level over reliability we would have liked, but GALE can only work with data that are available, findable and understandable. We have tried to make the country reports as transparent as possible. Each country report starts with a general assessment of the reliability in two areas: the level of reliability of data and the level of integrating multiple perspectives. Each quote or claim in the country reports is accredited to a source and with a date. The sources are either scientific reports (listed in the annex "sources", links to internet articles or databases (given in the report) of feedback given to GALE by respondents (listed in the reports as "feedback" with proof kept in the GALE Checklist and email databases).

Our way of assessing States is based in international agreements on how the Right to Education should be implemented. In annex III we give a detailed description of how our checkpoints relate to international conventions. In annex IV we give our internal instruction for GALE reviewers on how to write a country report how to assessed a country. This "assessment guide" has been e work in

progress. While we were collecting information and trying to make sense of it, we learned on the job and in the past year, we have updated the guide several times. We expect that the guide will keep being updated and become more evidence based, transparent and detailed. As educators, we welcome this, because we know that the key aspect of being a good educator is to keep learning permanently.

In this report we regularly use educational jargon or activists jargon. A glossary offers (GALE's) definitions of words and abbreviations.

## **DESPOGI and other acronyms and concepts**

GALE prefers not to use the acronym LGBTIQ+ (Lesbian, Gay, Bisexual, Transgender, Intersexual and Queer – and more). When we have to refer to the marginalized population groups that will be main beneficiaries of the advocacy proposed by this guide, we use the term people who are "*Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity*" (DESPOGI). Note this includes "heterosexual" and "cisgender" identified students who display non-heteronormative gender behavior.

### **DESPOGI**

Disadvantaged because of their Expression  
of Sexual Preference  
or Gendered Identity

Still, it is important to keep in mind that even the label DESPOGI covers a wide range of very different people. Labeling can be useful and empowering, but categorization may also lead to exclusion. Also, single-minded advocacy for one or some groups tends to hamper the cooperation between activists, educationalists and officials. The perspective of this guide is therefore to focus on *raising the quality of education in general*, and while doing this, *securing the inclusion of DESPOGI*. In this, GALE may have a different approach than LGBTI organizations that may be primarily focused on *representation and empowerment*.

### **Use of other acronyms**

We do use the terms gay and lesbian, LGBT an LGBTI+ or other acronyms when we quote research or documents of others, but we prefer to avoid labeling. First, because acronyms will never be elaborate enough to capture all relevant identities and as such, automatically exclude people and it may tend to marginalize the identities of the labeled people to that label only. And, maybe even more important, there are people who do not identify with these labels but are still marginalized due to

discrimination in education. In our view, the norm of heterosexuality marginalizes a large section of emotions and behavior far beyond just LGBTIQ+ identities. Any boy that appears to effeminate and any girl that claim too much social space will be confronted with these limitations. So, although we recognize the need of a part of the DESPOGI target groups to use self-labeling and community building based on sexual identity, gender identity or gender characteristics to create self-esteem and emancipation, for educational purposes we choose a strategy that focuses on deconstructing labels rather than strengthening them.

### **Sexual diversity**

Apart from DESPOGI, more generally we speak about *education about sexual diversity*, which includes heterosexuality, gender identity and gender characteristics. Recently, the term "sexual diversity" has come under criticism of trans and intersex movement, because it is interpreted as being relevant only to lesbians, bisexuals and gays (sexual orientation or preference). This is not how GALE uses the concept "sexual diversity". We link into international language of Comprehensive Sexual Education. CSE is not limited to sexual acts, but encompasses the whole spectrum of relationships, gender and sexuality, including the wider social and legal contexts. In principle, inclusive CSE should be non-heteronormative.

### **Tolerance**

GALE works in the context UN Right to Education, and focuses on "tolerance" (in the positive definition of the UN: "harmony in difference") and the full development of the human personality. We are aware that the term "tolerance" has become tainted in some countries with a ring of arrogance, especially when it is used by dominant groups to "allow" marginalized groups some space while maintaining a discriminatory status quo. Although we don't use the term "tolerance" very much in this report, we would like to make clear GALE promotes tolerance in the original positive way the UN defined it in 1995 and in a non-heteronormative way.

### **How GALE monitors the right to education**

In 2012, GALE developed a method to analyze how the right to education is implemented by States for DESPOGI. The background of this method is described in the GALE Advocacy Guide. GALE analyzed the five international conventions which reflect international agreements on how article 26 of the Universal Declaration of Human Rights (the Right to Education), and developed a 15-point checklist to provide a framework for consistency in monitoring the implementation for DESPOGI.

## Conventions

According to the GALE analysis of the conventions, the Right to Education can be divided in three main categories: (1) access to schools, (2) the right to a good curriculum and (3) the right to have good teachers. Under "access to schools" we categorized five rights which focus on formal access to schools and on the right for a safe school environment that supports self-expression and identity development. Under "the right to a good curriculum" we categorized five rights to be able to get the relevant and positive information and support, through both the formal curriculum and informal learning (peer learning and support). Under "the right to a good teacher" we categorized four rights focusing on how teachers should be competent and supportive, both individually and as a team. We added a fifth right for DESPOGI teachers/staff to work and be open in schools. This is formally not an "education" right (education rights are for students) but an "employment" right. But in line with the view of Education International, we consider the personal authenticity or teachers within professional standards so important that we wanted to include this checkpoint.

On each checkpoint, respondents could score on a five-point scale or score "no data" (I don't know). In the country reports, we give a summary of the scores in an overview called the "GALE Right to Education Assessment Matrix". Normally, numbers in the matrix give the number of scores by respondents, and colors give the final assessment by GALE.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?						
2. Freedom of self expression for DESPOGI?						
3. Protection against DESPOGI bullying?						
4. No drop-out of DESPOGI?						
5. Equal school performance of DESPOGI?						
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?						
7. Attention in resources about sexual diversity?						
8. Resources for DESPOGI students?						
9. Support services open to DESPOGI students?						
10. Peer-learning opportunities for DESPOGI?						
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?						
12. Staff competent to teach about sexual diversity?						
13. Is staff competent to support DESPOGI?						
14. Supportive school environment for DESPOGI?						
15. Employment protection for DESPOGI staff?						

## GALE Checklist

From 2012 on, GALE published an online [GALE Right to Education Checklist](#), which respondents could fill in to make an assessment of the implementation of the right education for DESPOGI in their



own country. The results of the collected data were published on the online GALE World Map, which also functions as a platform for collecting and disseminating country by country information. The World Map also attempted to initiate discussions about the quality of State policy by categorizing countries in "denying" countries, "ambiguous" countries, and "supportive" countries.

### Calculation sliding scale

GALE also calculated an average percentage per country, which allowed to rank countries not only in 3 categories but on a more gradual sliding scale of implementation per country. The calculation counts the scores of the final GALE assessment on all checkpoints (ignoring the "no data" scores), divides the total sum by the number of scored items (which results in a maximum of 4 points) and multiplies the result with 0.25. The sliding scale shows the three broad categories are not static and set, but markers on a developmental scale.

States	Label for world map	score
Ireland	supportive	100%
Netherlands	supportive	95%
Malta	supportive	91%
Belgium	supportive	90%
Sweden	supportive	90%
Iceland	supportive	87%
Switzerland	supportive	84%
Norway	supportive	84%
United Kingdom	supportive	83%
Andorra	supportive	81%
Liechtenstein	supportive	75%
Finland	supportive	73%
Luxembourg	supportive	71%
France	supportive	69%
Cyprus (South)	supportive	65%
Spain	ambiguous	63%
Czech Republic	ambiguous	63%
Denmark	ambiguous	62%
Portugal	ambiguous	62%
Estonia	ambiguous	58%
Austria	ambiguous	58%
Slovakia	ambiguous	55%
Croatia	ambiguous	54%
Germany	ambiguous	52%
Italy	ambiguous	52%
Slovenia	ambiguous	52%
Monaco	ambiguous	50%
Bulgaria	ambiguous	45%
San Marino	ambiguous	44%
Montenegro	ambiguous	40%
Serbia	denying	38%
Albania	denying	38%
Bosnia & Herzegovina	denying	38%

Poland	denying	37%
Cyprus (North)	denying	37%
Lithuania	denying	34%
Hungary	denying	34%
Georgia	denying	33%
Greece	denying	33%
Romania	denying	32%
Latvia	denying	30%
Macedonia	denying	29%
Armenia	denying	29%
Moldova	denying	25%
Turkey	denying	21%
Ukraine	denying	15%
Belarus	denying	13%
Russian federation	denying	10%
Azerbaijan	denying	8%

### Strategic workshops and guide

GALE also offered local organizations to facilitate national strategic workshops, in which the checklist was used to assess a State or region and to use the results to cooperate on a joint analysis and to make recommendations to improve national or local policies.

Many activist organizations are interested in engaging in action as soon as possible, but did not quite know how to proceed in a strategic way. To assist such concrete action choices, GALE developed a [GALE Committee Guide](#), which gives an overview of possible strategic actions within recommended wider scale strategies.

### Solving the legal or social dilemma

Both from the checklist responses and in the strategic workshops, it gradually became clear that different stakeholders – even when they had a similar perspective, like activists – sometimes scored the checklist in different ways, and sometimes contrary to available political and statistical information. We will go into how we solved these assessment dilemma's later, but we want to highlight the most important one already here. In each State, there is a basic tension between the legal context and the social situation. How to assess a State that is legally quite good but socially abominable? Or a State where there seem to be little discrimination but the government does not seem to do anything at all? GALE decided to make clear that the final assessment should be based on the social impact of legal and political interventions. This decision is based on the consideration that we encountered a range of countries where governments make laws under international pressure, but don't implement them or even take measures contradicting other laws that are not line with the intention of equal treatment. In sum, when there is a good legal context but no social impact, we consider this a lack of adequate implementation of policies. The point of legal and political measures is to influence social reality; it follows that the social impact should be leading in our assessments.

## The 6-step development process of country reports

We tried to do our best to collect information supporting an adequate assessment of each checkpoint. We developed each country report with a 6-step procedure.

1. We asked local experts or activists to fill in the GALE Right to Education Checklist. The checklist asks for score for each checkpoint and allows respondents to offer supportive information. The scores are: this policy of the government for this checkpoint is (0) forbidden or taboo, (1) discouraging, (2) there is no policy, (3) encouraging, (4) supported. A non-counted score (5) is given when the respondent does not know or when information is not available. Background information on the checklist can be found in the GALE Advocacy Guide and in annex III and IV.

2. GALE did a general basic desktop and online research on the situation per country, using sources like the ILGA World Report on State-sponsored Homophobia, the UNESCO database on the right to education, Wikipedia ("LGBT rights in..." and "education in.."), the Education International (EI) barometer, and country reports by UN and other international bodies.

3. GALE collected additional specific information, making use of GALE's our own extensive DESPOGI Education database, articles from the Journal of LGBT Youth and by contacting local experts. In some cases, we looked for additional online sources by looking for keywords of each checkpoint like "bullying", "homophobic bullying", "name change", "sexual education", "drop-out" in English and in the local languages. If we found sources in local languages that seemed relevant, we used online translation tools to translate summaries and look for keywords and specific DESPOGI statistics or quotes in articles of documents.

4. Based on the responses and the retrieved facts and quotes, we made a draft description. We compared the assessments of respondents with found facts and quotes and checked whether the GALE Matrix scores of respondents matched with other sources. In principle, we tried to follow the assessments of local respondents, but when these were clearly different than the data (especially statistical data) then we mentioned this in the report and changed to score to make the assessment more balanced. Finally, we added draft recommendations. We used three sets of "standard" recommendations for denying, ambiguous and supportive States, which are based on the GALE Committee Guide. If there were local reports with recommendations or feedback from respondents with recommendations, there are mentioned with priority and with a reference.

5. We collected names and addresses from local experts and activists and sent them the draft report for feedback. We also asked them whether they wished to be credited in the report.

6. We integrated the comments of local experts and activists and if they wanted, added their names or organizations to the credits.

### **The relation of the GALE indicators to other indicators**

Currently, there are also three other attempts develop criteria and monitoring indicators, first by UNDP and the World Bank, secondly by UNESCO and thirdly by IGLYO. How do the GALE indicators relate to these?

To understand the relationship of the GALE Checklist to other indicators, it is necessary to note that the GALE indicators were the first to be developed (five years ago) and have been used to involve activists and governments around the world in a constructive dialogue in the past four years.

#### **UNDP/World Bank indicators**

The UNDP/World Bank and UNESO indicators are meant as guidelines for State level *surveys* to monitor the level and developments in education, and part of their context is to be *acceptable* and *implementable for a large number of governments*. The UNDP/World Bank indicators are only partly focused on education. In practice this means that the number of education indicators should be limited and that internationally contested "hot potato" indicators - like indicators mentioning same-sex relations and gender ambiguity - should be avoided. This ultimately leads to a focus on violence (in this case: school bullying) and on clear breaches of widely accepted human rights (like overt discriminatory censorship over curricula). More contested areas like the freedom to come out at school, comprehensive sexual education about sexual and gender diversity, and the quality of teachers to support own choices of students are less acceptable in the international arena.

The UNESCO indicators have not been published yet at the time of this report.

The GALE checkpoints differ in two ways from the UNDP/World Bank and UNESCO indicators. First, the checkpoints are not indicators for survey questions but for national policies. Second, they are not developed to be acceptable to a majority of governments, but take the view to translate generic human rights to DESPOGI, whether the resulting indicators would be acceptable or not.

It should be noted that many LGBTI NGOs have expressed a need for short and simple but reliable questionnaires to measure DESPOGI discrimination in schools. GALE has been working on these and will soon publish templates to be used. These templates will incorporate the indicators and commonly used questions in large scale research.

#### **IGLYO indicators**

A proper comparison between the GALE Checklist and the emerging IGLYO indicators is not yet possible. In 2017, IGLYO published a number of logo's and short labels for ten indicators:

1. Anti-discrimination law applicable to education
2. Policies and action plans
3. Inclusive national curricula
4. Teacher training and LBGTIQ awareness

5. Right to choose gender (of students)
6. Data collection on bullying and harassment
7. Support systems
8. Information and guidelines
9. Partnership between governments and civil society
10. International commitment (signing the UNESCO Call from 2016)

For now, it is unclear how IGLYO intends to clarify or score the quality, scope and impact of data under these indicators. This may require some further development.

Another difference between the GALE assessment strategy and the IGLYO strategy is that IGLYO (for now) focuses only on Europe.

### **Challenges in monitoring the right to education**

During the national strategic workshops and during the work of developing country reports, GALE encountered several challenges. We list them here and explain how we try to deal with them. We would like to stress that the Right to Education cannot be monitored in simple yes/no scores and any assessment will always remain a judgment call. During the development of this report, we edited and specified the guidelines for making a country assessment (annex IV) several times, learning the art partly during the process. We expect this will be an ongoing learning and updating process. We welcome discussion about the guidelines and invites stakeholders to participate in this ongoing learning process, just as the ongoing process of developing country reports is meant as a continuing dialogue about quality and improvement of the report and the strategy.

### **The legal and social dimensions**

Respondents who filled in the checklist usually found it difficult to decide whether to score a checkpoint on the legal level or on the social dimension. Many European States have quite good legal provisions for education and even for diversity in education, but may at the same time have discriminatory laws for sexual orientation and gender identity and their expression (SOGIE). Sometimes, States have adopted a non-discrimination law to be able to enter the European Union, but contradict the intention of equal treatment by adopting other laws that deny rights in other areas or even censor education materials.

In addition, there is almost no country where the social situation for DESPOGI students reflects all the standards or goals set in the laws or regulations. So a key question for monitoring the implementation of the Right to Education is what is to focus on. In this report we assess countries on a combination of legal and political measures and their social impact, with the social impact being the ultimate measure for the quality of government policy. We believe that a policy without impact is useless, so we cannot afford to judge countries only on legal and political measures. On the other hand, we do realize that national legal and political measures can only have a social impact when subsequent authority levels act in line with the national guidelines. On the national level legal requirements have to be translated to more concrete guidelines and curricula, in many States there are local authorities and school

boards having influence on school implementation, within schools principals influence the actual implementation of guidelines, in the classroom the teachers are the implementing authorities and even students themselves should be seen as co-creators of a safe or unsafe school environment. Lack of implementation on any of these levels may contribute to less social impact for DESPOGI students. So, in assessments, we try to take this complicated policy process into account. In supportive States, we recognize the efforts of governments but also try to point out how lower levels officials and school professionals contribute to the situation. An ideal 100% score requires a smooth delivery of supportive goals and strategies all through the implementation chain.

### **Allegiance and anger**

In some countries, LGBTI activists work closely with the government. It turned out this may influence their judgment. When the partnership with the government is highly valued, the LGBTI organizations may prefer to stress their allegiance and their happiness with the cooperation. They may feel it is risky to be critical, and a lower score may also imply a self-criticism when the activists have become co-responsible for the policy. GALE sometimes encountered activists that want to score their country only supportive because of such currently good cooperation, sometimes without any statistical proof. In some situations, the government funds the national LGBTI organizations to carry out the whole sexual diversity strategy, but does not do much itself, apart from some legislation. This may be very pleasing for a local LGBTI organizations because it benefits their status and financial position, but in the GALE Matrix, this would be considered "encouraging" rather than "supportive" because there is not a full engagement with mainstreaming sexual diversity in regular educational institutions.

Similar but reversed effects could be noticed in denying countries, where activists sometimes wanted to score checkpoints as "forbidden" out of anger against discriminatory governments. In some cases, scores as "forbidding" were mainly based on local social taboos, while GALE would score a social taboo as "discouraging" and reserve "forbidden" for formally forbidden - unless a social taboo actually leads to violence without authorities doing anything about it (=not implementing regular laws against violence).

In the country reports and in strategic workshops, GALE attempts to sensitize all stakeholders to properly reflect on the situation and assess the situation as evidence-based and inter-subjective as possible. We also expanded the guidelines for scoring to be more precise and clear in how to score checkpoints.

### **Federal and State or local levels**

In some larger federal States, we encounter the difficulty that education is not, or hardly regulated on the federal level. There are also States where the management of education is decentralized to a provincial or municipal level. At this stage, GALE does not have enough manpower to make assessments for every State within federal States. This may be a next step in the future and we encourage local stakeholders to start this process. For now, we have attempted to describe the situation in federal States as well as possible. But because States with federations may differ quite a

lot in both policies and social situations, a “federal” score often results in categorizing of federal States as on average being "ambiguous".

## Privatization

In an increasing number of neo-liberal and in poor countries, there is a development to privatize schools. This means that private schools are - partly - not under the control of the government anymore. This is a major concern of organizations that deal with the Right to Education because it usually leads to large differences between affordable State schools and expensive private schools; it worsens class differences and social opportunities and sustains poverty. The State may, to some extent, define quality standards for all schools including private schools, but such standards usually focus on the output of students who pass central exams and not on issues like diversity and a safe school environment.

Privatization often goes hand-in-hand with church ownership of schools or other religion-oriented schools like (Islamic) madrasahs. Religious schools often focus on moral education and discipline which supports harsh heteronormative values and behavior, including denial of the evolution theory, forbidding or limiting sex education and disseminating prejudice about gender and sexual orientation. On the other hand, some "international" private schools (partly for expats) offer high-quality curricula and may be more open for diversity because their students are from different cultures. Because of their high status, they even may have a positive influence on other schools in their environment. So although privatization does not have a single negative impact on DESPOGI, GALE remains wary of the development towards privatization and where possible, we try to show the impact of privatization in our country reports.

## Macro- en meso-political interaction

In literature about educational policy, a distinction is sometimes made between macro-, meso-, and micromanagement. Macro-policy and management is the national level of the operation of the education system; this is the domain of ministries of education, trade unions, associations of school boards, the national Institute of curriculum development and the UNESCO commission. Meso-level policy and management is the regional and school level; this is the domain of school boards and principals and in some countries, of local authorities and communities. The micro-level is the level of the classroom and other school areas like school yard, hallways, school busses, school parkings and sport areas; this is domain of teachers, school counselors, janitors and school bus drivers.

When the government attempts to implement a national policy, this usually needs to be supported and carried out on all the levels to have an impact on students. However, since the education system is usually organized in a relatively non-hierarchical way, policy measures need to be adapted and renegotiated on every level. This requires national policies to not only be of high quality *content* but also in *policy implementation process*. In most cases educational policies lack process quality and are therefore not fully implemented.

In the country reports, GALE attempts to describe the quality of government policies, the challenges on all lower levels and we aim to make makes recommendations to raise the social impact of policies. This is quite a challenge and in this report we often cannot reach this level of analysis and recommendations; it requires more local input and discussion than we could do now.



### **Urban and rural differences**

In most countries, there is a noted difference in social attitudes and tolerance for non-normative behavior between urban and rural areas, and sometimes within metropolitan areas with a larger representation of lower-class citizens including immigrants and refugees. When scoring a country, we base ourselves preferably on average statistics for the whole country or region. Where possible, we attempt to highlight differences that are important for national policy. In strategic workshops, the urban/rural and middle/lower class divides often results in recommendations to research the type of differences and to develop differentiated rural, urban and class strategies.

### **Identity and intersectional differences**

In the strategies recommended by GALE, we usually focus on how to operate on changing the education system to be less heteronormative and more inclusive of DESPOGI. Effectively, such a strategy will lead to better schools for everyone, not only for LGBTIQ+ students. Research has also convincingly shown that schools cannot become substantially more safe for LGBTIQ+ students when they are not becoming more safe and inclusive in general. This "mainstreaming" perspective often does not sit easily with more traditional LGBTI organizations.

Some grassroots LGBTI organizations are primary focused on caring, empowering and advocating for their specific constituencies, like lesbians, gays, bisexuals, transgenders, or people with an intersex condition, or intersectional subgroups like immigrant lesbians. Because of this focus on empowerment many LGBTI activists maintain that "representation" and visibility of their own community's identity is of prime importance for any strategy including education strategies. The more developed LGBTIQ organizations may take an intersectional perspective, which calls for additional awareness and visibility of the interaction between sexual orientation, gender identity, race, poverty and other grounds on which people can be marginalized. In the educational domain, these perspectives may lead to demands for representations and visibility of an increasing range of marginalized people. This could for example result in claims that curricula show a range of role models.

GALE shares the perspective of the education sector, that education needs to increase (all) students skills to function in a diverse society. Effective strategies to gain such skills are to role models skills rather than identities, and to increase cooperation skills by looking for issues everyone has in common rather than identity traits that make us unique and apart. It is a question both of being able to be and express yourself and to be able to deal with others even when they are irritatingly different.

In developing a country analysis, it can be a dilemma how to deal with the tension between a mainstreaming perspective and an identity presentation perspective. GALE has decided to focus on the mainstreaming perspective: how to change the education system in such a way that is less heteronormative and more welcoming for all and especially for DESPOGI. When there are data that show how specific identity-based or intersectional aspects are relevant for implementing the right to education as a whole, we will highlight these and recommends specific measures. But this choice has its' drawbacks. For example, there is very little research on bisexual students in schools, while of all the SOGIE-related identities they may be the largest section and their treatment may also be different

across cultures. It should be considered to develop an instrument that monitors to what extent DESPOGI subgroups are researched and to what extent their needs are integrated in government policies. However, at this time the available disaggregated data was very limited and government policies with such an intersectional view are used in very few countries. So we had little to base ourselves on. Where possible, we make reference to good practices in this area.

### **Continuous development**

This is the first version of the GALE Europe Report. In the GALE World Report which will be published in 2018, the European section will be an updated version of this publication.

GALE intends to work continuously on new versions. As the aim of the report is to create discussion and cooperation towards improving the implementation of the right to education for DESPOGI, GALE will make efforts to engage local experts, activists, people from the education sector, and government officials to make an analysis, agree on a country report and on joint actions to ameliorate the situation.

The country reports will be published on the GALE website and can be found by clicking countries on the world map. On each country page, there is a form where interested respondents can leave information or comments. References to new research or news articles will also be listed on these pages.

Respondents can also fill in the [GALE Right to Education Checklist](#) to give a more comprehensive personal or organizational perspective. GALE is also developing simple surveys for students, teachers and LGBT people to do research, which yields the relevant baseline information to fill in the policy checklist.

## COUNTRY REPORTS

### Albania

The reliability of this assessment is scored as 2 stars on reliability of data (the little research there is, is outdated) and 1 star on different perspectives.

Two local respondent scored Albania in (2013-2014) as 0% forbidden, 33% discouraged/no policy, 67% encouraged/supportive and 55% unknown, basing their results mostly on recent legal changes and promises of improvement by the government. In 2017, an expert respondent revealed that none of the promises were follow-up and that the prevailing negative attitudes remained fierce, leading to regular DESPOGI drop-out of schools. Based on these observations, we had to review the assessment and the score came at 64% denying, 21% no policy and (maybe) 14% (maybe) encouraged. In total this comes out at a total score of 38%. We score Albania country therefore as denying.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?				2		
2. Freedom of self expression for DESPOGI?			1	1		
3. Protection against DESPOGI bullying?				2		
4. No drop-out of DESPOGI?			1	1		
5. Equal school performance of DESPOGI?			1	1		
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				2		
7. Attention in resources about sexual diversity?			1	1		
8. Resources for DESPOGI students?				1		1
9. Support services open to DESPOGI students?				1		1
10. Peer-learning opportunities for DESPOGI?				1		1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			1	1		
12. Staff competent to teach about sexual diversity?			1	1		
13. Is staff competent to support DESPOGI?			1	1		
14. Supportive school environment for DESPOGI?			1	1		
15. Employment protection for DESPOGI staff?				1	1	

Numbers show the number of respondents scoring an item.

### General assessment

Since 2010, the legal situation in Albania changed in a much more progressive way. This progress has not been reflected yet in the attitudes of the population. Especially in the North and South, more than half the population think (very) negatively about same-sex relations. The government promised to implement a progressive policy, but legal institutions are slow to deal with complaints and the government itself also did not follow-up promises.

## Legal context

### Laws

Albania repealed criminalization of same-sex relations in 1995. The age of consent is equal at 14. In 2010, homosexuality became a protected ground in the Labor Code and in the Law on Protection from Discrimination, which provides discrimination protections to sexual orientation regarding employment, education, goods and services, social protection schemes including housing. In 2013 the Criminal Code was amended to punish a crime “when the offense is committed due to reasons related to “... gender identity, sexual orientation”. It also punished dissemination of hateful materials. Albania reported on their positive implementation of the three SOGI recommendations that they accepted in the UPR. In 2015, the parliament approved a resolution on the protection of the rights and freedoms of LGBT persons, in 2016 Albania adopted an action plan on the rights of LGBT persons, and the labor and criminal codes both added “gender identity” in their anti-discrimination provisions or as aggravating circumstances in cases of crimes (ILGA, 2017). Albania has ratified Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, moreover Albania was a signatory to the 2007 UN Declaration on Sexual Orientation and Gender Identity ([Wikipedia, 2017](#)).

However, a GALE respondent reports the lack of implementation of the laws is a real problem in Albania and we should not take the availability of laws as a proof of good policy (Kristi Pinderi, 2017).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1963)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1991)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1992)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1994)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

The Albanian education system dates from the 1920s. In the post-WWII period, the communist government focus heavily on education and got rid of illiteracy. In the 1950s, the country came under Soviet influence and teacher training colleges were founded, where courses were given the Russian, and Russian methods of pedagogy and technology, were duplicated. Interesting era, discipline by teachers was a problem. Many teachers resorted to violence to keep students in line. In 1960, Albania broke loose of Soviet influence and completely revise the curriculum: education was more focused on being in line with industry. During the economic crisis of 1991, many schools were ransacked and

vandalized. Teachers moved to urban areas and rural schools were left understaffed. From that point on the situation has improved. ([https://en.wikipedia.org/wiki/Education\\_in\\_Albania](https://en.wikipedia.org/wiki/Education_in_Albania)).

Despite the recent progressive legislation, the Albanian population is still quite conservative. About 54% of the population thinks that homosexuality is wrong and that homosexuals should not be allowed to live life as they wish. The population in the North and South is more conservative than in central Albania. In 2102 *The Alliance against Discrimination and Pro LGBT*, two organizations that promote the rights of LGBT expressed their disappointment for what they called "the weak and unprofessional work done by the Commissioner Against Discrimination". These LGBTI organizations and *Pink Embassy* offer awareness and education campaigns. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Albania](https://en.wikipedia.org/wiki/LGBT_rights_in_Albania)).

Since 2010 with the adoption of the non-discrimination law and the organized work of LGBT CSO's the situation has changed drastically. Public debate over this topic has been very present and Albanian government has made significant efforts in the inclusion and protection of LGBT people (ERA, 2017).

In 2016, a survey that 42% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 58% said they would not vote for a political party that championed the rights of LGBTI people (ILGA-Europe Annual Review 2016, p. 31).

In 2014, the Commissioner for Protection from Discrimination (CPD) conducted an investigation within the school system about the level of school discrimination and prepared a special report on discrimination of students in the schools of 6 regions (Commissioner on the Protection from Discrimination, 2014). According to this report 17% of students and 6% of teachers reported cases of discrimination in school, where (perceived) sexual orientation and gender identity were the principal cause of discrimination. Based on this study, in 2013, the CPD recommended the Ministry of Education to take measures to reduce bullying in schools and to introduce human rights education in the school curriculum. For that purpose, CPD signed a memorandum of cooperation with the Ministry of Education and sports to elaborate informative materials on human rights and antidiscrimination for schools and recommended a set of measures to schools and directors on how combat discrimination and homophobia (Dragoti & Ismaili, 2017, p. 32).

In November 2015, the Commissioner for Protection from Discrimination and NGO PINK Embassy signed an agreement with the Ministry of Education and Sports, aiming to assess the prevalence of homophobic and transphobic bullying and discrimination in high schools. They agreed to conduct a nationwide study and teachers' trainings in six major cities, as well as holding a national conference (ILGA-Europe Annual Review 2015, p. 32).

In 2016 the Ministry of Education signed a (another?) cooperation agreement with LGBTIQ NGO PINK Embassy / LGBT Pro Albania. This agreement allows the NGO to hold lectures, presentations and other awareness-raising activities in high schools. A study on homophobic discrimination and bullying will also be conducted as part of the agreement (ILGA-Europe Annual Review 2016, p. 30).

Late 2017, a GALE respondent gave an inside view of the cooperation with the government. "We worked hard for several years to convince the government to adopt the action plan (including working with the education system). The government signed it but "forgot" to appoint members of the working group. Only after strong advocacy of LGBT Pro Albania members were appointed. Then, at the first meeting only the former minister of social welfare showed up. In one and a half year the government organized only two short meetings without concrete results and the government never allocated funds for the action plan. In international communications the government reported activities of the LGBT organization as if the government could be credited for them. The final blow to the action plan and to other action plan for other marginalized groups was when the in 2017 re-elected government abolished several ministries like the Ministry of Social Welfare. It is now almost impossible to track any kind of accountability for the action plan. Currently, there is hardly any communication and trust any more between the government and LGBT Pro Albania.

An elaborate research on bullying in 2017 lead to a range of recommendations for improved anti-bullying policies, but did not refer to specific measures regarding sexual harassment of LGBTI phobia and remains vague in its conclusions. "Regarding violent extremism, the survey reveals that in Albania it remains a minor, yet present problem, identified in the forms of slight intolerance regarding ethnic, gender and religious identities, which shall also be addressed" (Dragoti & Ismaili, 2017, p. 14). There are no recommendations to address this; the study heavily leans on the questions and principles of Olweus, who ignores forms of discrimination and discriminatory bullying.

A local expert activist respondent, Kristi Pinderi, notes in December 2017 that working with schools has been a taboo. "Schools are very hermetic and you need a powerful connection to easily enter there either for awareness or to work in any support program for LGBTI. This has been the case especially for high schools while it has been easier for us to organize open lectures inside universities (in Tirana, Elbasan, Shkoder and Durres). What we see the real challenge is the bullying especially of those perceived as being gays or lesbians".

## **Access to schools**

1. **Access to schools:** The Law on Protection from Discrimination provides discrimination protections covering sexual orientation in the area of education (ILGA, 2017). There are no signals that DESPOGI students are refused to enter schools. A GALE respondent said in 2013 there is no clear data from educational institutions or other independent bodies on this matter, especially regarding DESPOGI students. There is some data offered by the ANCH-ALO 116, Albanian National Child Helpline, and there is also a study in progress initiated by the Commissioner for Protection from Discrimination in Albania, who is looking at all forms of discrimination in elementary and high schools nationwide, including DESPOGI students. Moreover, there are also the LGBT organizations in the country that maintain a record of situations in which there is clear problems with DESPOGI students, however the

testimonials are sporadic and difficult to collect, because often students are not encouraged to talk about them".

2. Freedom of self expression: In a 2006 survey, GISH argues that 93% of the respondents hide their sexual orientation at school (GISH, 2006; COWI, 2010-sociological study Albania, p. 9-10).

3. Protection against bullying: A GALE respondent said in 2013 that the Albanian government has said to be a promoter of LGBT rights, but the measures it is taking are very slow, and sometimes lacking. There is little access in the secondary education to assess what the school is doing for DESPOGI students and what can be done better. In the tertiary education there is no official help from the Universities in order to protect DESPOGI students from bullying/discrimination.

A study commissioned by the Council of Europe found in 2017 that 19.4% of students had been subject to bullying or involved in it at least 2 or 3 times a month. 9.7% of them considered themselves victims, 5.2% admit to have bullied others and 4.3% have experienced both, bullying and being a victim of it. 29% admit to being involved in bullying only once or twice a month. 60% of teachers believe that bullying is present in their schools (Dragoti & Ismaili, 2017, p. 12). The study found that 19.5% of the students think LGBTI students are bullied because of their identity, but 52.4% thought this question was not applicable (Dragoti & Ismaili, 2017, p. 136-137). The researchers note that generally, boys have a tendency to receive more comments or gestures with sexual overtones and cause this kind of bullying to others, which contradicts the findings from literature reviews. The question in our questionnaire did not aim to assess homophobia, but it is possible that comments with sexual overtones, in some cases have homophobic goals, and this can explain why boys have a higher percentage for this type of bullying (Dragoti & Ismaili, 2017, p. 90). In other words, this study did not address homophobia with the proper questions and therefore resulted in ambiguous statistics about (hetero)sexual harassment and homophobia.

A 2016 study found that Albanian University students are more homophobic than Italian students (but less than Ukrainian students) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Albania](https://en.wikipedia.org/wiki/LGBT_rights_in_Albania)). Aleanca LGBT and the Helsinki Committee said in 2010 that there is frequent use of derogatory words for LGBT persons to bully (COWI, 2010-sociological study Albania, p. 10).

GALE respondent Kristi Pinderi says bullying might be so horrific that many of young people abandon the schools and can easily end up in the street (December 2017).

4. Policy against DESPOGI drop-out: PINK Embassy/LGBT Pro Albania - an LGBT human rights organization in the country surveyed the visitors at PINK Events and concluded from these data that DESPOGI students report a higher rate of drop outs than non-DESPOGI students. It appears DESPOGI students do not have support from their families and no support from their institutions (Sears, 2005). In 2013, a GALE respondent says PINK Embassy/LGBT Pro Albania has data from the visitors at PINK Events which show that DESPOGI students have a higher rate of drop outs than non-DESPOGI students. From what we know DESPOGI students do not have support from their families



and no support from their institutions. In 2017, Kristi Pinderi noted on behalf of LGBT Pro Albania: "We had a case of a very talented young boy from Durres who could have been a perfect student had he followed the high school. But he had to abandon it because of the bullying. He soon started to work as a sex worker and ended up at the LGBTI shelter in Tirana where we offer shelter and other re-integration programs to young people 18-25 for a minimum period of 6 months. This case is the perfect and tragic example of connection of being in the street has with school abandonment because of bullying and because of schools being the less safe places for children and young people". From January 2015 till December 2017 LGBT Pro Albania had 53 cases at their shelter, all of whom (except of perhaps only 5 of them) who had either abandoned the school and worked as sex worker, or not continued after high school or after elementary school (feedback Kristi Pinderi, 2017).

5. **Equal academic performance:** In 2013, a GALE respondent notes a lack of evidence on the academic performance of DESPOGI students. The statistics of the state on excellence of students offer only breakdowns on gender and rural or urban areas.

### **An appropriate curriculum**

6. **Availability of public information:** There is no impediment against public information about sexual diversity. It is encouraged to have public information about LGBT issues, such as campaigns and lectures at universities and so on. But there is no policy on it (GALE respondent, 2013). For example, Albanian TV was one of the first networks to depict a same-sex couple (ILGA, 2017).

7. **Relevant and supportive attention in school resources:** There have been initiatives from the State to include sexual diversity in the curriculum (Sears 2005). But five years later, Aleanca LGBT and the Helsinki Committee said that there still was lack of knowledge in schools, not only about LGBT people and issues but about sexuality in general. However, there are LGBT-related lectures at the university level, with students appearing eager to discuss such topics (COWI, 2010-sociological study Albania, p. 10). In 2013, a GALE and PINK Embassy respondent notes that even in sexual education, which from what we have got from our volunteers, is very basic, sexual desire, orientation and a lot of intimation about human sexuality is lacking. What is more common is education about sexually transmitted diseases.

A 2016 agreement with the Ministry of Education allows PINK Embassy/LGBT Pro Albania to hold lectures, presentations and other awareness-raising activities in high schools (ILGA-Europe Annual Review 2016, p. 30).

8. **Resources for LGBT students:** We found no information on this topic related to DESPOGI students.

9. **Support services open to LGBT like counseling:** There is a school psychologist accommodated in high schools, but they have no formal training or resources to deal with LGBT youth. One of the LGBT organizations is thinking or doing training with psychologist, however there are various difficulties to enter in this system (Sears, 2005). Aleanca LGBT reports of known incidents where gays and lesbians



did not receive proper treatment from health professionals. The Ministry of Health is collaborating with Society Gay Albania and Albanian Lesbian and Gay Association on HIV/aids prevention activities targeting men who have sex with men (COWI, 2010-sociological study Albania, p. 11). In 2016, Pink Embassy / LGBT Pro Albania provided a workshop for psychologists and social workers of the Albanian National Child Helpline – ALO 116. In 2017, the first specific LGBTI helpline was opened (Daily Dot, 2017). In Tirana there is a shelter for LGBTI youth that is kicked out by their parents, until now funded by foreign funds. The municipality is considering to financially support this (Human Rights Watch, 2017).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students.

### **Good teachers**

11. Supportive staff: 86.6% of the teachers consider anti-bullying polices *in general* as essential and indispensable for a better school' environment for all students (Dragoti & Ismaili, 2017, p. 13). We found no information specifically related to DESPOGI students, considering the prevailing negative attitudes towards LGBTI this may not be in line with their general opinion about bullying.

12. Staff competent to teach: In 2015, the Ministry of Education agreed to conduct a nationwide study and teachers' trainings in six major cities, as well as holding a national conference (ILGA-Europe Annual Review 2015, p. 32). It is unclear if this happened.

13. Staff competent to support: A high number of teachers reveal that they are not trained to effectively solve bullying. 77.2% admitted to need training on this, whilst 22.8% have received training in this regard. We found no information on this topic specifically related to DESPOGI students (Dragoti & Ismaili, 2017, p. 13). All high schools have a psychologist working at the school. "Most often children victims of bullying end up there and training these psychologist would be the easiest way to start to address the problems (training the psychologist might be an important recommendation at the report). We have had cases when motivated and professional psychologists had contacted us in social media and had asked us stuff to read or other materials in order for them to be more prepared to work with cases they have in school. But these are the happy ending stories: in general we have found out the those psychologist are the less professional and trained people, they are most of the time homophobic and not all of them have studies psychology (some have studies a completely other field but the school is obliged by law to fill out the vacancy of the psychologist so they often end up hiring the wrong people)" "(feedback Kristi Pinderi, 2017).

14. Supportive school environment: In a *general* study about bullying, 51% of the parents said reported cases of bullying were adequately dealt with by the school. However, the other half (50%) said that although the school had taken measures, the bullying problem had not solved (35%) and 10% state that the school didn't even take any measures to address the reported issues (Dragoti &

Ismaili, 2017, p. 14). The majority of teachers, 56.1%, are aware of anti-bullying policies in their schools, while 27.1% said that they didn't know if such policies existed in their working place. 16.8% of teachers said that they do not have such formal policies (Dragoti & Ismaili, 2017, p. 13).

Pro LGBT has identified cases when directors of schools have expressed open homophobic statements (cases in Fier and Tirana) (Kristi Pinderi, 2017).

15. Employment protection for staff: There is a law against discrimination and an action plan of the Ministry of Labor, Social Affairs and Equal Opportunities. It is unclear how this is implemented.

## Recommendations

1. Include DESPOGI students in the improved anti-bullying policy
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Support peer education, Gay/Straight Alliances and other grass roots materials and interventions for young LGBTI/DESPOGI people
4. Improve sexual education to comprehensive sexual education and be sure to include sexual diversity
5. Review textbooks and include attention for diversity and sexual diversity
6. Include sexual diversity and prevention of bullying in teacher training institutes
7. Create a National Strategic Committee on Sexual Diversity in Education, which includes not only the LGBT movement and the government but also the education sector
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and the SDG's

## Andorra

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives. This country was not assessed by respondents with the Right to Education Checklist, but the draft was commented on by the LGBT organization and shared with the Ministry of Education. We score Andorra as supportive (8% ambiguous, 92% supportive, 2 items unknown, total score 81%).

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					Supported	
2. Freedom of self expression for DESPOGI?				Encouraged		
3. Protection against DESPOGI bullying?				Encouraged		
4. No drop-out of DESPOGI?						No data
5. Equal school performance of DESPOGI?						No data
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					Supported	
7. Attention in resources about sexual diversity?				Encouraged		
8. Resources for DESPOGI students?			No policy			
9. Support services open to DESPOGI students?				Encouraged		
10. Peer-learning opportunities for DESPOGI?				Encouraged		
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				Encouraged		
12. Staff competent to teach about sexual diversity?				Encouraged		
13. Is staff competent to support DESPOGI?					Supported	
14. Supportive school environment for DESPOGI?				Encouraged		
15. Employment protection for DESPOGI staff?					Supported	

## General assessment

There is very little data on Andorra. Som Com Som, the local LGBT organization was very helpful in providing information and directions, but their cooperation with the government makes them extremely (maybe unrealistically) positive about the situation in the country. Our check of the claims that Andorra has a very LGBT inclusive policy showed that the government has co-produced two leaflets about non-discrimination of LGBT and offers trainings to teachers and counselors. Apart from this Som Com Som strongly believes that the new (2016) curricula, pedagogic and school organization guidelines (PERMSEA) will lead to substantial improvements for DESPOGI students, despite that the PERMSEA guidelines do not refer explicitly to sexual diversity.

## Legal context

### Laws

Sodomy was decriminalized in 1791. The age of consent is equal at 16. In 2003 a law was adopted to protect sexual orientation against discrimination in employment. In 2005 a law was adopted that considers a crime based on sexual orientation and aggravating circumstance. In 2014 a same-sex partnership law was adopted and the right to adoption was granted, and modifications in the Criminal Code to protect LGBTIQ people (ILGA, 2017) See references to laws in Catalan (the information from this webpage is not updated and there are some errors).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession (year)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | succession

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1997)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1996)

The LGBT organization Som Com Som, which works closely with the government, notes Andorra is firmly committed to sign the Convention against Discrimination in Education. Andorra considers that its national legislation *de facto* already complies with the precepts and the spirit of this agreement.

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

There are essentially three coexisting school systems in the country: French, Spanish, and Andorran. The French government partially subsidizes education in Andorra's French-language schools; schools in the southern section, near Spain, are supported by the church. The local language, Catalan, has been introduced at a school under the control of the Roman Catholic Church ([https://en.wikipedia.org/wiki/Education\\_in\\_Andorra](https://en.wikipedia.org/wiki/Education_in_Andorra)).

Andorra has prioritized education as a tool for promoting democratic values, respect for human rights and the rule of law. The country is particularly attached to this priority from the point of view of international cooperation, but also at the national level.

The educational structure of the Principality of Andorra is governed by the presence on its territory of three educational systems which are: Andorran, French and Spanish.

The schools are public and free, which allows the population to access an educational network that guarantees social mixing. This particularity, in a society with its own identity, is considered as a

richness and an indispensable element for social cohesion. This educational model has allowed the country to harmoniously integrate the migratory movements that have occurred in recent decades. The fundamental principles of education in Andorra are laid down in the 1993 Constitution, the Organic Education Law, the Andorran Education System Organization Act, the Universities Law and the Education Conventions signed with the Republic of Andorra, France and Spain.

Education in Andorra is based on the rights, freedoms and principles set out in Article 20 of the Constitution, "Everyone has the right to education, the purpose of which must be the full development of the human personality and dignity, with respect for freedom and fundamental rights" which implies freedom of education and free choice of parents.

The Andorran educational structure is organized in accordance with the constitutional precept, laws governing education and ratified international agreements. All three education systems in the Principality of Andorra have the fundamental principle of ensuring the admission of all persons regardless of their origin, religion, sex, political or ideological order (communication by Som Com Som, 2017).

The population used to be quite conservative, and the traditional Spanish and Andorran "macho" culture commonly can result in negative behavior towards DESPOGI. In 2010 it was reported that "until quite recently, LGBT persons, mostly lived an invisible life in Andorra" (COWI, 2010 Andorra-sociological). However, the LGBT organization Som Com Som notes in 2017 that as homophobic behavior is increasingly considered unacceptable in society, lesbians and gays have increasingly been able to come out (communication by Som Com Som, 2017).

Som Com Som (meaning: "We are as we are") is the Andorran organization representing lesbians and gay men. They are active in organizing events and annual campaigns, including keeping newspapers updated on LG events and rights (COWI, 2010 Andorra-sociological). Som Com Som works closely with the government in the past few years. One sign is the leaflets "La diversitat afectosexual" and "Contra la discriminació" the government published in 2016 together with Som Com Som. Som Com Som is very positive about the government initiatives, even when the strategic plan seem to be generic, like in the area of curricula and anti-bullying policy. Some interventions, like training on LGBT-affirmative counseling, are specific. Som Com Som also claims that DESPOGI students are included in the educational monitoring process that include the respect and the tolerance. In the first part of 2017, a conference was organized by the Ministry of Education of Andorra for the prevention of LGBTI phobia. This could lead to further actions.

## **Access to schools**

1. **Access to schools:** Som Com Som notes all students have access to education. "Education in Andorra is based on the rights, freedoms and principles set out in Article 20 of the Constitution, "Everyone has the right to education, the purpose of which must be the full development of the human personality and dignity, with respect for freedom and fundamental rights" which implies freedom of

education and free choice of parents. The three basic systems of education have the fundamental principle of ensuring the admission of all persons regardless of their origin, religion, sex, political or ideological order" (communication by Som Com Som, 2017).

2. Freedom of self expression: Som Com Som notes in 2017 there is freedom of expression and refers to the recent ILGA reports on State-sponsored homophobia. However, there are no research data on coming out by Andorran youth and no policies on this.

3. Protection against bullying: Som Com Som offers help against bullying on her website (<http://www.Som Com Som.lgbt/>). The Ministry of Education approved a decree to fight against bullying and prevention of discrimination. The decree orders a plan for the prevention of bullying in schools for the period 2016-2019, which includes activities aimed at students, teachers, family wards and schools/educational centers. The plan does not contain explicit mention of DESPOGI issues (presentacio pla assetjament, 2016)

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: The legislation ensures the compliance of the media with prohibition to infringe freedom of discrimination, freedom of expression and equal opportunity and treatment. Since the creation of Som Com Som, the LGBT community has received widespread and overwhelmingly positive exposure in the media. (COWI, 2010-Andorra-sociological). In 2016 LGBTI activists successfully used the so-called 2014 "Mordaza Law" to remove homophobic comments from online news articles during the year (ILGA-Europe, 2017, p. 33).

7. Relevant and supportive attention in school resources: The educational curricula ([PERMSEA](#)), especially the cross-sectional area, focus on 21st Century Skills. The Qualified Law of Education establishes the following purpose for all centers in the three educational systems to train children and young people in respect for diversity and fundamental rights and freedoms, and in the exercise of the tolerance and freedom, within the democratic principles of coexistence and pluralism. However, the law and PERMSEA do not mention sexual diversity explicitly.

The programs on sex-education taught in the schools and the colleges under the French and Spanish education systems are similar to those taught in France and Spain (COWI, 2010-Andorra-legal). LGBTI NGO Som Com Som (supported by the Stop Violencies Association) in 2015 asked the education minister Eric Jover (Democrats for Andorra, DA; centre-right) to implement a project to end homophobic violence in the classroom. However, no specific protocol to eradicate homophobia in schools has been introduced yet (ILGA-Europe, 2016, p. 33).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: Andorra has an Ombudsman which can receive complaints, including in the field of breach of LGBT rights. The Ombudsman has not received or treated complaints in this regard (COWI, 2010-Andorra-sociological). Som Com Som offers help against bullying on her website <http://www.Som Com Som.lgbt/>. Som Com Som says that currently the Ministry of Education attends to people who may have problems in their schools (bullying) and solve the problems. Som Com Som is in contact with the Ministry of Social Affairs (Equality Polices Area) and with the Ministry of Education to help out if there is any problem with some LGBT person.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students. Som Com Som says the PERMSEA curriculum offers peer learning experiences, and that the Ministry is working on creating and supporting GSA's.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students. Som Com Som believes the current attitudes of teachers have changed substantially in the past 10 years and expects most staff will be supportive (2017).

12. Staff competent to teach: Som Com Som offers training to education staff (<http://www.Som Com Som.lgbt/>).

13. Staff competent to support: Som Com Som offers training to education staff (<http://www.Som Com Som.lgbt/>). Som Com Som also informs us that teachers, the psycho-pedagogues and the social educator can help students if there is any problem and that the Ministry of Education organized training to the staff in Gay Affirmative Psychology and conferences to eradicate LGBTI phobia. In total the Ministry of Education and the Ministry of Social Affairs have organized two training sessions (communication Som Com Som, 2017).

14. Supportive school environment: We found no information on this topic related to DESPOGI students. SomComCom thinks all schools are safe because the PERMSEA pedagogic guidelines in principle provide for safer school methodologies (2017).

1

5. Employment protection for staff: Discrimination on sexual orientation is forbidden (ILGA, 2017). The Ombudsman did not receive or treated complaints in this regard until 2010 (COWI, 2010-Andorra-sociological). Nowadays is the Equal Policies Area who attends all the problems. [www.aferssocials.ad](http://www.aferssocials.ad)

## Recommendations

1. Sustain the current strategy to include DESPOGI in general education strategies
2. Create a National Strategic Committee on Sexual Diversity in Education
3. Do research on effect of interventions and systematically improve impact
4. Monitor the progress of the government strategy
5. Ratify the Convention against Discrimination in Education and the International Covenant on Economic, Social and Cultural Rights
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4



## Armenia

The reliability of this assessment is scored as 3 star on reliability of data and 1 star on different perspectives.

Two local respondents scored Armenia in 2013 and 2014 as 47% forbidden, 53% discouraged/no policy, 0% encouraged/supportive and 24% unknown. This assessment was mainly based on the lack of legal measures ("no policy"). This would score the country as ambiguous. However, based on the available literature, the negative attitude of the population, including teachers and other students and the lack of initiative by the government, we decided to score this country as 86% denying, 14% ambiguous, 0% supportive and 1 item unknown, with a total score of 29%

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?						
2. Freedom of self expression for DESPOGI?						
3. Protection against DESPOGI bullying?						
4. No drop-out of DESPOGI?						
5. Equal school performance of DESPOGI?						
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?						
7. Attention in resources about sexual diversity?						
8. Resources for DESPOGI students?						
9. Support services open to DESPOGI students?						
10. Peer-learning opportunities for DESPOGI?						
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?						
12. Staff competent to teach about sexual diversity?						
13. Is staff competent to support DESPOGI?						
14. Supportive school environment for DESPOGI?						
15. Employment protection for DESPOGI staff?						

## General assessment

The general attitude of the population in Armenia is very negative towards DESPOGI. Although, same-sex relations are not forbidden anymore, there is no antidiscrimination law or policy. The education system is weak and partly privatized. It appears the government is not doing anything to improve the situation for DESPOGI and education, while politicians and media actually promote bias towards sexual minorities.

## Legal context

### Laws

Armenia's former Soviet Union provision that punished consensual sex between adult men with five years imprisonment (under Article 116), was repealed in the 2003 Criminal Code (ILGA, 2017). The Armenian Constitution sets forth a non-discrimination principle in Article 14 including 'sex .....or other status'. (COWI-Armenia-legal, 2010). However, in practice LGBT people do not, for the most part, enjoy this protection, and there is no guarantee that their rights will be upheld either in court or in police stations. Numerous human rights reports and testimonies bear witness to negative attitudes towards LGBT persons in law enforcement bodies (COWI-Armenia-sociological, 2010).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1993)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1993)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1993)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

In 2016, CEDAW addressed hate speech against LGBTI women (ILGA, 2017)

## More information

Armenia's became independent of the Soviet Union in 1991 and reorganized the school system ([https://en.wikipedia.org/wiki/Education\\_in\\_Armenia](https://en.wikipedia.org/wiki/Education_in_Armenia)). Since then, the country has taken great strides in the past decade toward achieving universal primary school enrolment; however high dropout rates and low secondary school completion rates indicate that school quality remains a major challenge. Armenia is ranked second lowest on the EFA Development Index in the region of Central and Eastern Europe and the Commonwealth of Independent States (CEE/CIS), after Moldova. In order to improve its education system, significant attention is required, especially with regard to education quality and efficiency. In 2006, The MoE developed a new curriculum, which includes a mandatory life skills segment from grades 1 to 9. Severe disparities remain in both primary and secondary education in Armenia between genders, regions and income quintiles. As a result of privatization and poor public education financing, the inequity lies in access to extra educational services meant to bolster academic

achievement, e.g. tutoring, private schools and private financing. Given the poor quality of public schools, communities and parents often invest in their schools in the form of informal fees or service purchasing. The poorest children cannot afford these extras. By official statistics in Armenia, dropout rates have been relatively low compared to many other developing and developed countries, but have grown at an alarming rate annually. During the years of 2002-2005, dropouts were at annual growth rate of 250% on average. The government declared its intent to better enforce compulsory education laws and to ensure that all children, regardless of ethnicity, gender and income level are assured access to good quality education at all levels. Only 77% of primary school teachers are trained professionally (UNESCO Education report Armenia 2008 (?) <http://www.unicef.org/ceecis/Armenia.pdf>). In 2014, Armenia was recommended to stop corporal punishment (UNESCO, Right to Education Database).

There has been regular bias-motivated speech by public figures on Armenian TV (ILGA, 2017). Very negative attitudes towards LGBT persons remain widespread. The Armenian Apostolic Church, of which 95% of the Armenian population. The level of acceptance of LGBT persons varies between Yerevan, the big cities and rural areas. The further one is from the capital the more negative attitudes will be met. (COWI-Armenia-sociological, 2010). No specific education or awareness-raising programs have been initiated by the Armenian government. (COWI-Armenia-legal, 2010)

### **Access to schools**

1. **Access to schools:** Officially all students have access to schools, but in practice there are cases of students being kicked out of school based on the sexual orientation. The Council of Europe report on Armenia mentions cases of students kick out of universities (COWI-Armenia-sociological, 2010).

2. **Freedom of self expression:** There are neither legislative provisions discriminating nor protecting LGBT persons and also no provisions prohibiting discriminatory statements against vulnerable social groups. There are no known cases of state or private interference with LGBT activities including discrimination or interference on internet activities (COWI-Armenia-legal, 2010). Taboo and condemnation by society also affects family relations. Coming out is often followed by conflict and even a break up inside the family. In 2007 the Armenian NGO “We for Civil Equality” conducted a survey among 200 representatives of LGBT community, as a part of their Armenian LGBT Campaign. 130 of the respondents were male (gay, bisexual or transgender persons – GBT) and 70 female (lesbian, bisexual or transgender persons – LBT). As regards being out, of the GBT respondents 35.3% were not out at all, 43.8% were out only to close friends, 2.5% were only out to family, while the

remaining 18.4% consider themselves out to most people. For the LBT respondents, 20% were not out at all, 3% were out to family only, 60% had told close friends, while a further 17% considered themselves to be out to most people<sup>9</sup>. (COWI-Armenia-sociological, 2010). A local respondent mentions there are even 4 cases of physical violence and 3 cases of stalking against LGBT people based on their SOGI. Students, whose SOGI was revealed, have faced hate speech, mockery, ridicule, ignorant treatment, physical abuse and other forms of discrimination. (data from a research done by PINK Armenia on Monitoring of Human Right Violations of LGBT People in Armenia in 2013) (GALE Right to Education Checklist respondent, 2014).

3. Protection against bullying: Bullying of DESPOGI students is high in educational institutions of Armenia. Those who come out are being violated by class-mates and teachers (GALE Right to Education Checklist data, 2013). As far as we know there are no laws or policies against bullying (GALE Right to Education Checklist respondent, 2013).

4. Policy against DESPOGI drop-out: We found no specific information on this topic related to DESPOGI students, but considering the high level of student drop-out in Armenia, the bias against LGBT people. The Council of Europe report on Armenia mentions cases of students kicked out of universities (COWI-Armenia-sociological, 2010).

5. Equal academic performance: There are no data on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: There is no official impediment against public information, but most information given is very negative. The government does not play a positive role in this and politician promote negative bias (COWI-Armenia-sociological, 2010). However, as Armenia has the joined Russian-led Eurasian Economic Union, it is possible that in near future there will be an anti-gay propaganda law. There was one developed last year i 2013, but it was withdrawn (GALE Right to Education Checklist respondent, 2014).

7. Relevant and supportive attention in school resources: The curricula taught and the ethos of those schools are heavily influenced by the outlook of the Armenian Apostolic Church; from a very young age children become aware of the taboo attached to LGBT persons. Sex education is at the discretion of the school and is a voluntary service. The Ministry of Education and Science has established to have a subject about sexual health but still nothing refers to sexual orientation and gender identity. (COWI-Armenia-sociological, 2010).

8. Resources for LGBT students: One respondent mentions that LGBT students choosing an LGBT-related topic is still considered to be impermissible in educational institutions (GALE Right to Education Checklist respondent, 2014).

9. Support services open to LGBT like counseling: We found no information on this topic related to DESPOGI students.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students.

### **Good teachers**

11. Supportive staff: As a research by Pink Armenia conducted in 2013 revealed, manifestations of discrimination in educational institutions are mostly expressed by peers. But there are also cases, where the discriminators were professors and administrative staff of educational institutions (GALE Right to Education Checklist respondent, 2014).

12. Staff competent to teach: Teachers in many cases feel ashamed to talk about sexuality and avoid the topic (COWI-Armenia-sociological, 2010). Considering the attitudes of the general population in Armenia, and the lack of initiative by the government, we assume the competence is very low and in actuality discouraged.

13. Staff competent to support: There is found no specific information on this topic, but it is general negative attitude of the Armenian population and the poor quality of training of teachers mixes conclude that this is sociologically discouraged.

14. Supportive school environment: There is found no specific information on this topic, but it is general negative attitude of the Armenian population and the poor quality of training of teachers mixes conclude that this is sociologically discouraged, with no role of the governments to curb this.

15. Employment protection for staff: Armenia does not have an antidiscrimination law. There are no discrimination cases filed on the basis of SOGI, probably because of the lack of effective complaint or antidiscrimination procedures and the negative attitude of the authorities (COWI-Armenia-legal, 2010).

### **Recommendations**

1. Provide not only legal but also real social protection against discrimination for DESPOGI students and education staff
2. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
3. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
4. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and the SDG's
5. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer

## Austria

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

One local respondent scored Austria in (2014) as 100% encouraged/supportive. However, compared to other European countries and the apparent lack of initiative by the Austrian government, GALE has to conclude the respondent has scored Austria overly supportive. After review, GALE suggests an alternative scoring, which would make Austria more like an ambiguous country. GALE scores Austria as 85% no policy, 15% encouraged/supportive, with average 2 items scored as unknown. We score Austria predominantly ambiguous. On the total scale, the score comes down to 58%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					1	
2. Freedom of self expression for DESPOGI?					1	
3. Protection against DESPOGI bullying?					1	
4. No drop-out of DESPOGI?				1		
5. Equal school performance of DESPOGI?				1		
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					1	
7. Attention in resources about sexual diversity?					1	
8. Resources for DESPOGI students?					1	
9. Support services open to DESPOGI students?					1	
10. Peer-learning opportunities for DESPOGI?				1		
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1		
12. Staff competent to teach about sexual diversity?				1		
13. Is staff competent to support DESPOGI?				1		
14. Supportive school environment for DESPOGI?				1		
15. Employment protection for DESPOGI staff?						

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is funded and supervised by the government, but school boards are largely responsible for school management and content. The attitudes towards DESPOGI are slightly below the European average. LGBT issues seem not to be addressed in a systematic or standard way in schools, although sex education is part of the curriculum. In most cases, the topic seems to be ignored by teachers or at best treated in a superficial way.

## Legal context

### Laws

In 1971, Austria decriminalized sodomy. In 2012, an inclusive equal treatment act was adopted. It includes a rotation on the grounds of sexual orientation in the areas of education and Social Security. Since 2011, sex orientation is a ground to be protected against incitement to hatred. In 2010, a registered partnership was established. Court cases established in 2013 and 2016 that same-sex couples do have the right to adoption as well. (ILGA, 2017)

The Federal Constitution theoretically protects all citizens equally but the reality is that it does not apply to sexual orientation and several judgments of the Constitutional Court confirm these unequal treatment

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Austria](https://en.wikipedia.org/wiki/LGBT_rights_in_Austria))

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1978)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1982)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Austria has a free and public school system, and ten years of education are mandatory. The federal Ministry of Education is responsible for funding and supervising primary, secondary, and, since 2000, also tertiary education. Primary and secondary education is administered on the State level by the authorities of the respective states. About 10% of the schools is private and mostly owned by the Catholic Church. These have a reputation for more discipline and rigor than public institutions, and some are considered elite institutions ([https://en.wikipedia.org/wiki/Education\\_in\\_Austria](https://en.wikipedia.org/wiki/Education_in_Austria)).

The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbor?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Austria was 7.4, compared with the EU average of 7.9. In the 2006 *Eurobarometer*, attitudes toward same-sex marriage were examined in every Member State. Forty-two per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the

figure was 49 per cent in Austria (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent) (COWI, 2010 Austria-sociological).

Austria, while influenced by Roman Catholicism, has slowly become more liberal with laws and social opinions concerning sexual orientation and gender identity ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Austria](https://en.wikipedia.org/wiki/LGBT_rights_in_Austria)).

LGBT issues are not addressed in a systematic or standard way in schools, although sex education is part of the curriculum. In most cases, the topic is ignored by teachers or at best treated in a superficial way. The training of teachers ignores the issue of how to address homosexuality in schools. Since the 1980s, various LGBT organizations have offered specific information and training for schools, including lectures, educational material, visits to schools and inviting LGBT pupils to the youth groups of these organizations. All these initiatives are carried out by volunteers, and invitations to schools depend on the goodwill of school authorities or individual teachers. There is no university in the country that offers 'lesbian and gay studies' or 'queer studies', not even as part of gender studies. Courses with LGBT topics are offered in various studies in a random and sporadic fashion. Despite obstacles at university level, an increasing number of projects and theses on LGBT issues and queer theory have been published. Outside universities, lesbian and gay research and queer theory are characterized by a lack of funding and resources. There is very little data regarding conditions for LGBT students at all levels of education (COWI, 2010 Austria-sociological).

The FRA LGBT-survey of 2012 showed comparatively high levels of discrimination experienced by LGBT persons in Austria. 138 78% answered that casual jokes about LGBT are fairly or very widespread in everyday life. 65% are of the opinion that positive measures to promote respect for the human rights of lesbian, gay and bisexual (LGB) persons are fairly or very rare. 60% strongly agree and 27% agree that training of public servants (e.g. police, teachers) on the rights of LGBT would improve their situation. Among transgender persons this figure was 77%.

### **Access to schools**

1. **Access to schools:** There seems to be no impediment for DESPOGI students to access schools.

2. **Freedom of self expression:** During the FRA survey, 73% responded that they had never talked openly about their being LGBT at school. About 90% agreed or strongly agreed that measures implemented at school to respect LGB persons would allow them to feel more comfortable as a LGB person (82% of transgender persons responded likewise) (FRA, 2014).

3. **Protection against bullying:** We found no information on general anti-bullying policies in Austria, nor related to DESPOGI students.

4. **Policy against DESPOGI drop-out:** We found no information on this topic related to DESPOGI students.



5. Equal academic performance: We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: There does not seem to be any impediment to public information about sexual diversity in Austria. At the same time, it seems the availability mainly relies on the initiatives of LGBT organizations.

7. Relevant and supportive attention in school resources: LGBT issues are not addressed in a systematic or standard way in schools even though sexual education is part of the curriculum. The Federal Ministry for Education's decree on sexual education dates back to 1990 and does not refer to homosexuality, same-sex partnership, diverse family structures, sexual orientation or gender identity. In 2015, the authorities were in the process of updating the decree on sexual education (ECRI, 2015) sexuality education is integrated in various school subjects. The curriculum is formulated in general terms, which leaves a lot of scope for teachers to decide how to develop their lessons. The curriculum has been developed by the Federal Ministry of education and women's affairs with the import of a professional working group. In 2016, a federal Center for sexuality education was founded to support sexuality education. In a more systematic way (BZgA & IPPF, 2017). It is unclear to what extent sexual diversity is integrated in the curricula in the new center.

8. Resources for LGBT students: Our impression is that resources for LGBT the students are only provided for by LGBT organizations, and there is no policy of the government.

9. Support services open to LGBT like counseling: Here again, it seems that there is no specific counseling for DESPOGI students except as offered by LGBT organizations.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students.

### **Good teachers**

The seems to be little or no train the teachers on sexual diversity and sexuality and a complete lack of support of the government for this. Maybe the new federal Center for sexual education will do better in this. When the center is funded by the government and provides good teacher training also on sexual diversity, then 12 could be scored as supportive. Items 11, 13 and 14, depends on what happens in schools. When there is no research order are no anecdotes on this, we would score all of them as no policy.

11. Supportive staff: We found no information on this topic related to DESPOGI students.

12. Staff competent to teach: Teachers are not sufficiently prepared to address LGBT issues and do not treat them adequately or do not treat them at all. Specific information and training for schools is provided by LGBT organizations (ECRI, 2015, p.33). Only a few teachers are trained on sexuality education in two or three day courses. There are no official training materials, but the local family planning Association has developed on materials. The new federal center for sexual education in schools in Salzburg is also working on new materials (BZgA & IPPF, 2017).

13. Staff competent to support: We found no information on this topic related to DESPOGI students.

14. Supportive school environment: We found no information on this topic related to DESPOGI students.

15. Employment protection for staff: The equal opportunities law protects gay, bisexual and lesbian teachers against discrimination. It is unknown to what extent this is effective in public schools and Catholic schools.

## Recommendations

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Create a National Strategic Committee on Sexual Diversity in Education
5. Ratify the Convention against Discrimination in Education
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Azerbaijan

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives. In 2013 the LGBT organization Nefes put the GALE checklist online and asked their constituency to fill it in. There were 102 respondents, In addition other respondents filled in the checklist through the GALE website. There was a rather great variety in the answers, Based on the overview of the answers and the data, GALE scores Azerbaijan as 100% forbidden/discouraged We score Azerbaijan as denying. On the total scale, the score comes down to 8%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	20	33	30	10	3	9
2. Freedom of self expression for DESPOGI?	33	36	20	5	1	11
3. Protection against DESPOGI bullying?	36	34	20	2	2	11
4. No drop-out of DESPOGI?	23	31	32	10	1	8
5. Equal school performance of DESPOGI?	24	32	31	5	3	10
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	51	30	12	3	0	9
7. Attention in resources about sexual diversity?	58	23	16	0	1	9
8. Resources for DESPOGI students?	38	36	17	0	2	12
9. Support services open to DESPOGI students?	57	22	12	3	2	7
10. Peer-learning opportunities for DESPOGI?	43	33	14	0	2	13
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	62	22	12	0	3	6
12. Staff competent to teach about sexual diversity?	41	28	20	1	2	13
13. Is staff competent to support DESPOGI?	34	38	22	3	1	7
14. Supportive school environment for DESPOGI?	44	32	17	4	2	6
15. Employment protection for DESPOGI staff?	43	27	20	1	3	11

Numbers show the number of respondents scoring an item.

## General assessment

Although same-sex relations are not criminalized in Azerbaijan and the Constitution promises equal rights to all citizens, and the attitudes of the population are quite negative and error signals that this also prevails in education.

## Legal context

### Laws

The criminalization of anal sex between men of the subject era was abolished in 2000 (ILGA, 2017). No specific laws on the protection of LGBT people have been adopted or the adoption of such laws have been considered so far. The age of consent is equal for both heterosexual and homosexual sex, at 16 years of age ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Azerbaijan](https://en.wikipedia.org/wiki/LGBT_rights_in_Azerbaijan)). There is no specific protection of transgender individuals and also no legislation enabling this group to change gender marker in official documents. However, change of name is possible (COWI 2010 Azerbaijan-legal).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1992)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1995)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Azerbaijan is a largely secular country with one of the least practicing majority-Muslim populations. Azerbaijan regained its independence in 1991 from the Soviet Union. It repealed the criminalization of homosexuality in 2000 because it was a recruitment to become a member a member of the Council of Europe, which happened in 2001. Like in most other Post-Soviet era countries, Azerbaijan remains a place where homosexuality is an issue surrounded by confusion. There is hardly any objective or correct information on the psychological, sociological and legal aspects of homosexuality in Azerbaijan, with the result that the majority of the society simply does not know what homosexuality is. Families of homosexuals often cannot come to terms with the latter's' sexuality, especially in rural areas. Coming-out often results in violence or ostracism by the family patriarchs or forced heterosexual marriage. "Coming out" as LGBT is, therefore, rare. Those who are financially independent and living in Baku, are able to lead a safe life as an LGBT person, as long as they 'practice' their homosexuality in their private sphere ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Azerbaijan](https://en.wikipedia.org/wiki/LGBT_rights_in_Azerbaijan)). All information sources, used during the conduct of this report, except Azerbaijani public officials, estimate public opinion and attitudes towards LGBT people as being highly negative and hostile. This is emphasized by several accounts of police

harassment of LGBT venues and persons - ranging from harassment and blackmail to physical and sexual abuse. However, during a mission of the Danish Institute for Human Rights to Azerbaijan for drafting report for the Council of Europe, public officials - with the exception of the ombudsman - described Azerbaijan as a country with no discrimination and as an example of tolerance for other countries to follow. However, they could not name any examples of measures they are taking to improve the situation of LGBTI (COWI, 2010 Azerbaijan-sociological).

In the pre-Soviet period, Azerbaijani education included intensive Islamic religious training that commenced in early childhood. Beginning at roughly age five and sometimes continuing until age twenty, children attended madrasahs. In the Soviet era, Azerbaijan shifted from the Arabic to the Latin alphabet (1920) and later (1930) to the Cyrillic alphabet. Madrasahs were separated from the regular school system and schools were improved. This drastically increased the literacy which reached almost hundred percent in 1970. During the Soviet period, the education was based on the Soviet system. According to Wikipedia, the educational system has a democratic, secular character and its basis is national and international values. The State is directly responsible for the quality of education, it is a centralized system ([https://en.wikipedia.org/wiki/Education\\_in\\_Azerbaijan](https://en.wikipedia.org/wiki/Education_in_Azerbaijan)).

In September 2017, news came out of police rounding up LGBT people and imprisoning them for 20 days. People were beaten in custody. Eskhan Zakhidov, a spokesman for the country's interior ministry, told the local APA news agency: "These raids are not against all sexual minorities. The arrested are people who demonstratively show a lack of respect for those around them, annoy citizens with their behavior, and also those whom police or health authorities believe to be carriers of infectious diseases". Zakhidov did not clarify what might count as annoying behavior or a lack of respect. Several gay sources said they had friends currently in detention, and reported police carrying out sweeps of the city searching for people who "look gay". ([The Guardian, 2017](#)).

### **Access to schools**

1. **Access to schools:** We found no specific information on this topic. While all citizens are formally guaranteed access to education, the negative social attitude which is documented to lead ostracism from families, may well lead to ostracism schools as well.

2. **Freedom of self expression:** The Azerbaijani Constitution guarantees freedom of expression for everyone by all forms of expressions ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Azerbaijan](https://en.wikipedia.org/wiki/LGBT_rights_in_Azerbaijan)). No cases are known of, but there are unofficial reports of harassment of individuals discussing LGBT issues in the public domain (COWI 2010 Azerbaijan-legal). However, the social attitude is so negative that most people do not come out and this can also not be expected from the situation of the students (COWI, 2010 Azerbaijan-sociological).

3. **Protection against bullying:** We found no information on this topic related to DESPOGI students, but there are numerous informal reports of harassment of the population, including public officials like the police, of LGBT people.

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: We found no information on this topic..

7. Relevant and supportive attention in school resources: According to the 2014 UNFPA guide on Comprehensive Sexual Education, an in-school comprehensive educational program was part of the curriculum in grades 9-11 since 2001. The guide says that in 2003, the textbooks were revised to include more attention to reproductive rights, gender and youth participation. An out-of-school peer-led initiative was organized by the Y-PEER network. The Ministry of Education and the Ministry of Health were collaborating on training and materials development. The intention was to support the Azerbaijan Peer Education Network (AzPEN) to develop a national out-of-school peer education curriculum, and launch an officially recognized peer education certification program. In the long run, the aims are to ensure youth empowerment and involvement and to pass the draft law on reproductive health that failed to receive parliamentary approval in 2010 (UNFPA, 2014, p. 38). However, the COWI study in 2010 noted that the school curriculum does not include sexual education and there is no mention of LGBT issues (COWI 2010 Azerbaijan-legal).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic.

12. Staff competent to teach: We found no information on this topic.

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: The general equality principle applies to employment issues and there is no specific address of specific LGBT concerns in law and practice (COWI 2010 Azerbaijan-legal).

## **Recommendations**

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer

3. Ratify the Convention against Discrimination in Education
4. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and the SDG's

## Belarus

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

One local respondent scored Belarus in 2015 as 53% forbidden/discouraged and 47% no policy. After review of the limited data and comments of a local expert, GALE scores Belarus 92% forbidden / discouraged and 7% no policy with two items unknown. We label Belarus as denying. On the total scale, the score comes down to 13%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?			1			
3. Protection against DESPOGI bullying?	1					
4. No drop-out of DESPOGI?			1			
5. Equal school performance of DESPOGI?			1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			1			
7. Attention in resources about sexual diversity?	1		1			
8. Resources for DESPOGI students?	1					
9. Support services open to DESPOGI students?	1					
10. Peer-learning opportunities for DESPOGI?	1					
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			1			
12. Staff competent to teach about sexual diversity?	1					
13. Is staff competent to support DESPOGI?	1					
14. Supportive school environment for DESPOGI?	1					
15. Employment protection for DESPOGI staff?	1					

Numbers show the number of respondents scoring an item.

## General assessment

The country's education system is de facto centralized under a very homophobic totalitarian regime which does not tolerate criticism. The attitudes of the population are very negative, although younger people may be more tolerant. There is no research on sexual diversity in education and reports of sexuality education are conflicting, but pointing to traditional, with strong gender stereotypes and heteronormativity.

One local expert respondents scored Belarus in 2015 as about 50/50 denying and ambiguous. After an assessment of the available information, GALE tends to assess Belarus more negative as 92% forbidden/discouraged, 8% no policy with 2 items scored as unknown. We score Belarus as denying with a total score of 8%.



## Legal context

### Laws

After the Soviet era, "homosexual acts" were decriminalized in 1994. A law to limit the possibility of LGBT organizations to register has been proposed in 2017 (ILGA, 2017). The age of consent is equal at 16 ([https://en.wikipedia.org/wiki/Ages\\_of\\_consent\\_in\\_Europe#Belarus](https://en.wikipedia.org/wiki/Ages_of_consent_in_Europe#Belarus)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1962)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1973)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1981)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

Belarus is not a member State of the Council of Europe.

## More information

Education in Belarus is officially free at all levels, higher education included. The reality of this is disputed by NGOs, for example, the Council of Ministers of Belarus passed a resolution that compelled parents to pay full cost for textbooks and training aids (EI Human Rights Barometer, <https://www.ei-ie.org/barometer/en/>).

Primary and secondary education is from 6-15. Formally, the oversight of schools is partly decentralized to regions ([https://en.wikipedia.org/wiki/Education\\_in\\_Belarus](https://en.wikipedia.org/wiki/Education_in_Belarus)), but the Education International Barometer show how the Ministry of Education has claimed extensive powers to even fire and appoint heads of private institutions when politically convenient.

The government has enacted a law allowing military units to adopt and train orphans aged 14 to 16, though they may not be enrolled as servicemen while still children. They are provided with free food, clothing, housing, education, medical care and cash allowances. The children must comply with the rules of the military units where they live, wear a uniform, obey orders and join the unit upon reaching age 18. Ministry of Education data indicate that orphans and abandoned children account for 1.5% of all children.

Discrimination on the basis of race or sex is not specifically prohibited in law. Equal pay for work of equal value is legislated but not enforced. 30% of women suffer domestic violence. Discrimination against the almost 70,000 Roma in employment and education is common. Roma unemployment is

cited at 93%. Roma children struggle in the school system because, though they speak Romani and Belarusian.

The Minister of Education announced that all schools, state and private, are political bodies that must follow state orders and cannot be headed by opposition members. He asserted his right to appoint and dismiss the heads of private educational institutions. Following a Ministry of Education directive to all educational institutions, students who engage in unsanctioned political activity are to be expelled.

(<https://www.ei-ie.org/barometer/en/>).

LGBT rights in Belarus are still severely limited and homosexuality remains highly taboo in Belarusian society. Many Belarusian people believe "homosexuality is a psychiatric illness" and many LGBT persons in Belarus tend to hide their sexual orientation. Those who are "out" face harassment, violence and physical abuse. Leaders of LGBT organizations face violence and murder; with police forces partaking in violent arrest and custody. Representatives of representative national youth organizations have made regular homophobic comments and "a death-worthy sin". In September 2004, President Lukashenko said, "we have to show our society (...) what 'they' [the European Union and the United States] are doing here (..) how they are spreading sexual perversion here (..).

According to a survey by the Belarusian Lambda League for Sexual Equality (Lambda Belarus) in April 2002, 47% of Belarusians think that gays should be imprisoned. In 2007 the Information Center TEMA and MyGomel.com organized a poll on the opinions in the Gomel region. 47.6% had negative feelings to sexual and gender minorities, 10% want to criminalize homosexual relations. The most recent poll by Pew Research Center of May 2017 suggests that 16% of Belarusian are in favor of same-sex marriage, while 81% oppose the idea, which was significantly higher than in Ukraine (9%), Russia (5%) and Moldova (5%). Younger people are more likely than their elders to favor legal gay marriage (22% vs. 14%) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belarus](https://en.wikipedia.org/wiki/LGBT_rights_in_Belarus))

### **Access to schools**

1. **Access to schools:** We found no information on this topic related to DESPOGI students.

2. **Freedom of self expression:** According to Viachaslau Bortnik, the majority of respondents hide their sexual orientation from strangers to avoid unfavourable treatment, but they are relatively open about it in the local LGB scene. 75% of respondents reported that they had been violently attacked and/or harassed because of their sexual orientation, and 45% of them referred to experiencing three or more cases of violence and/or harassment (Bortnik, 2007).

3. **Protection against bullying:** Violence is common in Belarusian society. In the army, "hazing" regularly leads to recruits dying (<https://belarusdigest.com/story/hazing-in-the-belarusian-army/>). According to Viachaslau Bortnik the most common form of harassment was homophobic verbal bullying (Bortnik, 2007).

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press are restricted, and defamation of state officials can lead to internal exile, fines or jail terms. Telephone and other electronic communications are monitored (<https://www.ei-ie.org/barometer/en/>).

The internet provider Beltelecom (a monopoly telecom provider in Belarus), which controls the external gateway, tried to block access to gay sites, at least from internet clubs. Internet resources for gays and lesbians in Belarus have recently been operating without problems. However, access is blocked to Russian gay internet sites, including Gay.ru. The only specialized magazine for the LGBT community (*Forum Lambda* magazine) was published by Lambda Belarus in Russia and disseminated in Belarus from 1998 to 2002. The publication has been banned several times by the State Publishing Committee. The main source of information about life of LGBT community in Belarus is the internet portal [Gay.by](http://Gay.by). It is one of ten most visited sites in Belarus with a monthly audience of over 350,000 visitors. The creators of the web site encounter a lot of problems when trying to disseminate information about homosexuality. Wikipedia mentions numerous examples, including a university blocking access. A new line of sites keeps the Belarus LGBT audience well-informed and entertained. The first Belarus gay blog, [sunshine.by](http://sunshine.by) since 2003 have been keeping abreast of all developments in the country, providing invaluable insight into the world of Gay, Lesbian, Bi and Transgender community of the country ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belarus](https://en.wikipedia.org/wiki/LGBT_rights_in_Belarus)).

7. Relevant and supportive attention in school resources: All educational institutions are required to teach, and all students to study, the official state ideology. A failure to adhere to the standards for teaching ideology resulted in the closure of the European Humanities University (EHU) and the Belarusian National Humanities Lyceum. The President declared that the schools sought to educate a national elite that would turn the country to the West. (<https://www.ei-ie.org/barometer/en/>).

In May 2003, the administration of the European Humanities University in Minsk banned a showing of the documentary "Outlawed" about discrimination of gays and lesbians all around the world. According to the University staff, the ban was made under pressure of the Russian Orthodox Church ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belarus](https://en.wikipedia.org/wiki/LGBT_rights_in_Belarus)).

There are conflicting sources on sexual education. UNESCO reports in a 2015 review of comprehensive sex education that Belarus has integrated CSE, which partially reflects international standards. HIV prevention is optional according to UNESCO, but it claims there is teacher training and a national policy on CSE (UNESCO, 2015, 243106e). On the other hand, in an NGO submission to the UPR review of 2015, claims that absence of comprehensive sexuality education, and sexual and reproductive health information and services for adolescents: there is no standard curriculum for adolescents about sexual and reproductive health, just some elective courses; contemporary sexuality education in Belarus is partial and unsystematic; textbooks that include some elements of sexual

education are rather heteronormative, strongly stereotyping women and promoting a traditional model of family with differentiated gender roles for men and women. Analysis of 46 textbooks for schools and 12 textbooks on psychology, psychiatry and sexology for higher education (all editions are published between 2002--2011) shows that heterosexuality is seen as the only way of psychosexual development. Information about other types of sexuality, homosexuality, bisexuality, asexuality, is located only in a few textbooks and often in separate sections or just in dictionaries at the back of the book. In addition, in many textbooks, homosexuality and bisexuality are presented as pathology, perversion or anomalies. The local reporter remained anonymous, which is understandable because defaming" the government is a punishable offence (SRI & Anonymous, 2015, p. , p. 6).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: A high percentage of suicide is observed amongst gays, lesbians, bisexuals and transsexuals. Qualified psychological help is not generally available ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belarus](https://en.wikipedia.org/wiki/LGBT_rights_in_Belarus)). The UN Development Program reports that few medical personnel deal with HIV/AIDS patients (<https://www.ei-ie.org/barometer/en/>).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic, but when public opinions are common among school staff, this needs to be scored as very negative.

12. Staff competent to teach: Sexual education is offered mostly by physicians and not by teachers. The focus is on anatomy and not even on reproductive health. 19.9% of youth says they get e information from teachers, other find it elsewhere (SRI & Anonymous, 2015, p. 6).

13. Staff competent to support: This task is mostly delegated to physicians. However, they are not trained on LGBT issues and their training is severely heteronormative. Because of the stigma on LGBT issues, DESPOGI youth are unlikely to trust physicians as counselors (SRI & Anonymous, 2015, p. 6).

14. Supportive school environment: Every school is required to have an ideological officer on its staff (<https://www.ei-ie.org/barometer/en/>). Given the negative view of the government, this seems to ensure an unsupportive environment.

15. Employment protection for staff: The Labor Code (Article 14) prohibits discrimination in the sphere of labor relations. However, sexual orientation is left out of the list of social characteristics on whose basis discrimination is legally prohibited ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belarus](https://en.wikipedia.org/wiki/LGBT_rights_in_Belarus)).

## Recommendations

1. Ensure equity in service access, by providing adequate availability in both urban and rural areas, and by making sexual and reproductive health services free or affordable (SRI & Anonymous, 2015, p. 7)
2. Create mechanisms to monitor textbooks, devoted to the issues of sexual and reproductive rights, with
3. the aim to free them from rigid stereotypes about gender roles and sexual behavior (SRI & Anonymous, 2015, p. 7)
4. Develop a mandatory national comprehensive sexuality curriculum which includes attention for the situation of non-heterosexual persons (SRI & Anonymous, 2015, p. 7)
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
6. Protect DESPOGI teachers against employment discrimination

## Belgium

The reliability of this assessment is scored as 4 stars on reliability of data and 1 star on different perspectives.

Five local experts scored Belgium in (2012-2014) as 0% no policy, 100% encouraged and supportive, We score Belgium as supportive with a total score of 90%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					6	
2. Freedom of self expression for DESPOGI?				3	3	
3. Protection against DESPOGI bullying?				1	5	
4. No drop-out of DESPOGI?			1	4	1	
5. Equal school performance of DESPOGI?			1	2	3	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				1	5	
7. Attention in resources about sexual diversity?				4	2	
8. Resources for DESPOGI students?				2	4	
9. Support services open to DESPOGI students?					6	
10. Peer-learning opportunities for DESPOGI?				4	2	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				2	4	
12. Staff competent to teach about sexual diversity?			2	4		
13. Is staff competent to support DESPOGI?			2	3	1	
14. Supportive school environment for DESPOGI?			1	4	1	
15. Employment protection for DESPOGI staff?				1	5	

Numbers show the number of respondents scoring an item.

## General assessment

The Belgian population is rather tolerant towards LGBT. Especially the government of Flanders takes a number of supportive measures in close cooperation with the LGBT movement. However, educational publishers are autonomous and in schools there is persistent "modern negativity" towards non heteronormative SOGIE.

## Legal context

### Laws

Belgium has not seen criminalization since 1795. Since 2003 it has a Federal Anti-Discrimination Law which covers sexual orientation in employment, social protection (social security and healthcare), education; and access to and the supply of goods and services, including housing. In 2014, gender expression was added. Since 2003, the penal code recognizes discriminatory motive as an aggravating circumstance and marriage was opened to same-sex couples. In 2006, adoption by same-sex couples was made possible. In 2007, the law concerning transgenderism granted transgenders the right to change their gender (ILGA, 2017, Wikipedia). In 2017, a law was adopted that allows transgender people to change their passports without medical requirements (GALE respondent, 2017).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1983)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

Belgium is a federal state with three relatively autonomous political and linguistic areas. The education system is managed by the Flemish, French and German communities. Each community has its own school system, with small differences among them. The federal government plays a very small role: it decides directly the age for mandatory schooling and indirectly the financing of the communities. The schools can be divided in three groups (Dutch: *netten*; French: *réseaux*):

1. Schools owned by the communities (*GO! Onderwijs van de Vlaamse gemeenschap, réseau de la Communauté française*)
2. Subsidized public schools (*officieel gesubsidieerd onderwijs; réseau officiel subventionné*), organized by provinces and municipalities
3. Subsidized free schools (*vrij gesubsidieerd onderwijs; réseau libre subventionné*), mainly organized by an organization affiliated to the Catholic church

The latter is the largest group, both in number of schools and in number of pupils. The Catholic schools have their own board and school inspection system. In the 2003 PISA-study of secondary school students by the OECD, the Belgian students scored relatively highly. The results of the Dutch-speaking students were significantly higher than the scores of the German-speaking students which were in turn significantly higher than the French-speaking students.

([https://en.wikipedia.org/wiki/Education\\_in\\_Belgium](https://en.wikipedia.org/wiki/Education_in_Belgium))

LGBT people are generally well socially accepted in Belgium. There is a strong gay community, with numerous gay clubs. A European Union member poll showed 62% of Belgians support same-sex marriage extension to the whole Europe. The Flemish and French communities have LGBT organizations ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Belgium](https://en.wikipedia.org/wiki/LGBT_rights_in_Belgium)). The 2015 Eurobarometer found that 77% of Belgians thought that same-sex marriage should be allowed throughout Europe, 20% were against ([https://en.wikipedia.org/wiki/Same-sex\\_marriage\\_in\\_Belgium](https://en.wikipedia.org/wiki/Same-sex_marriage_in_Belgium)). However, in schools and in society at large, there is still considerable "modern negativity" and heteronormativity, which expresses itself mainly through keeping social distance from LGBT youth (Debicki, 2012).

### **Access to schools**

1. **Access to schools:** There are no formal impediments to access schools for LGBT students, However, the environment in schools may be cool and distant for them. A research found in 2012 that 26% of the boys and 11% of the girls would not feel at ease to make homework with a gay or lesbian student, 34% of the boys and 20% of the girls would not want to sit next to a gay or lesbian student during lunch break and 63% of the boys and 39% of the girls would not like to share a room with a gay or lesbian student on a school excursion (Çavaria, 2012).

2. **Freedom of self expression:** Although attitudes towards LGBT are fairly positive in schools, the atmosphere is not really inviting to come out. In 2012, a research found 57% of the respondents know between 1 and 5 schoolmates that are out at school (Çavaria, 2012). About 85% of the LGBT students comes out to friends. In schools that percentage is about 51% (Dewaele, 2008). Heteronormative gender norms and masculinity force students in types of visibility management that is often not helpful for their development (Dewaele, 2013).

3. **Protection against bullying:** Harassment on basis of sexual orientation is punished by the law. Still, homosexual and bisexual students experience more name-calling and ridicule than heterosexual students, report more bullying and experience a less welcoming environment. Homophobia is mostly related with masculinity (Dewaele, 2008). 17% of the heterosexual students think school is not a welcoming environment for gay and lesbian students. Attitudes towards bisexuals and transgenders are more negative. 28% of the students think that open homosexuals would be taunted or bullied in their school. In 2012, 86% of the LGBT reported to have come out at school - at least to some people. This is much less for bisexuals than for gays, lesbians or transgenders (Çavaria, 2012).



4. Policy against DESPOGI drop-out: We found no information on this topic related to DESPOGI students.

5. Equal academic performance: Heterosexual boys perform less well in Flanders than girls or gay, bisexual and lesbian students. Among gay, bisexual and lesbian students, the bisexuals and lesbians feel more motivated and do better than gay boys. However, there is no evidence for stigma-compensation (Dewaele, 2008).

### **An appropriate curriculum**

6. Availability of public information: There is no impediment against displays of SOGIE in the Belgian media or public space. However, in some schools some forms of visibility may provoke negative responses (GALE respondent).

7. Relevant and supportive attention in school resources: The Flemish educational guidelines address sexual education including sexual orientation. However, the educational publishers are autonomous and independent. The Flemish LGBT organization Çavaria has done a review of regular school books and made a checklist for educational publishers to correct heteronormativity. Çavaria also offers a range of educational programs and services for school, which are done funded and in cooperation with the Ministry of Equal Opportunities. One of their most innovative programs is focused on gender ([www.schooluitdekast.be](http://www.schooluitdekast.be)). The Federation of LGBT youth groups (Wel Jong, Niet Hetero) offer peer education sessions to schools, also funded by the Flemish community. Sensoa, also government funded, offers comprehensive sexual education including attention to LGBT issues. However, these programs are all additional and optional for schools. Recently there are some comparable activities in Wallonia (the French community) (Debicki, 2012).

Despite all this, in 2012 an average of only 19% of LGBT respondents found something useful in their school curriculum and 20% found prejudiced information. The percentage of LGBT that get positive information does seem to be slightly increasing in the last ten years (Çavaria, 2012).

8. Resources for LGBT students: We found no information on this topic related to DESPOGI students.

9. Support services open to LGBT like counseling: The "Holebifoon" is a LGBT helpline which caters also for young people. Dewaele (2008) found no differences between social support between LGBT and heterosexual students, although this did come up in earlier LGBT specific research.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Since 2015 Çavaria does a pilot project on GSA's in West Flanders ([www.gaystraightalliance.be](http://www.gaystraightalliance.be)).

### **Good teachers**

11. Supportive staff: In 2012, a large range of Flemish community education institutions signed a joint declaration for a positive pedagogical support for gender and sexual orientation

([www.vlor.be/sites/www.vlor.be/files/121023-ondertekenaars\\_0.pdf](http://www.vlor.be/sites/www.vlor.be/files/121023-ondertekenaars_0.pdf)). Çavaria notes that does not imply that all teachers behave accordingly, but that a context has been set.

12. Staff competent to teach: We found no information on this topic related to DESPOGI students.

13. Staff competent to support: We found no information on this topic related to DESPOGI students.

14. Supportive school environment: In some situations, the school environment is less safe due to negative responses of immigrants. Hooghe et al (2010) have documented how Islamic students do not base their responses on individual rights but on collective (family, cultural and religious) notions of tradition and honor.

15. Employment protection for staff: Employment discrimination based on SOGIE is forbidden since 2003.

## Recommendations

1. Strengthen the strategy to protect DESPOGI against discrimination in Wallonia
2. Make attention for DESPOGI issues a priority for each department in the Departments of Education
3. Develop DESPOGI inclusive curricula for each education sector
4. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
5. Train all educational staff to be DESPOGI inclusive
6. Do research on effect of interventions and systematically improve impact
7. Ratify the Convention against Discrimination in Education
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Bosnia & Herzegovina

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

Two local respondents scored Bosnia & Herzegovina in 2014) as 31% forbidden, 44% ambiguous and 24% encouraged/supportive with 4 items unknown. After review, GALE scores Bosnia & Herzegovina as 63% forbidden, 25% no policy and 13% encouraged/supportive with 7 items unknown. This labels Bosnia & Herzegovina as denying and gives it a total score of 38%

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			2			
2. Freedom of self expression for DESPOGI?		1	1			
3. Protection against DESPOGI bullying?		1	1			
4. No drop-out of DESPOGI?			1			1
5. Equal school performance of DESPOGI?		1	1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				2		
7. Attention in resources about sexual diversity?			1			1
8. Resources for DESPOGI students?		1	1			
9. Support services open to DESPOGI students?		1				1
10. Peer-learning opportunities for DESPOGI?		1			1	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1		1
12. Staff competent to teach about sexual diversity?			1			1
13. Is staff competent to support DESPOGI?			1			1
14. Supportive school environment for DESPOGI?				1		1
15. Employment protection for DESPOGI staff?			1			1

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is mandatory and largely free of charge. The attitudes towards DESPOGI are very negative. There is little research on sexual diversity in education but the few statistics show that almost half of the students notice discrimination against DESPOGI. We found policy to combat this.

## Legal context

### Laws

The three parts of Bosnia and Herzegovina decriminalized 'homosexuality' separately: Federation of Bosnia and Herzegovina (1998), Republika Srpska (2000), Brko District (2001). The 2009 Law on Prohibition of Discrimination is inclusive of sexual orientation in terms of non-discrimination in employment and education, among other domains. The Law on Gender Equality specifies that discrimination based on sex and sexual orientation is prohibited. In Srpska and Brko, incitement to hate crime is prohibited (ILGA, 2017). In July 2016, the Bosnian and Herzegovinian Parliament adopted a bill amending anti-discrimination laws to explicitly prohibit discrimination based on sexual orientation, gender identity and sex characteristics ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Bosnia\\_and\\_Herzegovina](https://en.wikipedia.org/wiki/LGBT_rights_in_Bosnia_and_Herzegovina); this page is severely lacking in quality).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (1993)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | **succession** (1993)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | **succession** (1993)

Convention on the Rights of the Child: **not signed** | signed | ratified | **succession** (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

Primary education in Bosnia and Herzegovina is compulsory and free for all children from ages 6 through 15. Secondary education in Bosnia and Herzegovina is also free. It is provided by general and technical secondary schools, where studies begin at the age of 15 (or 14, as part of the old education system) and last for three or four years

([https://en.wikipedia.org/wiki/Education\\_in\\_Bosnia\\_and\\_Herzegovina](https://en.wikipedia.org/wiki/Education_in_Bosnia_and_Herzegovina)). It looks like Bosnia and

Herzegovina have a government centralized school system, managed by the federal Ministry of education and the ministries of education of Srpska and Brcko and several kantons

(<http://www.euroeducation.net/prof/boherco.htm>). There is a serious problem with the quality of

education for Roma girls, handicapped students and displaced persons. (Ministry of Civil Affairs of Bosnia and Herzegovina, 2014).

A representative survey from 2005 showed that 82% of the population have negative opinions about homosexual persons; 77% believe that accepting homosexuality in society would be detrimental for BaH; 71% believe that they would feel very uncomfortable in the company of a homosexual person. In

another survey focused on the beauty, 47.1% of the respondents stated that they considered living outside of BiH due to their gender identity or sexual orientation.

The Internet is one of the top means used to advocate anti-LGBT hate speech and sentiments. Hate speech and threats have been seen on the Internet when some LGBT events have been organized (exhibits, parties, etc.), and reached a new high in relation to the Queer Sarajevo Festival. Hate speech was also very present in a poster campaign. A concern is that no public institutions or officials clearly demarcated themselves from the hateful discourse, but only in some instances from the physical violence.

The general government view is that other grounds of discrimination (in particular ethnicity and religion) and problems related to poverty, social insecurity and infrastructure are such prominent issues in BaH that LGBT issues remain highly marginal when the political priorities are set.

(COWI, 2010 Bosnia & Herzegovina-sociological).

### **Access to schools**

1. **Access to schools:** According to local media in July 2009 the director of the state-run Sarajevo Student Center, stated that "gay students do not belong in student dormitories in Sarajevo." A similar declaration was made around the same time by the director of the state-run student dormitory of the University of Mostar. While civil society representatives and the media protested what they described as unacceptable hate speech, government authorities remained silent on the issue (COWI, 2010 Bosnia & Herzegovina-sociological).

2. **Freedom of self expression:** We found no information on this topic related to DESPOGI students.

3. **Protection against bullying:** No laws or policies seemed to specifically address social exclusion, violence or bullying and harassment in the school environment (COWI, 2010 Bosnia & Herzegovina-legal). In the 2016 submission to UNESCO to review the Recommendation for International Understanding, Bosnia & Herzegovina stated to develop policy against violence, but there are no details.

17.1% of LGBT respondents in a 2005 survey stated that they have experienced discrimination and violation of human rights in school. 45.7% of the respondents had witnessed discrimination against LGBTTIQ persons in educational institutions.

Individuals were subjected to gender behavior which had to be in line with their prescribed sex. Such individuals faced verbal comments, name-calling by their peers as well as teachers, and were victims of ridicule and verbal ostracism." (COWI, 2010 Bosnia & Herzegovina-sociological).

4. **Policy against DESPOGI drop-out:** We found no information on this topic related to DESPOGI students.

5. **Equal academic performance:** Examples provided in a 2005 LGBT questionnaire referred to situations where LGBTIQ persons were treated unfavorably (lower grades, more questioned, more

discipline etc.) by their teachers who suspected or knew of their identity or based in their gender expression. (COWI, 2010 Bosnia & Herzegovina-sociological).

Social or legal gender reassignment can impact the possibilities of a student or teacher to participate in school activities given that such an environment is very gender-phobic (COWI, 2010 Bosnia & Herzegovina-legal).

### **An appropriate curriculum**

6. Availability of public information: We found no information on this topic related to DESPOGI students.

7. Relevant and supportive attention in school resources: The s curriculum does not include sexual education. Thus sexual education is taught to some extent through the subjects of Biology, Sociology, Psychology, Ethics. Although some subjects seem to be neutral when discussing different forms of sexual orientation, most textbooks discuss homosexuality and bisexuality as wrong or a deviant state, deviant behavior, sexual deviations, rightfully deserved connector to HIV/AIDS, etc. Issues of transsexuals are barely mentioned and intersex issues are discussed as an anomaly and abnormality (COWI, 2010 Bosnia & Herzegovina-legal).. There are examples of textbooks with outdated definitions listing homosexuality as a disease or deviation. A youth group from the Human Rights House realized a project in 2009 in order to present to high school students that homosexuality is not a criminal offence and is not considered as sickness. The project furthermore included education regarding the notions of sex and gender. Initially planned to visit 25 schools, they ended up visiting only nine. The reason was that the Ministry of Education did not want to issue the permission for visiting the schools, which forced the organizers to rely on the good will of the directors of the high schools willing to cooperate. Different incidents have been reported by the students who attended the presentations (isolation from their peers, bullying, etc...). (COWI, 2010 Bosnia & Herzegovina-sociological).

8. Resources for LGBT students: We found no information on this topic related to DESPOGI students.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students.

12. Staff competent to teach: We found no information on this topic related to DESPOGI students.

13. Staff competent to support: According to a representative of the Ministry of Health, centers for mental health in the local communities can provide psychological support, but the personnel and the

doctors (psychologists and psychiatrists) are not educated in LGBT issues and about the specific problems of these groups (COWI, 2010 Bosnia & Herzegovina-sociological).

14. Supportive school environment: We found no information on this topic related to DESPOGI students.

15. Employment protection for staff: We found no information on this topic related to DESPOGI staff.

## **Recommendations**

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Bulgaria

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives.

Five local activist respondents scored Bulgaria in 2014 as (average) 19% forbidden/discouraged, 64% no policy, 17% encouraged/supportive, with 0,2 items scored as unknown. We score Bulgaria as ambiguous. On the total scale, the score comes down to 40%. After review, GALE scores Bulgaria as 20% discouraged and 80% no policy, but we would like to add that the negative attitudes give the country a very discouraging atmosphere. Still, because of the lack of active discouragement, we have to label Bulgaria "ambiguous", with a total score of 45%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			3	2		
2. Freedom of self expression for DESPOGI?		2	2	1		
3. Protection against DESPOGI bullying?		1	2	1	1	
4. No drop-out of DESPOGI?			5			
5. Equal school performance of DESPOGI?			4	1		
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		3	2	1		
7. Attention in resources about sexual diversity?		1	2	2		
8. Resources for DESPOGI students?	1		3			1
9. Support services open to DESPOGI students?			4	1		
10. Peer-learning opportunities for DESPOGI?		1	4			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		1	3	1		
12. Staff competent to teach about sexual diversity?		1	4			
13. Is staff competent to support DESPOGI?		3	2			
14. Supportive school environment for DESPOGI?	1	1	3			
15. Employment protection for DESPOGI staff?		1	2		1	

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is centralized and traditional. Ten years ago there was a problem with general violence in schools. It is unclear if this has been solved.

The attitude of the population is quite negative and there are indications this also goes for teachers and principals. Although the Protection Against Discrimination Act in principle protects both students and teachers against discrimination, and the courts do seem to implement the law, almost no cases are brought to court due to the general negative attitudes, silence and fear of repercussions. There is no policy to redress this situation.

## Legal context



## Laws

In 1968 sodomy was decriminalized. In 2004 the Protection Against Discrimination Act was adopted, which includes sexual orientation and education, and includes harassment through incitement to hatred (ILGA, 2017, COWI, 2010 Bulgaria legal study).

## Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1962)

Convention on Technical and Vocational Education: not signed | signed | **ratified** | succession (1994)

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1970)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1982)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

## International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Bulgaria is overseen by the Ministry of Education and Science. In Bulgaria, education is compulsory from five (preschool) to 16. Education at state-owned schools is free of charge, except for the higher education schools, colleges and universities. Because of Bulgaria's low birthrate, total primary- and secondary-school enrollment has decreased in the post-communist era, causing reductions in teaching staff and facilities. At the same time, the number of private schools increased by 10 times during the 1990s. The education system is centralized under the ministry of education and has a central curriculum. Following "numerous reports over the past decade about school violence", the Education Minister in 2009 introduced stricter regulations about student behavior, including inappropriate dress, being drunk, and carrying mobile phones. Teachers were to be given new powers to punish disruptive students ([https://en.wikipedia.org/wiki/Education\\_in\\_Bulgaria](https://en.wikipedia.org/wiki/Education_in_Bulgaria)).

Individual rights, equality and protection against discrimination are legally guaranteed. Discrimination on the basis of race, sex, religion, disability, age and sexual orientation is illegal, and cases have been brought for breaches of the Protection against Discrimination Act ([https://www.ei-ie.org/barometer/en/home/profile\\_details/32](https://www.ei-ie.org/barometer/en/home/profile_details/32)).

A number of positive developments regarding attitudes toward LGBT persons have occurred in Bulgaria in recent years. However, research shows that negativity toward LGBT persons remains widespread. According to Eurobarometer, only 15% of Bulgarians are in favor of homosexual marriage

being legalized throughout Europe, and only 12% would allow homosexual couples to adopt children. In general, the extensive anti-discrimination legislation is hindered by, among other things, police reluctance to report and prosecute cases of anti-LGBT violence. More than two-thirds (68.3%) said they would not enroll their child in a school if they knew one of the teachers was homosexual, and 45.5% said that they would not hire a homosexual. Discrimination remains difficult to identify or address due to the general invisibility of LGBT persons. (COWI, 2010 Bulgaria Sociological study). 46% would find it unacceptable if their child is homosexual (Sociological Agency Skala, 2007).

A survey from 2012 shows the number of people who wouldn't like having a homosexual colleague has dropped to 38%. The survey also shows that Bulgarians are more tolerant towards lesbians rather than gay men. 26% of the respondents wouldn't hire a lesbian.

The most recent poll by Pew Research Center published in May 2017 suggests that 18% of Bulgarians are in favor of same-sex marriage, while 79% oppose the idea. Support was higher among Orthodox Christians (19%) and 18–34 year olds (26%), in contrast to Muslims (12%) and people aged 35 and over (15%) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Bulgaria](https://en.wikipedia.org/wiki/LGBT_rights_in_Bulgaria)).

During 2016, a series of important conversations were initiated in Bulgaria. These discussions did not lead to concrete policy changes during the year, but their subjects were of great relevance to LGBTI people. The Ministry of Justice working group on changes to the penal code included the voices of LGBTI NGOs. Its recommendation to include anti-LGBT bias as aggravating circumstances in criminal cases was particularly welcome when you consider the absence of any protection for LGBTI people against hate crime or hate speech on the Bulgarian statute books (<https://rainbow-europe.org/#8626/0/0>).

There is only one survey about homophobia in educational system which was implemented by a Bulgarian Gay Organization "Gemini" in 2007-2008 and is part of the "Deafening silence: the case in my school" Project, funded by a small grant of the Program MATRA / KAP of the Dutch Ministry of Foreign Affairs.

### **Access to schools**

1. **Access to schools:** The LAW ON PROTECTION AGAINST DISCRIMINATION\* (known also as the Protection against Discrimination Act, effective since January 2004) is a single equality act transposing all EU equality directives. The Protection against Discrimination Act has a universal material scope, similar to that of Protocol 12 to the European Convention on Human Rights. The ban on discrimination is explicitly said to apply to any field. This universal ban applies to all protected grounds, including race/ethnicity, religion/belief, disability, sexual orientation, age, and sex. It applies to the private, as well as the public sector. (Article 29, paragraph 2: The Law obliges the principals of the educational institutions to undertake effective measures for prevention of all forms of discrimination at the educational place against persons from the pedagogical or non-pedagogical staff, or students.

Article 30: The Principal shall put at an accessible place the text of the Law and all internal regulations related to the protection from discrimination.

Article 31: The Principal of the educational institution, who has received a complaint from a student, who feels harassed by a person from the pedagogical or non-pedagogical staff, or by another student, is obliged to conduct immediate investigation and to undertake measures for stopping the harassment, as well as for exercising of disciplinary sanctions.) (GALE Checklist respondent, 2014, see also <http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>).

Transgenderers are actively denied access to diplomas. In 2000 a graduate of the sports academy in Sofia could not get his diploma because he had changed from a female to male name. Though he provided a legal document showing he was the same person, the administration refused to give him his diploma. As a result he cannot practice work in the field in which he majored. In 2003 a student took an exam at the University of National and World Economy in Sofia and was removed by the police from the exam room because his ID contradicted his appearance (COWI, 2010 Bulgaria Sociological study).

In 2005, the Queer Foundation filed a complaint to Sofia University because members of a gay university sport club were refused access to the university sauna. The rector supported the ban with explicit homophobic arguments. The court convicted the university and confirmed the right of NGOs to file court cases on behalf of victims of discrimination (COWI, 2010 Bulgaria-legal study).

2. Freedom of self expression: In 2011-2012, Bilitis was a partner in the cross-European project It Takes All Kinds, led by the Danish Institute for Human Rights, as part of which we conducted baseline survey of the knowledge and understanding of sexual and gender identities, and the attitudes towards LGBTI students in secondary schools in Sofia. The results demonstrated an overwhelming lack of awareness among both students and school personnel of the discrimination which LGBTI students face in their daily lives at school. We also gained some insight to the fact that LGBTI identities are rarely or never discussed as part of the curriculum, although there is room for discussion in some subjects, which tackle the topic of diversity in society. The first steps towards developing a more inclusive of LGBTI school environment includes raising awareness of the level of discrimination and harassment faced by these students and staff, and developing LGBTI-inclusive school internal policies. .) (GALE Checklist respondent, 2014).

In Bulgaria, the Czech Republic, Estonia, Lithuania, Poland, and Romania, 83-95% of LGBT people surveyed had witnessed negative comments or negative conduct in school because a classmate was perceived to be LGBT (FRA, 2013)

3. Protection against bullying: Since 2004 a new antidiscrimination law includes sexual orientation. Institutions which are most unprepared to prevent bullying of LGBT youth are schools, the military, and youth penitentiary institutions. Schools are obliged to adopt internal regulations that prohibit harassment and bullying, but these do not effectively prevent the occurrence of incidents (Sears, 2015).

According to a survey by Gemini in 2008, LGBT youth in schools are subject to discrimination and harassment (<http://www.bgogemini.org/bg/school/resultati.html>).

In spite of the provisions in the Protection against Discrimination Act, most schools in Bulgaria do not have internal policies, which explicitly recognize discrimination and bullying based on sexual orientation and/or gender identity/expression. School principals whom we talked to during the implementation of the "It Takes All Kinds" project did not even acknowledge this type of bullying to exist at their schools. Furthermore, we often heard the response that there are no LGBT students at their school (GALE Checklist respondent, 2014). The EU LGBT Survey confirms this: 25% of the respondents feel discriminated by education personnel and 88% think that measures in school would make them more comfortable. For trans people this last number is 73%. (FRA, 2014)

When it comes to verbal homophobic bullying the impressions vary in the different groups, according to the Rainbow project study (2012). The representatives of primary and secondary school share that "name-calling is common, but it is far from being considered as bullying". The participants recognize as most common insults "faggot", "girly" and "bugger". The general impression is that the kids use these words knowing they are offending. Children use them knowing that they are offensive, but do not accentuate on the meaning of the word. That doesn't mean they are not aware of the meaning. Such an example is the following conversation: "A: Stupid Fagot!"- B: Do you know what this word means? - A: A man who likes other man". According to the participants, such insults are used "more as an inert expression than as targeted messages loaded with content". Probably because of that they believe that the pupil subject of the offense does not feel "really offended". The situation is a bit different in high school level. There the participants have impression that "some students are teased because of their strange, usually feminine behavior" with an accent on it. In all the three groups the participants are definite that homophobic language is quite a rare case in school and unanimously believe it cannot be considered as bullying (<http://www.rainbowproject.eu/research/index.htm>).

4. Policy against DESPOGI drop-out: A survey by Gemini (2008) shows that 70% of LGBT students /respondents/ leave school or miss classes because of systematic harassment and 50% have attempted suicide after such abuse. There is no mention of reaction or taking preventive measures by the Ministry of Education or other government agencies against these trends in schools.

5. Equal academic performance: We found no information on this topic related to DESPOGI students (response to GALE Checklist, 2014).

### **An appropriate curriculum**

6. Availability of public information: Restrictions exist on freedom of the press, and journalists are constrained by political influence, pressure and threats, especially when reporting on organized crime ([https://www.ei-ie.org/barometer/en/home/profile\\_details/32](https://www.ei-ie.org/barometer/en/home/profile_details/32)).

7. Relevant and supportive attention in school resources: The state-approved core curriculum does not provide any information concerning sexual identities. An exception was an NGO-piloted alternative

civic education program for secondary school students, which contained some, though very meager, analysis of sexual identity. These were implemented only at a few schools and continued only as long as the international funding lasted. Human sexuality is still discussed only within the natural sciences or in relation to sexually transmitted diseases. Queer Bulgaria Foundation supports initiatives promoting the diversity of sexual identities in mass culture (Sears, 2015).

As a part of the project "Deafening Silence" by BGO Gemini (2008) did a content analysis of the textbooks for 9th to 12th grade (freshman to senior year). Eight textbooks were assessed. "The topics of sexual orientation, gender identity, human rights are presented although not extensively. They enclose though a definition of the term transsexuality. Apart from mentioning the existence of homo, bi and transsexual people, sexual orientation is barely mentioned...The history books are written in a traditional style of presenting mainly political and military events and mentioning in passing social problems like development of human rights..." (BDO Gemini, 2007; quoted in COWI, 2010 Bulgaria Sociological study).

Civil organizations try to discourage Ministry of Education from including such information in the curriculum (GALE Checklist respondent, 2014).

In 2012, the participants in the Rainbow project agreed with these assessments (<http://www.rainbowproject.eu/research/index.htm/>).

8. Resources for LGBT students: We found no information on this topic related to DESPOGI students.

9. Support services open to LGBT like counseling: Psychologists in Bulgarian university do not receive any training on human sexuality and specifically on LGBTIQ issues (GALE Checklist respondent, 2014).. There are two main LGBT organizations in Bulgaria: LGBT Action and Bilitis which support LGBT people and have their own website, information and support groups.

See: [www.bilitis.org/english](http://www.bilitis.org/english).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Peer support for LGBT adolescents remains weak due to the difficulty of the Bulgarian LGBT community to organize (Sears, 2015).

### **Good teachers**

11. Supportive staff: "There are no fags in my classroom; we are not going to talk about this." These were the words of a high-school teacher quoted by the daily newspaper 24 Chasa when BGO Gemini initiated its project "Deafening Silence", which attempted to determine awareness of LGBT issues in high schools. Of the 144 schools invited to participate in the initial meeting in the summer of 2007, 15 responded to the invitation and representatives of only 7 actually came to the Meeting (Dimitrova, 2008; quoted in COWI, 2010 Bulgaria Sociological study).

12. Staff competent to teach: Educators are generally unprepared to acknowledge and discuss the needs of LGBT students (Sears, 2005).

School teachers often try to avoid topics of LGBTIQ people or often express stigmatizing stance. Those who are supportive often lack competences and training in these issues (GALE Checklist respondent, 2014). The teacher training curriculum does not include any reference to LGBT people. Some subjects, such as Psychology or the social sciences tackle diversity in society, including the diversity of sexual and gender identities, but this is usually limited to a brief mentioning in one lesson, and no further discussion takes place. The teachers who took part in the It Takes All Kinds Project (4 teachers from 2 schools in Sofia) told us that this is the first time when they address sexual and gender identities in their work with the students (GALE Checklist respondent, 2014). The respondents of the Rainbow Project (2012) agreed and note it is mainly in the high school where teachers may find some space in the so called “teacher’s class” or “mention the issue in the psychology and philosophy classes or literature and history”. The case is not the same in the primary and secondary school where teachers do not find “necessary to put an accent on the LGBT issue” but they “would react/ discuss it only if the students ask about it” (It is mainly in the high school where teachers find space in the so called “teacher’s class” or “mention the issue in the psychology and philosophy classes or literature and history”. The case is not the same in the primary and secondary school where teachers do not find “necessary to put an accent on the LGBT issue” but they “would react/ discuss it only if the students ask about it” (<http://www.rainbowproject.eu/research/index.htm>).

13. *Staff competent to support*: Queer Bulgaria aims to increase the sensitivity of medial workers and school personnel to the specific needs of LGBT youth (Sears, 2015). The Bulgarian government does not have ANY policies on LGBTIQ people except men who have sex with men in terms of HIV prevention.

14. *Supportive school environment*: We found no information on this topic related to DESPOGI students (GALE Checklist respondent, 2014). There is no research about conditions for LGBT students. *BGO Gemini* has received reports from students about discrimination and has not been able to receive public funding for awareness-raising activities.

15. *Employment protection for staff*: In 2015 it was reported there are no openly LGBT teachers in the primary and secondary schools (Sears, 2005). This seems not to have changed.

## Recommendations

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
3. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
4. Combat social prejudice against DESPOGI or support initiatives in this area
5. Secure that schools are safe for all students including DESPOGI

## Croatia

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives. Two local expert respondents scored Croatia in 2012 as 39% forbidden/discouraged, 31% no policy, 31% encouraged/supportive, with average 0,5 items scored as unknown. We score Croatia as ambiguous. On the total scale, the score comes down to 41%.

After review, GALE scored Croatia 31% discouraged, 46% no policy and 23% supportive, with 2 items scored as unknown. We label Croatia as ambiguous. On the total scale, the score comes down to 54%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	1				1	
2. Freedom of self expression for DESPOGI?			2			
3. Protection against DESPOGI bullying?			1	1		
4. No drop-out of DESPOGI?			1	1		
5. Equal school performance of DESPOGI?			1			1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				1	1	
7. Attention in resources about sexual diversity?			1		1	
8. Resources for DESPOGI students?		1	1			
9. Support services open to DESPOGI students?		1	1			
10. Peer-learning opportunities for DESPOGI?		1			1	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		1	1			
12. Staff competent to teach about sexual diversity?	1	1				
13. Is staff competent to support DESPOGI?	1	1				
14. Supportive school environment for DESPOGI?		2				
15. Employment protection for DESPOGI staff?					2	

## General assessment

The countries education system is centralized and primary and secondary education in mandatory. The attitudes towards DESPOGI are still relatively negative, but getting more tolerant in the last 10 years. Specific research on sexual diversity in education is not available. Anecdotal cases give the impression that schools and teachers are not yet aware of and often not positive or supportive of sexual diversity. Sexual education is below standard and kept this way by Catholic church influence. Demeaning of sexual diversity in education materials has been eradicated, but a shift to a more DESPOGI supportive curriculum has not been made. The government and the judicial system only ambiguously maintains anti-discrimination laws, but does not actively promote human rights practices.

## Legal context



## Laws

The provisions of 1951 Yugoslavia Criminal Code regarding consensual same-sex relations were rescinded in the Croatian Penal Code of 1977, and the age of consent was equalized to 15 in 1998. In 2003, article 2 of the Act on Amendments to Labor Act names sexual orientation as a protected ground, and Article 8 of the 2008 Anti-Discrimination Act concerns employment, in 2008 gender identity was added. In 2006, the penal code listed a criminal act based on hatred regarding sexual orientation an aggravating circumstance. In 2014 a same-sex partnership law was introduced. Regards parenting, this law does not allow second parent adoption (ILGA, 2017, COWI, 2010 Croatia-legal study). Same-sex marriage is constitutionally banned since a referendum in 2013 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Croatia](https://en.wikipedia.org/wiki/LGBT_rights_in_Croatia)).

## Conventions

Convention against Discrimination in Education: not signed | signed | ratified | **succession** (1992)

Convention on Technical and Vocational Education: not signed | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | ratified | **succession** (1992)

Convention on the Elimination of Discrimination Against Women: not signed | signed | ratified | **succession** (1992)

Convention on the Rights of the Child: not signed | signed | ratified | **succession** (1992)

## International statements and dialogue

Member of the Equality Rights Coalition: **no**. However, Croatia is among 11 member countries that make up a LGBT Core Group at U.N. on Ending Violence and Discrimination ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Croatia](https://en.wikipedia.org/wiki/LGBT_rights_in_Croatia)).

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education is free and compulsory for ages 7 to 14. Most children continue their studies to age 18, except Roma children. Subsidized day care and free meals are provided. Reports cite discrimination against minorities in schools, and textbooks that use derogatory adjectives to refer to minorities. Attendance is optional for religious education classes in schools; where there are 7 students per class of a minority faith, they can be offered separate religion classes. Reports cite harassment of Orthodox Serb children who attend religious classes. NGOs report that separate classes for Roma students in the northern part of the country are of a lower standard than those in mainstream schools. A 2003 case regarding segregation of primary school classes in the northern Medjmurje region remains pending before the Constitutional Court at the time of writing. Adult literacy is high at 98.1% ([https://www.ei-ie.org/barometer/en/home/profile\\_details/50](https://www.ei-ie.org/barometer/en/home/profile_details/50)).



Discrimination on the basis of gender, age and race are prohibited, but discrimination is reported, particularly against the Roma. The Gender Equality law guarantees equality for women, but women still hold lower-paying jobs. Statistics show that 45% of women are formally employed and that women make up 5% of the unemployed. Women's wages are 10% below those of men on average. ([https://www.ei-ie.org/barometer/en/home/profile\\_details/50](https://www.ei-ie.org/barometer/en/home/profile_details/50)).

The COWI report estimates that Croatian attitudes are moving towards to be more tolerant. The transgender community is very invisible in Croatia and remains the most marginalized part of the LGBT community (COWI, 2010 Croatia sociological study, p. 3).

The most recent poll by Pew Research Center published in May 2017 suggests that 31% of Croatians are in favor of same-sex marriage, while 64% oppose the idea. Support was higher among non-religious people (61%) than among Catholics (29%). Younger people are more likely than their elders to favor legal gay marriage (33% vs. 30%) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Croatia](https://en.wikipedia.org/wiki/LGBT_rights_in_Croatia)).

Sanja Juras mentions in the COWI report of 2010 that the Ministry of Education painted a very positive picture on the cooperation with all minorities but that this claim was very overstated in the case of LGBTI (COWI, 2010 Croatia-legal study, p. 9). The Office for Gender Equality of the Government of the Republic of Croatia and the Office for Human Rights of the Government of the Republic of Croatia were supposed to provide funds for awareness campaigns about LGBT between 2008 and 2011, but in 2010 none of these had been implemented (ibid, p. 10-11). LGBT Prides are sometimes prohibited, with no response to protests for the organizers, while anti-gay marches are allowed (ibid, p. 12-13). Complaints about hate offenses are dismissed because the State Attorney argues that hateful intent should be proven, which means in practice that the perpetrators have to openly admit their hateful intent (ibid, p. 15)

### **Access to schools**

1. **Access to schools:** Primary and secondary education are mandatory for all young people. Sexual orientation and gender (not specifically gender identity) are protected against discrimination in education (ILGA, 2017, p. 57). The Science Activity and High Education Act (OG Nr. 123/03) contains prohibition of discrimination based on sexual orientation related to the procedure of selection of students for universities, faculties and higher schools (COWI, 2010 Croatia-legal study, p. 25).

2. **Freedom of self expression:** We found no information on this topic related to DESPOGI students.

3. **Protection against bullying:** In a 2013 survey in Split, 16,3% of the students were found to be bullying. The study relates bullying to mainly masculine aggressive behavior and recommends to specifically deal with this type of behavior, but does not relate it to heteronormativity (Cacik at al, 2013). The PISA study found a national percentage of 6,7% of frequently bullied students and 17,1% for any bullying act (PISA, 2015, p. 138). The EU LGBT Survey says that 24% of the respondents feel

discriminated by education personnel and 94% think that measures in school would make them more comfortable. For trans people this last number is 77%. (FRA, 2014)

4. Policy against DESPOGI drop-out: Zagreb Pride notes they encountered a case of a student who changed schools because of being harassed based on sexual orientation and gender identity. In the new school, they are still often skipping classes because of a hostile school environment, even though measures in that school had been implemented after a reaction from the Ombudsperson for Children and the Ombudsperson for Gender Equality (Zagreb Pride, internal document, October 2017).

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and the press are guaranteed. A new media law is intended to ensure independence and protect sources of information. Access to the Internet is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/50](https://www.ei-ie.org/barometer/en/home/profile_details/50)). Media commonly report in a neutral tone but sometimes in a negative and sensationalized way about LGBT issues, for example in 2009 about the translation of a UK safe sex leaflet for gay men in Croatian (COWI, 2010 Croatia-legal study, p. 11, p. 35-36).

7. Relevant and supportive attention in school resources: In accordance with the Treaty between the Holy See and the Republic of Croatia concerning cooperation in the area of upbringing and culture, signed in Zagreb in 1996, Catholic religious education lessons are held in all public primary and secondary schools and in preschool establishments and are treated as a compulsory subject. Parents can allow students not to attend, but the lessons are planned in the middle of the day so students have to attend whether they get a grade or not. A considerable part of religious education is about relationships and sexuality, teaching the Roman Catholic view and labeling homosexual relations as "wrong forms of sexuality". After a complaint of two LGBT organizations, the government replaced the word "wrong" with "sinful" in 2005. In 2006, discriminatory references were removed from then program, although it remains heteronormative (COWI, 2010 Croatia-legal study, p. 28). Before 2007, the Croatian State "TeenStar" curriculum contained explicit negative and stereotyping comments about same-sex relations. The organization "Interights" challenged the government on this and took this up to the European Committee of Social Rights. The committee found the curriculum to constitute a violation of Article 11§2 in the light of the non-discrimination clause of the European Social Charter. In 2009, the Committee of Ministers adopted a resolution to correct the textbook. The Croatian Ministry of Education withdrew the textbook in question ([http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints\\_en.asp](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp)). According to the COWI study, the program of Catholic religious education in most lessons addresses the theme of human sexuality in primary schools, and the religious education textbook approved by the Ministry contains much content which encourages children to discriminate against LGBT people. The study states that although the question of gender sensitive education is addressed in some segments of the

National Policy for Promoting of Gender Equality, this does not also apply to sexual and gender minorities. Furthermore, the above National Policy states the need for widening health education in primary and secondary schools with topics about sexuality but with the emphasis on sexually transmitted diseases. Education (COWI, 2010 Croatia-legal study, p. 25).

In 2008, the government announced the results of a competitive experimental series of health education programs in primary and secondary schools, but at the same time concludes such additional programs were not necessary because regular programs already cover the related subjects. The experimental programs contained only 2 lessons on sexuality. It is mainly civil society promoting and supporting sex education (ibid, p. 25-26).

8. Resources for LGBT students: In 2007 Lesbian Organization Rijeka – LORI asked the director of the Zadar City Library for permission to stage their performance under the title “Will it Be Different When I Tell Them that I’m Gay?” on the Zagreb library’s premises, but received a negative answer from him. Although NGOs Kontra and Iskorak filed complaints against the director of the city Library, the court decided that there was no discrimination in this particular case. At the same time, the Ministry of Education did not support an invitation by the Queer Festival Zagreb to recommend to the students to take part in the exhibition showing Nazi prosecution of homosexuals in Croatia during the second World War (name of the exhibition: “Nazis terror against homosexuals in Germany 1933-1945”). The explanation made by the Ministry of Education and Agency for Education, that the exhibition was inappropriate and unprofessional,<sup>18</sup> was questioned and highly criticized by numerous organizations which started a public debate on the issue. The Ministry later apologized (*COWI, 2010 Croatia sociological study, p. 8*).

9. Support services open to LGBT like counseling: We found no information on this topic. It seems that such services are only and occasionally provided by LGBT organizations.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no websites or meeting places LGBTI students.

### **Good teachers**

11. Supportive staff: In 2009, a primary school teacher called homosexuality a disease in class. The lesbian group Kontra helped the mother to file a formal complaint. The judge was very negative and intimidating towards the mother, after which Kontra requested the judge to be exempted (COWI, 2010 Croatia-legal study, p. 29).

12. Staff competent to teach: In October 2016, the lesbian organization “LORI” organized a training program “Reduction of homo/bi/transphobia in high schools and the establishment of adequate support for the LGBT population in high schools” (*Smanjenje homo/bi/ transfobije u srednjim školama i osiguranje adekvatne podrške za LGBT srednjoškolsku populaciju*) for teachers and school pedagogues. Part of the training was facilitated by GALE. This was the first such training of its kind.

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: Workers have the right to form and join trade unions. Estimates indicate that 64% of workers are members of unions, which are independent of political parties. Sexual orientation and gender (not specifically gender identity) are protected against discrimination in employment (ILGA, 2017, p. 51). However, a survey shows that one-third of employers would not willingly employ workers who are declared homosexuals. People with HIV/AIDS also face discrimination ([https://www.ei-ie.org/barometer/en/home/profile\\_details/50](https://www.ei-ie.org/barometer/en/home/profile_details/50)). Cases of discrimination in the workplace are seriously underreported due to lack of confidence in the legal system and fear of discrimination and violence. There are no court cases of discrimination based on sexual orientation or gender identity in employment. In 2009, Kontra assisted a professor at a faculty with an internal complaint about discrimination. This case ended with an apology from the professors colleagues. (COWI, 2010 Croatia-legal study, p. 30-31).

## Recommendations

1. Combat social prejudice against DESPOGI or support initiatives in this area
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Support peer education, Gay/Straight Alliances and other grass roots interventions
4. Develop training en offer educational resources about sexual diversity for interested teachers
5. Create a National Strategic Committee on Sexual Diversity in Education
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Cyprus

The reliability of this assessment is scored as 1 star on reliability and 1 star on multiple perspectives. Two local respondents from South Cyprus and two from Northern Cyprus scored the country in 2014. Northern Cyprus was scored as 51% forbidden/discouraged, 30% /no policy, 19% encouraged / supportive, with 1 item unknown. On the total scale this would place Northern Cyprus as 37%. Southern Cyprus was scored as 0% forbidden/discouraged, 57% no policy, 53% encouraged / supportive, with 0 item unknown. On the total scale this would place Southern Cyprus as 65% and as supportive.

## General assessment

The countries education system is divided in (Turkish) Northern Cyprus and (Greek) Southern Cyprus and centrally managed by their own ministries. The attitudes towards DESPOGI are still quite negative and in the South influenced by the Greek Cypriot Church. Still, attitudes and policies seem to be changing.

Specific research on sexual diversity in education is not available. Comments in assessment reports and by respondents give the impression there is a complete lack of attention to DESPOGI issues in schools, but according to ACCEPT Cyprus more recently there were positive developments like the adoption of a government circular on combating homophobic bullying.

### North Cyprus

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		1	1			
2. Freedom of self expression for DESPOGI?		2				
3. Protection against DESPOGI bullying?	1		1			
4. No drop-out of DESPOGI?	1					1
5. Equal school performance of DESPOGI?		1	1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	1			1		
7. Attention in resources about sexual diversity?	1				1	
8. Resources for DESPOGI students?	1				1	
9. Support services open to DESPOGI students?	1		1			
10. Peer-learning opportunities for DESPOGI?	1		1			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	1			1		
12. Staff competent to teach about sexual diversity?		1	1			
13. Is staff competent to support DESPOGI?		1	1			
14. Supportive school environment for DESPOGI?		1				1
15. Employment protection for DESPOGI staff?			2			

### South Cyprus

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			1
2. Freedom of self expression for DESPOGI?			2			
3. Protection against DESPOGI bullying?		1	1			
4. No drop-out of DESPOGI?			2			
5. Equal school performance of DESPOGI?			2			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			2			
7. Attention in resources about sexual diversity?			2			
8. Resources for DESPOGI students?			2			
9. Support services open to DESPOGI students?			1	1		
10. Peer-learning opportunities for DESPOGI?			2			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			2			
12. Staff competent to teach about sexual diversity?			2			
13. Is staff competent to support DESPOGI?			2			
14. Supportive school environment for DESPOGI?			2			
15. Employment protection for DESPOGI staff?		1			1	

Numbers show the number of respondents scoring an item. The final assessments are mostly based on more recent information by ACCEPT Cyprus about government guidelines. This assessment may be too optimistic because little is known about the impact of these recent guidelines and recent campaigns and trainings.

## Legal context

### Laws

"Unnatural acts between males" were decriminalized in 1998 in South Cyprus. Northern Cyprus decriminalized same-sex relations in 2014. In 2004 Southern Cyprus protected against sexual orientation discrimination in employment. In 2011 incitement against hatred based on sexual orientation became law. In 2015, South Cyprus adopted a (limited) civil partnership law (ILGA, 2017). In 2000, the discriminatory ban on "promoting" homosexuality was lifted, and the age of consent was equalized in 2002 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Cyprus](https://en.wikipedia.org/wiki/LGBT_rights_in_Cyprus)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1970)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1969)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The public education system in Southern Cyprus is mandatory from 6-15 years old, free of charge and centralized and managed by the ministry of education of Southern Cyprus (law: 1993 and 2004 [N. 24(I)/1993, N. 220(I)/2004; source: ACCEPT Cyprus). There is a parallel system of accredited independent schooling, with more private than public universities ([https://en.wikipedia.org/wiki/Education\\_in\\_Cyprus](https://en.wikipedia.org/wiki/Education_in_Cyprus)). In Northern Cyprus, only 5 years of free primary education is mandatory. Secondary education is a mix of school types, including private education. Three of the 10 universities are public. The education system is centralized and managed by the ministry of education of Northern Cyprus ([https://en.wikipedia.org/wiki/Education\\_in\\_Northern\\_Cyprus](https://en.wikipedia.org/wiki/Education_in_Northern_Cyprus)).

In south-Cyprus, the socially conservative Eastern Orthodox Church has a significant influence over public opinion when it comes to LGBT-rights. On Wikipedia it is stated that many Cypriot LGBT think that the wish to enter the European Union made it change its human rights legislation, including its laws regarding sexual orientation and gender identity. In a comment, ACCEPT Cyprus thinks this claim is unfounded.

A 2006 survey showed that 75% of Cypriots disapprove of homosexuality and many think it can be 'cured'

(<https://web.archive.org/web/20091027133612/http://geocities.com/gaycyprusonline/overview.htm>). A

2006 E.U. poll revealed that only 14% of Cypriots as being in favor for same-sex marriage with 10% for authorizing adoption ([https://web.archive.org/web/20080514204804/http://www.angus-](https://web.archive.org/web/20080514204804/http://www.angus-reid.com/polls/view/14203)

[reid.com/polls/view/14203](http://www.angus-reid.com/polls/view/14203)). However, the situation has seen a rapid turnaround in just a few years,

with a 2014 survey finding that 53.3% of Cypriot citizens think that civil unions should be made legal

(<http://cyprus-mail.com/2014/03/09/storm-of-protest-over-archbishops-anti-gay-comments/>). The 2015

Eurobarometer found that 37% of Cypriots thought that same-sex marriage should be allowed

throughout Europe, 56% were against ([http://www.equineteurope.org/IMG/pdf/ebs\\_437\\_en.pdf](http://www.equineteurope.org/IMG/pdf/ebs_437_en.pdf)).

A phone interview poll in Nicosia showed 64% of the population thought the Nicosia Pride Festival must go on, while 28% thought it should not be conducted (ILGA-Europe, 2016, p. 58).

In 2007 the Cyprus Family Planning Association in cooperation with the Gay Liberation Movement of Cyprus and NGO Astarti organized an awareness campaign in relation to the issue of sexual orientation, which was co-financed by the European Commission and the Ministry of Justice and Public Order. The campaign aimed at sensitizing the general public on sexual orientation issues as a human right and discrimination due to sexual orientation. The booklet has been

disseminated to teachers during the "Shield Against Homophobia" conferences and trainings and also some trainings by KSOP with university students. Also in 2007, the European Institute of Cyprus organized an event to mark the closing of the European Year of Equal Opportunities in Cyprus. The event included exhibition stands from social partners, NGOs, governmental departments etc.; an evaluation / round table discussion; an official closing ceremony; events and competitions for children; special awards given to individuals who have contributed to the combating of discrimination; presentation of activities from high schools; screening of films/documentaries; photographic exhibition; exhibition of posters etc. It is unclear if this campaign included LGBT issues (COWI, 2010 Country-legal, p. 29/30). In 2003, the Ministry of Justice and Public Order organized a seminar to combat racism and discrimination, but LGBT NGOs criticized that the training did not include attention to LGBT issues (COWI, 2010 Country-legal, p. 32). However, in 2013-2015, the "Shield Against Homophobia" campaign trained 300 teachers on SOGI (ACCEPT Cyprus, comment October 2017).

In 2014, Shoshilou & Vasiliou did a research which included a small qualitative focus group study on teacher's experiences, a voluntary teacher training course on homophobia in schools ("Shield Against Homophobia") and a conference for education professionals (Shoshilou & Vasiliou, 2016).

### **Access to schools**

1. Access to schools: Education is free and mandatory from 6 until 11 and 15.

2. Freedom of self expression: We do not have any kind of data about that, but we know that students have serious problems to come out. We do not have official support (2014, a GALE respondent from North Cyprus). Non-traditional expressions of gender are not tolerated in boys. This happens even in primary schools. Girls seem to have more freedom in this and being a tomboy may make them even more popular among boys (Shoshilou & Vasiliou, 2016).

3. Protection against bullying: ACCEPT Cyprus notes that in 2016 the (South Cyprus) Ministry of Education and Culture published a Code of Contact Against Racism – Guide for recording and addressing racist incidents ([http://www.pi.ac.cy/pi/files/epimorfosi/antiratsistiki/kodikas\\_oct16.pdf](http://www.pi.ac.cy/pi/files/epimorfosi/antiratsistiki/kodikas_oct16.pdf)) which includes homophobic bullying and sexual abuse. The same year, the government also published a circular: "Preventing and addressing bullying in schools" (<http://enimerosi.moec.gov.cy/ypp3745>). ACCEPT Cyprus hopes the new strategies have a good impact. Schools are asked to report cases of bullying online. In 2008, European project (HOMBAT, Rights, Equality and Citizenship Program) will produce new statistics on homophobic bullying.

According to the EU LGBT Survey, 79% of the respondents heard negative comments or witnessed discriminatory behavior in school (FRA, 2014, quoted in (Shoshilou & Vasiliou, 2016). 23% reported being discriminated themselves. 91% of the LGB respondents said they would feel more comfortable when measures in education were taken; for transgender this was 76% (FRA, 2014).



A GALE respondent remarked in 2014 that the upcoming guide against racism was a positive step, but she still believed that LGBT/DESPOGI students were very vulnerable to bullying and harassment (2014, a GALE respondent from South Cyprus). A respondent from North Cyprus said: "This is up to teachers. There is no official school policy on that. Also, we know that many students have been experiencing bullying just because of their gender atypical appearance and behaviors (2014, a GALE respondent from North Cyprus).

4. Policy against DESPOGI drop-out: We found no information on this topic related to DESPOGI students.

5. Equal academic performance: We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: There is no formal censorship. The Cypriot popular press often exploits the subject of non-normative sexualities for sensational reporting. Informed and anti-homophobic articles are rare. However, a recent (2010) documentary about a Turkish Cypriot transvestite performer is seen as a landmark in the development the potential for open discussion about LGBT issues on the island (COWI, 2010 Cyprus sociological study, p. 8). According to Shoshilou and Vasiliou, speaking about sex in public is taboo since a conscious campaign to stop that in the early 20th century (Shoshilou & Vasiliou, 2016).

7. Relevant and supportive attention in school resources: There is sex education since 2010, but it does not contain LGBT issues (Shoshilou & Vasiliou, 2016). Sexual orientation has been introduced in the B' Gymnasium class as a specific objective of the Home Economics Curriculum (ACCEPT Cyprus, comment October 2017).

The subject of 'religious instruction' is an essential part of the curriculum and plays an important role in the character of moral exchange in schools (COWI, 2010 Cyprus sociological study, p. 7). An opinion survey was carried out in schools, focusing on the pupil's attitudes on sex education: the vast majority of pupils believe that the subject must be introduced at secondary school, whilst one quarter believed it should be introduced at primary school. The survey found that pupils believed that NGOs offering support and counseling on sexuality and gender relations must be supported; that modernization and respect for diversity and open-mindedness must be promoted, whilst special care must be taken for high risk groups (COWI, 2010 Country-legal, p. 25). LGBT issues are not part of the curriculum, heteronormativity is the main narrative and deviations are considered taboo and treated with embarrassment (Trimikliniotis & Karayanni, 2008 in COWI sociological p. 7). There is only one course which is LGBT Psychology at Psychology Department at EMU (2014, a GALE respondent from North Cyprus).

8. Resources for LGBT students: There are resources (leaflets, books, websites) for LGBTI university students. It is unclear whether there are for high school students and others (2014, a GALE

respondent from North Cyprus). There are also some non-governmental resources that an NGO campaign produced (2014, a GALE respondent from South Cyprus).

9. Support services open to LGBT like counseling: ACCEPT Cyprus notes all students are allowed support from the school psychologist (primary and secondary education with parents' permission) and the school counselor (secondary education) (ACCEPT Cyprus, October 2017).

In many universities, there are psychological counseling and guidance services. These services are for all students. Psychologists support DESPOGI students. However, I do not know about High schools and others (2014, a GALE respondent from North Cyprus). Not particular services for LGBT students (2014, a GALE respondent from South Cyprus).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Queer Cyprus is trying to empower all LGBTI people. However, there is no policy in schools (2014, a GALE respondent from North Cyprus).

### **Good teachers**

11. Supportive staff: Depends on each teacher (2014, a GALE respondent from South Cyprus). The small focus group study by Shoshilou and Vasiliou found that many teachers scorn non-traditional gender behavior, especially in boys. But also boys kissing was deemed unacceptable. None of the teachers in this study mentioned any intervention to stop homophobic bullying (Shoshilou & Vasiliou, 2016). About 300 teachers were trained during the 2013-2015 "Shield Against Homophobia" campaign, but this is a limited number of the total number of teachers (ACCEPT Cyprus, comment October 2017).

12. Staff competent to teach: Our study has indicated that teachers don't feel competent, or safe to teach about sexual diversity as they are afraid of parents' reactions (2014, a GALE respondent from South Cyprus. Shoshilou and Vasiliou heard teachers say that many teachers don't even know the word "homophobia" (Shoshilou & Vasiliou, 2016). ACCEPT Cyprus notes that teacher trainings in 2013-2015 by KSOP, MIGS and "Shield Against Homophobia" prepared teachers on how to avoid heteronormativity and how be inclusive. ACCEPT remarks it is not yet clear how the teachers implement these skills, but is confident that teacher are competent after these trainings (ACCEPT Cyprus, comments October 2017)

13. Staff competent to support: Since 2014, there is a policy for "Anti-racist Behavior" which includes homophobia as well (2014, a GALE respondent from South Cyprus, ACCEPT Cyprus comment 2017).

14. Supportive school environment: After doing 2 focus groups with teachers, Shoshilou and Vasiliou concluded that school reinforce homophobic discourse (Shoshilou & Vasiliou, 2016).

15. Employment protection for staff: Formally, DESPOGI teachers are protected against discrimination by the law protecting against LGBTI discrimination at work. There is not yet case law on homophobia,

but there are a number of homophobic events and instances reported to the authorities by NGOs and trade unions. In the field of education, which employs several thousands of teachers, some instances of homophobia were reported. One of such cases was reported by the General Secretary of the secondary school teachers' union (OELMEK), the "committee of selection" of the Pedagogical Institute, which is responsible for the monitoring and approval of the on-the-job training of secondary education teachers recommended in its assessment report that a certain trainee teacher be failed on the ground that "he moves/ shakes in an odd manner," which is an indirect way of saying that he is gay. The second case reported, which is indicative of the teachers' reaction towards homosexuals, occurred in 2001, when OELMEK issued a statement stating that it will endeavor to combat discrimination of all discriminated groups and referred to, inter alia, homosexuals: the union received more than 300 phone calls from teachers complaining about the inclusion of homosexuals in the list (COWI, 2010 Country-legal, p. 26).

Shoshilou and Vasiliou heard in their focus groups many hints that other teachers were not tolerant towards LGBT colleagues and suggested them hide, for men to behave more masculine, fear that LGBT teachers were bad role models and suggestions to move to other schools (Shoshilou & Vasiliou, 2016).

## Recommendations

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Evaluate the impact of the anti-racism guidelines and the anti-homophobic bullying circular and enhance the implementation strategy with the results
3. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
4. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
5. Actively protect DESPOGI teachers against employment discrimination
6. Secure that schools have a safe school climate which includes DESPOGI students

## Czech Republic

The reliability of this assessment is scored as 3 stars on reliability of data and 0 stars on different perspectives. There were no Czech respondents on the checklist. We score the Czech Republic as 75% ambiguous and 25% supportive. On the total scale, the score comes down to 63%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					Supported	
2. Freedom of self expression for DESPOGI?			No policy			
3. Protection against DESPOGI bullying?			No policy			
4. No drop-out of DESPOGI?						No data
5. Equal school performance of DESPOGI?						No data
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					Supported	
7. Attention in resources about sexual diversity?			No policy			
8. Resources for DESPOGI students?			No policy			
9. Support services open to DESPOGI students?			No policy			
10. Peer-learning opportunities for DESPOGI?						No data
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			No policy			
12. Staff competent to teach about sexual diversity?			No policy			
13. Is staff competent to support DESPOGI?			No policy			
14. Supportive school environment for DESPOGI?			No policy			
15. Employment protection for DESPOGI staff?					Supported	

## General assessment

The countries education system is partly decentralized from the Ministry to local authorities. Primary and secondary education are mandatory and free, higher education is also free.

The attitudes towards DESPOGI are quite positive, especially in the context of a Middle European country. This may have to do with the extent to which the population is secular and the moderate influence of the Roman Catholic Church.

There are a few research reports on sexual diversity in education. The information gives the impression of moderate levels of discrimination in general, but little or no specific attention to bullying, discrimination and heteronormativity in schools, with teachers insecure to tackle the topic.

## Legal context

### Laws

The 1961 Criminal Code removed sodomy provisions from the previous Hungarian code. The age of consent is equal at 15. 1999 The Labor Code of 1999 (update 2006), the Employment Act of 2004, and the 2009 Anti-Discrimination Act specify sexual orientation as a protected ground. The Anti-Discrimination Act includes employment and education. The Registered Partnership Act offer civil union protections to same-sex partners, but excludes adoption rights (ILGA, 2017). Homosexual prostitution was decriminalized in 1990. Sex reassignment surgery and legal change of gender is possible since 1942

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Czech\\_Republic](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Czech_Republic)), but dependent of the permission by a medical commission, to which there is no appeal (COWI, 2010 Czech Republic-legal study, p. 5).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (1993)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | **succession** (1993)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | ratified | **succession** (1993)

Convention on the Rights of the Child: **not signed** | signed | ratified | **succession** (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

The Czech republic regularly recommends of supports UPR recommendations which advance the rights of LGBT.

## More information

Education is free and compulsory to age 15, and then free and voluntary through university. Language and barriers impede the integration of Roma children into mainstream schools, and disproportionate numbers of Roma children are in remedial schools.

The main administrative responsibility stays with the Ministry of Education, Youth and Sport, although more responsibilities were recently delegated to municipal and local authorities. Since 1990 establishment of private schools was made possible

([http://www.mzv.cz/dublin/en/about\\_the\\_czech\\_republic/education\\_in\\_the\\_czech\\_republic/](http://www.mzv.cz/dublin/en/about_the_czech_republic/education_in_the_czech_republic/)).

A number of children attend army and police secondary schools. The status of children attending such schools has raised concern. The UN Committee on the Rights of the Child recommended that the draft Criminal Code should criminalize the recruitment of children into armed forces ([https://www.ei-ie.org/barometer/en/home/profile\\_details/54](https://www.ei-ie.org/barometer/en/home/profile_details/54)).

The Czech Republic is a largely secularized society. The direct political influence of Roman Catholics is not strong (COWI, 2010 Czech Republic-sociological study, p. 8).

In 2004, public opinion showed a strong level of support for registered partnerships for same-sex couples, with 60% agreeing with such a law. A 2005 survey showed that 43% of Czechs personally knew someone gay or lesbian, 42% supported same-sex marriage and 62% supported registered partnerships, while only 18% supported same-sex adoption. In 2006, the Eurobarometer showed that 52% of Czechs supported full same-sex marriage (above the EU average of 44%) while 39% supported same-sex adoption. However, the 2015 Eurobarometer survey indicated a record high support of 57% among the Czechs, a five percent increase from the one in 2006. The annual CVVM poll on gay rights has shown slightly lower, though increasing, levels of support. A 2013 Pew Research Center opinion survey showed that 80% of Czechs believe homosexuality should be accepted by society, while 16% believe it should not. 84% of people between 18 and 29 believe it should be accepted, 87% of people between 30 and 49 and 72% of people over 50. A 2014 survey by the Academy of Sciences found that support for same-sex marriage had fallen slightly on previous years ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Czech\\_Republic](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Czech_Republic)).

Discrimination on the basis of race, gender, disability, language or social status is prohibited, but social discrimination continues against women and Roma. Some security force members are accused of human rights abuses, particularly against the Roma. Efforts are being made to recruit Roma to the police force and to improve relations with the Roma community, but skinhead violence continues against Roma ([https://www.ei-ie.org/barometer/en/home/profile\\_details/54](https://www.ei-ie.org/barometer/en/home/profile_details/54)).

Even though not fully researched it is likely that LGBT Romani persons might face great barriers to expression of their sexual orientation in their own (and the LGBT? - Ed.) communities (COWI, 2010 Czech Republic-sociological study, p. 8).

A Committee for Sexual Minorities (Výbor pro sexuální menšiny) was established as a part of Government Council for Human Rights in 2009. (COWI, 2010 Czech Republic-legal study, p. 6). The Government is involved (mainly through Minister for Human Rights) in the issue of the rights of LGBT persons and in the fight against homophobia (ibid, p. 33).

The Ministry of Education, Youth and Sport issued a strategic document, the National Programme for the Development of Education in the Czech Republic, which has become known as “Whitepaper” or “Bílá kniha” in Czech (Kotášek et al. 2001). Similarly, as the before mentioned curricular documents, the “Whitepaper” endorses multiculturalism and tolerance; however, it completely overlooks issues connected to sexual orientation and homophobia. Only few available publications focus directly on tackling homophobia in schools, and one notable publication that has so far received only limited attention was published by the Working group for sexual minorities, initiated by the Czech government in association with the Institute of Sociology of the Academy of Sciences of the Czech Republic (Smetáčková and Braun 2009).

Two voluntary organizations, PROUD and Charlie, have for example recently endeavored to provide counseling and seminars in a number of Czech schools. Their collaborative project, called the Rainbow seminar program (Duhové semináře), aimed to fill the gap in sex education; however, according to their project websites, the organizers managed to visit 31 school since the beginning of their activity in 2013. Although, these efforts remain important, and they cannot be regarded as sufficient measures, since there are 4096 Czech elementary<sup>7</sup> schools out of which 2748 offer second-stage education (Kleňhová 2010) (Pitoňák & Spilková, 2016).

## Access to schools

1. **Access to schools:** Education is free and compulsory for all young people. The Education Act mention several discrimination grounds, but not sexual orientation or gender identity (COWI, 2010 Czech Republic-legal study, p. 8)

2. **Freedom of self expression:** Proud found in interview-research that the presence of gender non-conforming students (in their appearance, hobbies etc.) is relatively frequent. For this reason it is not possible to approach the students with the assumption that they are all heterosexual or cisgender (Hajdíková, Burešová, Slíva, 2015).

3. **Protection against bullying:** The PISA study found a national percentage of 11,7% of frequently bullied students and 25,4% for any bullying act (PISA, 2015, p. 138). The EU LGBT Survey says that 17% of the respondents feel discriminated by education personnel and 79% think that measures in school would make them more comfortable. For trans people this last number is 77% (FRA, 2014). According to the 2010 COWI report, the problem of harassment and bullying of LGBT students in schools is well known in the Czech Republic, yet there is a lack of official data detailing this phenomenon (COWI, 2010 Czech Republic-sociological study, p. 7).

In a 2009 research among 1314 primary and secondary school students, it was found that respondents have most negative attitudes towards trans people – from all groups, the respondents were most reluctant to share space in school, classroom or a table with a trans pupil. The reasons for more pronounced transphobic attitudes may be ignorance (from a cognitive point of view) and fear or insecurity towards an ‘other’ or ‘transiting’ gender identity (at emotional level), which can be threatening for societal gender systems. Only a very small number of respondents hadn’t experienced or witnessed any form of homophobia or transphobia in their close social environment. The respondents most frequently encountered homophobic language (expressions like ‘this is gay’), jokes about LGBT people, mocking of LGBT people, insults and gossips. The schools seem to be able to address bullying (either homophobic/transphobic or otherwise motivated) thanks to established plans and procedures (Hajdíková, Burešová, Slíva, 2015).

In 2016, it was found that only two thirds of Czech 9th graders would not have any problem with having a homosexual classmate (Pitoňák & Spilková, 2016).

4. **Policy against DESPOGI drop-out:** We found no information on this topic.

5. **Equal academic performance:** We found no information on this topic.

## An appropriate curriculum



6. Availability of public information: Freedom of speech and of the press are guaranteed, and an active media expresses a wide variety of views without restriction. Information inciting hatred is illegal. Internet access is not limited, and public access to government information is legislated ([https://www.ei-ie.org/barometer/en/home/profile\\_details/54](https://www.ei-ie.org/barometer/en/home/profile_details/54)).

7. Relevant and supportive attention in school resources: According to the 2010 COWI report, LGBT persons are not mentioned in the general curriculum for elementary schools. References to LGBT persons are limited to a small number of phrases included within sex education curriculum (COWI, 2010 Czech Republic-sociological study, p. 7).

Michal Pitoňák and Jana Spilková note the current Czech curricular sex education is practically voluntary. At present, no obligatory curricular document draws clear guidelines for teaching about sexual orientation beyond the terms of health or prevention of sex-risk behavior. This is most notably missing from the “Framework Educational Program for Basic Education” (in Czech RVP ZŠ, “Rámcový Vzdělávací Program pro Základní Vzdělávání”) since it is the model template for formulation of custom-made School Education Programs (Pitoňák & Spilková, 2016).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: Although a number of NGOs<sup>6</sup> in Czechia offer prevention programs or support for victims of homophobia, these activities remain geographically limited and unsystematic (Pitoňák & Spilková, 2016).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: NGO Proud found that pupils encountered homophobic comments also from teachers, who may hereby unintentionally create a hostile environment in the classroom (Hajdíková, Burešová, Slíva, 2015).

12. Staff competent to teach: Lecturers commonly avoid teaching about sexual orientation as “unpleasant” or “optional” topic and refrain from teaching about “homosexuality” as one of the normal variations in the development of human sexuality (Pitoňák & Spilková, 2016).

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: Homophobia and homophobic prejudice thus continues to be part of everyday reality within Czech schools and education (Pitoňák & Spilková, 2016). A problem occurs when addressing ‘everyday’ (indirect) homophobia/transphobia because here as well it is necessary to demonstrate that such behavior (similar to racism) is not tolerated at school. For this reason the teachers would appreciate more methodical support and information sources regarding prevention of homophobia and transphobia from The Ministry of Education, Youth and Sports (Hajdíková, Burešová, Slíva, 2015).

15. Employment protection for staff: Legally, the position of LGBT teachers in employment is protected. There are no known cases of litigation. The situation of LGBT teachers in the education system are not documented (COWI, 2010 Czech Republic-sociological study, p. 7)



## Recommendations

The first 4 recommendations follow Hajdíková, Burešová, Slíva, 2015.

1. Provide specific education of teachers, prevention methodologists from primary and secondary schools and students of pedagogy faculties on the topics of LGBT identities and gender systems should be systematically supported. This could take place in the framework of university courses or through further education of the pedagogues to ensure that teachers themselves have positive attitudes and can set good examples for their pupils.
2. The updating of information about LGBT identities in curricular documents should be performed by The Ministry of Education, Youth and Sports in cooperation with experts in the given fields. The approved schoolbooks should not contain stereotypical or pathologizing statements on LGBT people.
3. The topic of different sexualities and gender identities should be included in the school curriculum (general framework and school educational programs) for primary and secondary schools with the aim of informing and refuting myths and stereotypes about LGBT people (for example in subjects such as Czech language, history, health education and social studies). The pupils should get to know more about trans people (for example by having a talk with a trans person, watching a movie, participating in interacting games), because the research indicated that young people (pupils) usually do not meet trans people and therefore neither understand them not their experiences. The likely consequence is a lower tolerance toward trans people.
4. Schools should openly declare a policy of fighting homophobia and transphobia in their official documents (in their school rules, on their school's website etc.).
5. Support peer education, Gay/Straight Alliances and other grass roots interventions.
6. Create a National Strategic Committee on Sexual Diversity in Education.
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4.

## Denmark

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives. In 2014, 5 respondents scored Denmark on the GALE Right to Education Checklist. Their average scores are 1% forbidden/discouraged, 38% no policy and 61% encouraged/supportive with at average 0,2 item scored unknown. After review of the literature and additional comments by experts GALE adapted the scores to 67% no policy and 33% encouraged/supportive In sum, we score Denmark as ambiguous, with a total score of 62%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1	3	1	
2. Freedom of self expression for DESPOGI?			3	2		
3. Protection against DESPOGI bullying?		1	1	2	1	
4. No drop-out of DESPOGI?			4		1	
5. Equal school performance of DESPOGI?			1	3	1	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			1	1	3	
7. Attention in resources about sexual diversity?			1	3	1	
8. Resources for DESPOGI students?			1	2	2	
9. Support services open to DESPOGI students?			2	2	1	
10. Peer-learning opportunities for DESPOGI?			3	1	1	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			1	3	1	
12. Staff competent to teach about sexual diversity?			4	1		
13. Is staff competent to support DESPOGI?			3	1		1
14. Supportive school environment for DESPOGI?			2	2	1	
15. Employment protection for DESPOGI staff?				1	4	

Numbers show the number of respondents scoring an item.

## General assessment

The education system in Denmark is of high quality and centralized, although there are quite a high number of private schools. The public attitude about LGBTI issues is very positive and Denmark is one of the leading countries in LGBTI emancipation. However, the implementation of this positive attitude in education is still lacking, which leads to scores of the country which are often "no policy" or "encouraged" rather than "supportive" (active support of the State).

## Legal context

### Laws

In 1987 the Criminal Code included "sexual inclination" in the statuses which a person who "makes a statement or imparts" threats may get up to two years imprisonment. The law is applicable to Faeroe Islands since 2007 and to Greenland since 2010. In 1993 the Penal Code removed provisions on consensual adult same-sex sexual relations. In 1996 the Act on Prohibition on Discrimination on the Labor Market prohibits both direct as well as

indirect discrimination and is inclusive of sexual orientation in its scope (not applicable to the Faeroe Islands or Greenland). Since 2009 the Board of Equal Treatment oversees discrimination issues upheld in a number of Danish laws. It appears to respond to claims relating to sexual orientation in employment only. In 2004 the Criminal Code was revised to include sexual orientation regarding hate crimes as an aggravating circumstance. Since 1999, there was a same-sex partnership law; in 2012 marriage was opened to same-sex couples. Same-sex marriage came into force in Greenland and the Faeroe Islands in 2016. (ILGA, 2017).

In 2014 Denmark becomes the first European country to allow legal change of gender without clinical diagnosis (<https://rainbow-europe.org/#8630/0/0>). While "gender identity & expression" are not mentioned in Labor Code, they are indirectly covered by Law on Equal Treatment for gender (m/f).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1963)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1972)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1983)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The Kingdom of Denmark includes two autonomous overseas territories, Greenland and the Faeroe Islands, which are generally more socially conservative ([Wikipedia, 2017](#)).

Education in Denmark is compulsory for children between 6/7 and 16, even though it is not compulsory to attend *Folkeskole* ("public school"). The school years up to the age of fifteen/sixteen are known as *Folkeskole*, since any education has to match the level offered there. About 82% of young people take further education in addition to this. Government-funded education is usually free of charge and open to all. Denmark has a tradition of private schools and about 15.6% of all children at basic school level attend private schools, which are supported by a voucher system. ([https://en.wikipedia.org/wiki/Education\\_in\\_Denmark](https://en.wikipedia.org/wiki/Education_in_Denmark)).

On the national level, the Danish Folkeskole is regulated by the Folkeskole Act, which provides the overall framework for the schools' activities. By means of this Act and the Executive Orders it contains,

all municipal primary and lower secondary schools share a common aim, standard requirements concerning the subjects that are to be taught at the specific form levels, standard regulations concerning the so-called Common Objectives for the teaching in the individual subjects, as well as standard regulations concerning the leadership and organization of the school system. However, it is the responsibility of the individual municipal boards to determine how the municipality's schools are to be organized in practice, within the framework established by law. The municipal boards themselves determine the municipal level of service for the Folkeskole within this overriding framework and can set their own additional objectives for the schools (Danish Ministry of Education website, Folkesole, 2017)

The law prohibits physical punishment of children by adults. Religious education (Evangelical Lutheran) is taught in public schools, though students may withdraw from religious classes with parental consent (EI Human Rights Barometer, <https://www.ei-ie.org/barometer/en/>).

The rights of lesbians, gays, bisexuals, and transgender (LGBT) persons in Denmark are some of the most extensive in the world and a high priority. Recent polls indicate that a large majority of Danes support same-sex marriage and LGBT adoption. Copenhagen, the capital, has frequently been referred to by publishers as one of the most gay friendly cities in the world, famous for its annual Pride Parade.

There are very few studies on Danish education and even fewer focusing DESPOGI topics. A recent report from the Ministry of Education on "gender stereotypes" in schools ignores the relevance of DESPOGI perspectives.

### **Access to schools**

1. Access to schools: In principle, all students have access.

2. Freedom of self expression: We found no information on this topic related to DESPOGI students.

3. Protection against bullying: The EU LGBT Survey says that 10% of the respondents feel discriminated by education personnel and 84% think that measures in school would make them more comfortable. For trans people this last number is 79%. (FRA, 2014). One respondent says: "In Denmark harassment (in general) is discouraged and illegal, but very little is done to register, prevent and prosecute incidents of harassment based on gender or sexuality" (2014). Another respondent says: "There is a law protecting minorities, among them sexual orientation, against discrimination and hate crimes. We need yet to have gender identity and gender expression included. Moreover this usually is about grown up people." (2014). Another (expert) respondent (2017) says that Denmark has no anti-bullying policies targeting LGBTI young people; there is a New Action Plan (2016) but no reference to vulnerable groups or equal treatment.

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: There is no scientific information on this topic. During 2016, LGBT Denmark was contacted by several trans students who had their request for reissued documents (after their legal change of gender) refused by their educational institutions. The NGO complained to the Minister of Children, Education and Gender Equality as well as Minister of Higher Education and Science. In October, the Minister of Education Ellen Nørby (Venstre – The Liberal Party of Denmark, V) wrote to LGBT Denmark to say that both ministries would require institutions to issue new documents, and that they would address administrative policies in this area (<https://www.ilga-europe.org/sites/default/files/2017/denmark.pdf>).

### **An appropriate curriculum**

6. Availability of public information: There is no censorship of the media or internet. There have been no scientific attempts to access the representation of LGBT persons in the Danish media. According to LGBT Denmark representatives the media discourse on LGBT issues is usually dominated by stereotypical images and illustrations like the common use of pictures of semi-clothed men from Copenhagen Pride (COWI, 2010 Denmark sociological study, p. 10).

7. Relevant and supportive attention in school resources: Sex education is mandatory in Danish public schools. However, it is mostly up to the teacher to choose the form and the content of the education. The educational guidelines mention sexual minorities as a possible, not obligatory, curriculum topic. In an old study (2005), it was found that 91% of the teachers reported to deal with homosexuality, and that of 143 registered educational materials, 2 dealt mainly with homosexuality. Two expert GALE respondents (2017) point to the mandatory curriculum "Health, sexual education and family knowledge" from the 0. - 9th class, has a binding competence area "gender, body and sexuality". According to this competence goal, it is mentioned that the pupil after completion of the 3rd grade: "the pupil can talk about diversity in relation to body and gender based on his or her own life". After the 6th grade: "the student can analyze diversity in body, sex and sexuality" and after the 9th grade: "the student can assess the norms and rights of body, sex and sexuality in a social perspective". One of the experts remarks the terms are vague and never mention homosexuality, transgenderism or intersex. There is a Ministry of Education learning portal for teachers with teaching materials and references on "homosexuality".

The Danish LGBT organization LGBT Denmark offers schools peer education panel sessions. In a November 2004 interview in *Panbladet* two volunteers from an LGBT Denmark group, that visits schools and teaches about homosexuality, criticized the educational material on homosexuality for being either outdated or absent. In the same article they further state about their experiences when they visit schools: "*Prejudices are alive and well and we are often met by the old clichés.*" (COWI, 2010 Denmark sociological study, p. 9).

One respondent says: "There are huge variations in the national dispersion of programs and the quality of programs which address DESPOGI-issues in schools. At AIDS-Fondet we have the Normstørmønstre project, but only in the two largest cities in Denmark, Copenhagen and ..." (2014). "The school law (for

publicly driven schools) emphasizes personality development and personal opinions as important for each student. Teaching about safer sex is rather widespread - but educational material which naturally includes LGBT-persons (not only as a post script) is almost non-existing" (GALE respondent, 2014).

8. Resources for LGBT students: There are NGOs who work with LGBT-policy and human rights, counseling and networking, like Sabaah Outreach, Normstormerne, LGBT Ungdom (Café Aura). But organizations are not subsidized directly by the state (2014, GALE respondent).

9. Support services open to LGBT like counseling: It is encouraged, but there is no clear policy on this state (2014, GALE respondent).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: In schools it depends on the local school board (including parents) what can be done - but it's not usual practice with peer groups. Taking a same sex date to the school party will probably be OK in most schools. Empowerment groups are available in some towns (2014, GALE respondent).

### **Good teachers**

11. Supportive staff: There is no policy for DESPOGI students to my knowledge (2014, GALE respondent). It seems that teachers are generally reluctant and fearful of approaching this taboo topic (COWI, 2010 Denmark sociological study, p. 9). Many teachers are supportive - but do not necessarily have the means to get informed about the issue (2014, GALE respondent).

12. Staff competent to teach: Teachers are not educated for DESPOGI education. Depending on personal interests, LGBT, sexuality and relationships are taught in schools. Many colleges use external educators for this subject. Some schools train their teachers on LGBT issues (Kjaran, 2017). There is a [Ministry of Education learning portal](#) for teachers with teaching materials and references on "homosexuality".

There are courses about sex education teaching in colleges of education - but only elective, which make most students choose not to take it (2014, GALE respondent). Another expert GALE respondent notes there is some progress in Pedagogics Education since 2014; there is a new module "[Gender, sexuality and diversity](#)", but it is still not mandatory for teacher training.

There are a few promising developments concerning training and education in Denmark. Training is organized by Lambda (a local LGBT association for Funen) and a relatively intensive training took place in Holstebro Municipality. The training was part of a project funded by The Danish Health and Medicines Authority and consisted of 14 courses over two years. Forty teachers and eight health visitors in the schools participated. The main aim of the courses was to improve the capacity of teachers to carry out sex education in schools. A compulsory curriculum for sex education in Holstebro Municipality was developed (FRA, 2016, p. 92)

13. Staff competent to support: One respondent says: " Many teachers will know they can contact LGBT Denmark, our national LGBT organization, to ask how to support a student, but few actually do it." (2014).

14. Supportive school environment: One respondent thinks the school environment is not supportive at all (2014).

15. Employment protection for staff: There is a general anti-discrimination policy for employees, not to be discriminated on the ground of sex and sexual orientation in a binary understanding, leaving non-cis people without protection in practice (2014, GALE respondent). However, many DESPOGI people do not feel safe to come out to neither pupils nor colleagues. Some school leaders discourage teachers to come out (2014, GALE respondent). One respondent thinks it is unclear whether the law protects transgender teachers/staff (2014, GALE respondent).

## **Recommendations**

1. Create a National Strategic Committee on Sexual Diversity in Education
2. Make attention for DESPOGI issues a priority for each department in the Ministry of Education
3. Develop DESPOGI inclusive curricula for each education sector
4. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
5. Train all educational staff to be DESPOGI inclusive
6. Monitor the progress of the government strategy
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Estonia

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives. Three local expert respondents scored Estonia in 2013-2014 as 16% discouraged, 73% no policy, 11% encouraged/supportive, with average 0,3 items scored as unknown. We score Estonia as ambiguous. On the total scale, the score comes down to 41%. After review, GALE determined that the more correct assessment should be 7% discouraged, 73% no policy and 20% supported (legally, with no counter indications of social non-implementation, but also no indication of active protection). This makes us label Estonia as "ambiguous" with a total score of 58%

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		2	1			
2. Freedom of self expression for DESPOGI?		1	2			
3. Protection against DESPOGI bullying?		1	2			
4. No drop-out of DESPOGI?			3			1
5. Equal school performance of DESPOGI?			2			1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			1		2	
7. Attention in resources about sexual diversity?			2		1	
8. Resources for DESPOGI students?			3			
9. Support services open to DESPOGI students?			3			
10. Peer-learning opportunities for DESPOGI?		2	1			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			3			
12. Staff competent to teach about sexual diversity?			3			
13. Is staff competent to support DESPOGI?			3			
14. Supportive school environment for DESPOGI?		1	2			
15. Employment protection for DESPOGI staff?			1		2	

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is mostly decentralized to schools themselves and to local authorities, but the Ministry of Education sets a national curriculum outline.

The attitudes towards DESPOGI are ambiguous, with part of the population supporting LGBT rights and others to a lesser extent. The minority of ethnic Russians is more conservative.

Specific research on sexual diversity in education is not really available, apart from a small study in 2011.



## Legal context

### Laws

On dissolution from the Soviet Union in 1991, Estonia created in 1992 its own Penal Code that removed criminalizing sanctions on same-sex sexual intimacy. The age of consent is equal at 14. Employment Contracts Act and the Equal Treatment Act of 2008 are inclusive of sexual orientation, but limited to employment and education. The 2006 Penal Code specifies sanctions for incitement to hatred on the basis of sexual orientation. The Registered Partnership Act 2014 (entered into force in 2016) is open to same-sex and different-sex couples and contains limited adoption rights (ILGA, 2017). In 2017, the Supreme Court of Estonia stated that same-sex couples also have the right to the protection of family life. Full gender reassignment in medical as well as legal terms is facilitated (COWI, 2010 Estonia-legal study, p. 6). The main legislation on gender reassignment is the “General Requirements on Medical Procedures for the Change of Gender”.

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1991)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education is compulsory and tuition-free from age 7 for 9 years or until the student reaches age 17.

Some 98.7% children are enrolled in school. The Statistical Office states that the highest level of education attained by most students is secondary school plus 2 years of higher education. Subsidized school meals are provided to students.

Ethnic Russians account for about 30% of the population. An investigation has begun into remarks inciting hatred on the basis of nationality. Ethnic Russians allege job and salary discrimination because of the language requirements ([https://www.ei-ie.org/barometer/en/home/profile\\_details/66](https://www.ei-ie.org/barometer/en/home/profile_details/66)).

The Estonian educational system consists of state, municipal, public and private educational institutions. The national curriculum establishes the standard for basic and general secondary education. The curricula are implemented in all basic and upper secondary schools of Estonia, regardless of the schools legal status, unless otherwise stipulated by the law. The financial management of schools is done by the school manager, who usually gets funding from the local

authorities. Local governments are authorized to establish, re-arrange and close general education schools. ([https://en.wikipedia.org/wiki/Education\\_in\\_Estonia](https://en.wikipedia.org/wiki/Education_in_Estonia)).

A poll conducted in 2012 found that 34% of Estonians supported same-sex marriage and 46% supported registered partnerships. The poll found an ethnic divide: while 51% of ethnic Estonians supported registered partnerships, only 35% of ethnic Russians were of the same view. A poll conducted in April 2017 found that while support for same-sex registered partnership legislation was unchanged in three years (45% vs 46%), support for same-sex marriages had increased to 39% with 52% against (compared to 60% against in 2012 and 64% against in 2014). It also found that acceptance of homosexuality had increased from 34% in 2012 to 41% in 2017, with 52% against. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Estonia](https://en.wikipedia.org/wiki/LGBT_rights_in_Estonia)[https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Estonia](https://en.wikipedia.org/wiki/LGBT_rights_in_Estonia)).

Gender change procedures are still cumbersome. A person's legal gender change is connected to medical treatment. A person must file an application to the Ministry for Social Affairs, after which a medical expert committee makes a decision whether a person is eligible for gender reassignment. The efficiency of the committee is doubtful based on experiences of transgender people who attend the committee. The process of legal gender change about least three years, in some cases two years. It creates problems in everyday life, because the time gap is too long and during that a person's look can change drastically (GALE respondent, 2017).

In 2011, the Ministry of Social Affairs omitted LGBT issues from the Development Plan (Sekü, 2011, p. 16). It is very difficult to approach schools to research sexual diversity. Sekü approached 62 schools to participate in a survey and the development of the Voice OUT methodology, but very few responded. In the end Sekü had to recruit individual students and could only find 48 to take part in the survey, and mainly LGBT students to participate in the development of the toolkit (Sekü, 2011, p. 19).

### **Access to schools**

1. **Access to schools:** Officially all students should have access to educational institutions but if some institution refuses DESPOGI students, then there is not much to be done. In primary and lower secondary education (basic education) schools are obliged to accept students. The Equal Treatment Act does not provide protection from discrimination on the basis of sexual orientation or gender identity in education. However, it is possible to go to court due to the violation of the Constitution which says that all people are equal before law and discrimination is forbidden. No such precedent is known (GALE respondent, 2013).

2. **Freedom of self expression:** In the study by Sekü, one-fifth of the LGBT respondents (all ages) said they did not come out in school. The main reasons were that they were still unaware of the sexual orientation and that they feared bullying (Sekü, 2011, p. 8).

3. Protection against bullying: The PISA study found a national percentage of 9,5% of frequently bullied students and 20,2% for any bullying act (PISA, 2015, p. 138). A pilot study of the KiVa program conducted in 84 primary schools found 22% of the students were victims and 9% were bullies (Treial, 2016). According to a 2014 study (based on data of 2009) Estonia has a very high level of bullying (<http://news.err.ee/111375/report-estonia-among-europe-s-worst-for-school-bullying-situation-slowly-improving>). In none of these studies, LGBT related bullying is discussed.

The EU LGBT Survey says that 19% of the respondents feel discriminated by education personnel and 88% think that measures in school would make them more comfortable. For trans people this last number is also 88%. (FRA, 2014). In a small study by the LGBT organization Sekü, it was found that 26% of the LGBT respondents felt unfairly treated at school (Sekü, 2011, p. 9). The LGBT students reported that they think the most frequent stereotypes of gays and lesbians are that gay men are effeminate and lesbians are butch, and that gay men are seen to be hypersexual and lesbian women were deemed ugly. LGBT people perceived that the main causes for the exclusion of LGBT people are related to traditional views and heteronormativity of the society as well as lack of education (Sekü, 2011, p. 11).

A GALE respondent says dealing with bullying and harassment are becoming more and more popular but there is little attention paid to DESPOGI students and homophobia (GALE respondent, 2013).

Another states: "There is one project, but it is not effective" (GALE respondent, 2014)

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press are guaranteed, and access to the Internet is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/66](https://www.ei-ie.org/barometer/en/home/profile_details/66)). Qualitative research, including assessments by LGBT persons, indicate that although the media has become more positive toward LGBT issues in recent years, the use of stereotypical images is still widespread (COWI, 2010 Estonia-sociological study, p. 8). There is no policy; there is little public information provided by the state, however, NGOs can launch awareness campaigns on LGBT (GALE respondent, 2013).

7. Relevant and supportive attention in school resources: According to legal expert Ms Merle Haruoja, Ms Marianne Meiorg and Mr Kari Käsperthe, the new national study curriculum set by the Ministry of Education and Science (Estonia / *Justiitsministeerium* (2009) *Mitteabieluline kooselu ja selle õiguslik regulatsioon*) gives a clear basis for discussions on sexual minorities (COWI, 2010 Estonia-legal study, p. 33). Despite this, 68% of the students researched by Sekü thought that sexual diversity is not part of the curriculum (Sekü, 2011, p. 13). Another respondent says there is the topic in the national curriculum but there are not so many good materials. Another GALE respondent remarks that

textbooks do not include detailed information about personality development, relationships, safer sex etc, however, teachers may cover these issues if they choose to do this (GALE respondent, 2013). Another respondent says it is in the national curriculum, but it is up to the teachers if and how to address it (GALE respondent, 2014).

8. Resources for LGBT students: In Tallinn there is an NGO-led information centre for LGBT people; but the State does not provide specific resources (GALE respondent, 2013)

9. Support services open to LGBT like counseling: GALE respondents mention that the Estonian LGBT Association is the only organizations providing support.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: According to a GALE respondent, in Tallinn there are a few informal self-organized support groups for LGBT people (GALE respondent, 2013). Sekü found some cooperation with LGBT youth who convene in a Tallinn youth centre. The Estonian LGBT Association has a group for LGBT youth and their friends.

### **Good teachers**

11. Supportive staff: A GALE respondent says there are teachers who are supportive and there are teachers who are not. It has not been studied what the situation actually is (GALE respondent, 2013). Other respondents say it depends on the school and teachers may react very differently.

12. Staff competent to teach: Sekü reports that school teachers often do not know and are not trained in responding to LGBT concerns and questions. There have been cases of teachers preventing conversations with students on LGBT issues. On the other hand, LGBT NGOs have been contacted by teachers asking for material for educational use. Some teachers are reportedly afraid to bring up the topic, fearing consequences. Sekü has produced a leaflet for teachers but the Ministry of Education is very reluctant to support the project (COWI, 2010 Estonia-sociological study, p. 8). A GALE respondent says teachers are not really trained on sexual diversity; but NGOs provide some additional training to teachers on sexual diversity and homophobia (GALE respondent, 2013). Another respondent says training on the topic is not included in teacher training curricula (GALE respondent, 2014).

13. Staff competent to support: Teachers are not trained at university and such training is not provided later either by the state. NGOs provide some training to a limited number of teachers (GALE respondent, 2013).

14. Supportive school environment: Two GALE respondents think this depends on the school, but that most schools are not supportive.

15. Employment protection for staff: In principal, the employment situation of LGBT teachers is protected against discrimination, but there does not seem to be an open attitude in schools to fully implement this. Still, we found no information on this topic - no legal complaints and no anecdotal experiences.

## Recommendations

The first 5 recommendations are following the recommendations of Sekü (Sekü, 2011).

1. The Ministry of Education and Science should in co-operation with LGBT organizations produce materials on LGBT issues for teachers and pupils
2. The topic of LGBT in the national curriculum should be improved
3. Training to teachers should be provided
4. Instead of trying to dissolve the topic of LGBT under general framework of non-discrimination, specific actions should be taken
5. Clear and coherent policy in different policy sectors should be established
6. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
7. Ratify the Convention against Discrimination in Education
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Finland

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives.

Nineteen local expert respondents scored Estonia in 2013-14 at average as 7% discouraging, 37% no policy and 56% encouraged/supportive, with average 2.1 items scored as unknown. After review, GALE scored Estonia as 38% no policy and 62% encouraged/supportive with two items unknown. We label Estonia as supportive. On the total scale, the score comes down to 73%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		1	3	4	11	
2. Freedom of self expression for DESPOGI?	1	2	7	4	5	
3. Protection against DESPOGI bullying?			2	10	6	1
4. No drop-out of DESPOGI?		1	7	7		3
5. Equal school performance of DESPOGI?			6	6	3	3
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		1	5	6	6	1
7. Attention in resources about sexual diversity?		2	8	4	1	3
8. Resources for DESPOGI students?		2	9	3	4	1
9. Support services open to DESPOGI students?			7	4	5	3
10. Peer-learning opportunities for DESPOGI?		1	9	3	5	1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			7	7	3	2
12. Staff competent to teach about sexual diversity?		1	10	1		7
13. Is staff competent to support DESPOGI?		1	10	1	1	6
14. Supportive school environment for DESPOGI?		2	7	5	3	2
15. Employment protection for DESPOGI staff?		1	1	1	10	6

Numbers show the number of respondents scoring an item.

## General assessment

The country's education system is centralized and very progressive with small classes and a lot of attention to personal skills. There is systematic attention to combat bullying, but LGBT bullying is not in focus. The attitudes towards DESPOGI are quite positive. Specific research on sexual diversity in education is hardly available. Respondents in a strategic workshop typify the Finnish culture as conflict-avoidant and keeping quiet about controversial issues. This makes it difficult to "be different" like LGBT. One study stressed there are traditional heteronormative attitudes towards gender, which threatens the safety of DESPOGI students.

## Legal context

### Laws

“Unlawful sexual intercourse and other lewdness” was removed from the criminal code in 1971. In 1995, sexual preference was included in the Non-Discrimination Act; in 2004 this was elaborated to other domains than employment, but not to education. In 2011, the hate crime law was extended to include sexual orientation. In 2017, marriage was opened to same-sex couples, including second partner adoption (ILGA, 2017). Homosexuality was declassified as an illness in 1981 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Finland](https://en.wikipedia.org/wiki/LGBT_rights_in_Finland)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession (1971)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1975)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1986)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Finland is an education system with no tuition fees and with fully subsidized meals served to full-time students. Education starts with toddler day-care and is compulsory until 16 years. The Finnish strategy for achieving equality and excellence in education has been based on constructing a publicly funded comprehensive school system without selecting, tracking, or streaming students during their common basic education. Part of the strategy has been to spread the school network so that pupils have a school near their homes whenever possible or, if this is not feasible, e.g. in rural areas, to provide free transportation to more widely dispersed schools. Inclusive special education within the classroom and instructional efforts to minimize low achievement are also typical of Nordic educational systems. Classes are small, seldom more than twenty pupils. Teachers, who are fully unionized, follow state curriculum guidelines but are accorded a great deal of autonomy as to methods of instruction and are even allowed to choose their own textbooks. Both primary and secondary teachers must have a master's degree to qualify. Teaching is a respected profession and entrance to university programs is highly competitive. A prospective teacher must have very good grades and must combat fierce opposition in order to become a teacher.

Commencing in the 2016-2017 academic year, Finland will begin implementing educational reform that will mandate that phenomenon-based learning be introduced alongside traditional subject-based instruction. As part of a new *National Curriculum Framework*, it will apply to all basic schools for students aged 7-16 years old. Finnish schools have used this form of instruction since the 1980's, but it was not previously mandatory. It is anticipated that educators around the world will be studying this development as Finland's educational system is considered to be a model of success by many. This shift coincides with other changes that are encouraging development of 21st century skills such as collaboration, communication, creativity, and critical thinking ([https://en.wikipedia.org/wiki/Education\\_in\\_Finland](https://en.wikipedia.org/wiki/Education_in_Finland)).

The support for same-sex marriage in Finland has grown during the 2000s. A December 2006 EU poll put Finnish support for same-sex marriage at 45%, while an August 2010 survey put the support at 54%, with 35% opposing it. In January 2013, a poll found that the support had climbed to 57%, with 32% opposed and 12% unsure. A survey taken in March 2014 found that 65% of Finns supported same-sex marriage, while 27% opposed. The 2015 Eurobarometer found that 66% of Finns thought that same-sex marriage should be allowed throughout Europe, 28% were against ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Finland](https://en.wikipedia.org/wiki/LGBT_rights_in_Finland)).

There is no equality body in Finland dealing with discrimination on the ground of sexual orientation. The Ombudsman for Minorities deals only with discrimination on the grounds of ethnic origin and the Ombudsman for Equality deals with gender equality, including discrimination on the grounds of transsexuality but not sexual orientation (COWI, 2010 Finland-legal study).

### **Access to schools**

1. **Access to schools:** Education is free and compulsory, there are no indications that DESPOGI students are excluded.

2. **Freedom of self expression:** There are very few data on the experiences of LGBT pupils in schools. Jukka Lehtonen studied the way sexuality and gender were expressed among young persons at school. The study showed that heterosexual masculinity for men and heterosexual femininity for women are conceived as something natural and depicted as the only present and future alternative. Other alternatives are not brought up, or they are presented as something questionable or otherwise negative (Lehtonen, 2003, quoted in COWI, 2010 Finland-sociological study, p. 8).

3. **Protection against bullying:** One of the few effective anti-bullying programs (KiVa) was developed in Finland. For a time, it was State supported and stimulated, and the diffusion was so wide that having a KiVa school "label" is considered a certificate for being a safe school. But it has to be noted KiVa is much more effective in primary schools than secondary schools, and that there are no data about its effect on homophobia. The program focuses on generalized group processes and not on motives for exclusion (Peter Dankmeijer, personal comment 2017).



4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: There is no ban or censorship in the media or in schools. Media focus mainly on legal developments, LGBT lives are less visible (COWI, 2010 Finland-sociological study).

7. Relevant and supportive attention in school resources: The LGBT organization SETA offers peer education panel sessions to schools. In 2014 there was no information in school resources. In the GALE strategic workshop of December 2014, it was noted the government just signed a law which would make attention to gender mandatory in education. The lobby to include sexual orientation failed. It was recommended to get in dialogue with the ministry to attempt to include transgender issues and sexual orientation in the subsequent development of the curriculum.

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: The findings of the of the Sexual and Gender Minorities at Work showed that pupils' parents played an important role in determining openness in schools. Teachers were afraid of parents' reactions, and were sometimes told by principals or other teachers that the teachers' homosexuality should be concealed from parents (Lehtonen & Mustola 2004, quoted in COWI, 2010 Finland-sociological study, p. 7).

12. Staff competent to teach: Despite the good training of teachers, attention to DESPOGI seems to be completely lacking.

13. Staff competent to support: See 12.

14. Supportive school environment: See 2 and 12.

15. Employment protection for staff: Formally, LGBT teachers are protected against discrimination by the Non-Discrimination Act. The sample of the Sexual and Gender Minorities at Work project's

questionnaire included 30 responses from lesbian, gay and bisexual teachers. Findings showed that most teachers concealed their sexual orientation from their pupils. A majority of the teachers also concealed their sexual orientation from other teachers and an even greater number from their superiors. Nevertheless, colleagues were told more often than pupils (Lehtonen & Mustola 2004, quoted in COWI, 2010 Finland-sociological study, p. 7)

## **Recommendations**

1. Protect DESPOGI teachers more actively against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Include DESPOGI students in your implementation of the right to education monitoring and in the monitoring reports on the Convention against Discrimination in Education
5. Create a National Strategic Committee on Sexual Diversity in Education

## France

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives. Three local respondents scored France in 2014 as 5% forbidden/discouraged, 37% no policy, 58% encouraged/supportive, with at average 0.6 item unknown. Most of their responses were based on personal and activist experiences in education. We score this country as 69% on the total scale.

<b>Access to school</b>						
1. Full access to schools for DESPOGI?					3	
2. Freedom of self expression for DESPOGI?			2		1	
3. Protection against DESPOGI bullying?				1	2	
4. No drop-out of DESPOGI?			2			1
5. Equal school performance of DESPOGI?			2	1		
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	1			1	1	
7. Attention in resources about sexual diversity?				3		
8. Resources for DESPOGI students?			1	2		
9. Support services open to DESPOGI students?				3		
10. Peer-learning opportunities for DESPOGI?			3			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			1		2	
12. Staff competent to teach about sexual diversity?			2	1		
13. Is staff competent to support DESPOGI?		1	1			1
14. Supportive school environment for DESPOGI?	1		1	1		
15. Employment protection for DESPOGI staff?			1		2	

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is highly centralized. The French norm of neutrality of the state has, until recently, been a barrier to specific actions in education. This has been changing in the last few years.

The attitudes towards DESPOGI are quite positive at average, but with a notable and strong voices religious minority (“Manis Pour Tous” coalition).

There is very limited research on sexual diversity in education.

## Legal context

### Laws

France removed the law against sodomy in 1792. From 1960 until 1980 an indecent exposure law existed that often targeted homosexuals. Protection against discrimination on sexual orientation was first codified in 1985 (and in 2008, gender identity was included) as named grounds protected against discrimination in the Labor Code of

2008. Since 2003, discrimination on the grounds of sexual orientation is an aggravating factor, and since 2005 a threat based upon the “victim’s true or supposed sexual orientation” is punishable. In 2013, marriage was opened for same-sex couples, including second parent adoption. Transgender individuals are allowed to change their legal gender and since 2009. (ILGA, 2017; [https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_France](https://en.wikipedia.org/wiki/LGBT_rights_in_France))

### *Conventions*

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1961)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1980)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1983)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1990)

### *International statements and dialogue*

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## **More information**

The French educational system is highly centralized. It is free of charge. One of the main characteristics is that education, like other French public services, functions under the “laïcité” policy. In principle, this means these services are secular or neutral. In practice, the principle is often taken so far to mean that any difference between citizens are denied, equal treatment then means “exactly the same treatment”. This lack of recognition of differences or even resistance against such recognition is not only disadvantageous for religious groups but also for LGBT students when specific needs are not allowed to be recognized ([https://en.wikipedia.org/wiki/Education\\_in\\_France](https://en.wikipedia.org/wiki/Education_in_France)).

A 2013 Pew Research Center opinion survey showed that 77% of the French population believe homosexuality should be accepted by society, while 22% believe it should not. Younger people were more accepting: 81% of people between 18 and 29 believe it should be accepted, 79% of people between 30 and 49 and 74% of people over 50. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_France](https://en.wikipedia.org/wiki/LGBT_rights_in_France)).

Religious institutions generally remain hostile, and oppose the rights of LGBT persons and the fight against discrimination on grounds of sexual orientation. On Feb. 8, 2007, for the first time in France, leaders of several religious organizations (Muslim, Catholic, Protestant, Orthodox, Jewish and Armenian) issued a common declaration under the headline ‘Marriage is the union between a man and a woman’ in which they declared themselves against marriage and adoption for homosexual couples (COWI 2010 France-sociological study, p. 9).

The High Authority for Equality and the Elimination of Discrimination (HALDE) is responsible for implementing the equal opportunities law. The HALDE has substantial investigation powers. In collaboration with the Ministry of the Budget, Public Accounts and Civil Service, the HALDE has drawn up a “Charter for the Promotion of Equal Opportunities” in the different sectors of civil service (State, territorial and hospital sectors). This Charter was signed on 2nd December 2008 in order to encourage upstream action and watch the implementation of the principle of equal treatment in all management procedures of the civil service. In 2009, the HALDE has set up a working group to facilitate initiatives aimed at preventing discrimination and harassment based on sexual orientation in lower and upper secondary schools.

In March 2008, Xavier Darcos, Minister of Education, announced a policy fighting against all forms of discrimination, including homophobia, in schools. The Fédération Indépendante et Démocratique Lycéenne (FIDL) (Independent and Democratic Federation of High School Students) – the main high school student union in France – has also launched campaigns against homophobia in schools and among young people. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_France](https://en.wikipedia.org/wiki/LGBT_rights_in_France)).

### **Access to schools**

1. *Access to schools*: The law secures access to school, but there are no specific provisions for DESPOGI students. A respondent says “students are not seen as LGBT students, they are students first, and sometimes it’s difficult to make people being conscious that students could be discriminated because of their sexual orientation or gender identity” (2014).

2. *Freedom of self expression*: We have found little research on how many students come out at school. A limited survey on trans students (100 respondents) shows that only 13% of trans students comes out at school. Of the MTF trans students 18% get rejected and 24% suffer from insults (Leprince, 2009). Respondents say that LGBT students can come out, but cannot be sure to be supported by teachers or fellow students and they are afraid (2014, MAG Jeunes).

3. *Protection against bullying*: According to a 2007 *SOS Homophobie* report, the number of homophobic assaults has increased in schools. This represented 5% of the reported cases of assault in schools in France. Assaults on students are categorized as follows: 42% suffer insults, 29% discrimination, and 13% physical aggression. Only one-third of all adults experiencing discriminatory treatment on grounds of sexual orientation in school submit a complaint to the justice system, and the percentage of young people submitting complaints is even lower (COWI 2010 France-sociological study, p. 8).

In 2013, Najat Belkacem-Vallaud of the Department of Non-Discrimination elaborated the national “Act against harassment in school” of 2012 to include homophobic violence (GALE respondent, 2013). Activist respondents are apparently not aware of this, they maintain the anti-bullying campaign has no attention for LGBT and it is hampered by a lack of awareness of teachers (GALE respondent, 2014, MAG Jeunes).

4. Policy against DESPOGI drop-out: We found no information on this topic related to DESPOGI students.

5. Equal academic performance: There is only attention in this area for students generally (GALE respondent, 2014).

### **An appropriate curriculum**

6. Availability of public information: Public information about sexual diversity is not limited in France. The media give increasing, though often heteronormative attention to sexual diversity (COWI 2010 France-sociological study)

7. Relevant and supportive attention in school resources: The 2003 legislation about sexuality education at school (covering primary and secondary schools) is a lengthy 4,000-word text, articulating aims and objectives, actions and their implementation. It does not make references to LGBT issues or youth, but it mentions twice the importance of education in the fight against prejudice and homophobia. Heteronormativity is evident in the national syllabus. Some teachers may include LGBT issues, as long as it stays in the line within the boundaries of the official curriculum (Sears, 2015, A-J, p. 191/331 – 335; COWI 2010 France-sociological study, p. 8).

A recent study done by HALDE (2008) showed that LGBT persons (as well as other minorities) are absent in textbooks (COWI 2010 France-sociological study, p. 8). A HALDE Deliberation of 2008 (n°2009-252) insists on the importance of incorporating homophobia in school curricula and ensuring that due consideration is given to the respect of LGBT associations' complementary role (COWI 2010 France-legal study, p. 15).

The Education Ministry recently expressed opposition to the diffusion of a movie called "Kiss of the moon" ("Baiser de la lune") that was aimed at raising awareness about homosexuality in primary school. The campaign was considered inappropriate for primary school education. This position has aroused criticism among associations fighting homophobic discrimination. (COWI, 2010 France-legal study, p.15-16).

LGBT organizations working with education still argue that there is a lack of attention toward LGBT issues in the curriculum and educational materials.

8. Resources for LGBT students: We found no information on this. One respondent states it depends on the school policy.( GALE respondent, 2014)

9. Support services open to LGBT like counseling: We found no information on this. One respondent states support is more common by associations in universities (GALE respondent, 2014). Another respondent notes again "it depends on the school policy". Sometimes some NGOs (like Mag Jeunes LGBT, SOS Homophobie, Le Refuge) can come to schools as advisor (GALE respondent, 2014, MAG Jeunes).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: MAG Jeunes remarks “we don't have this kind of projects in secondary school”. (2014, MAG Jeunes)

### **Good teachers**

A HALDE Deliberation of 2008 (n°2009-252) insists on the need for adequate trained teachers (COWI 2010 France-legal study). However, there seem not to be any measures in place.

11. Supportive staff: Respondents remark teachers are not trained to support DESPOGI students (GALE respondent, 2014) and that it depends the school (GALE respondent, 2014, MAG Jeunes).

12. Staff competent to teach: A respondent feels teachers are not comfortable on this. “There is no real support, except by NGOs” (GALE respondent, 2014). In 2009, following recommendation by the HALDE, the French Economic and Social Council adopted a deliberation (Deliberation of 12 January 2009) which insists on the need for adequate training provided to teachers and National Education Service staff (HALDE report 2008 pp. 60-61, in COWI, 2010 France-legal study, p.15).

13. Staff competent to support: See above.

14. Supportive school environment: The suicide rate of LGBT persons is a major area of concern. Surveys show that 25% of all suicide attempts of 16- to 25-year-old men and 10% of women in the same age range are linked to homophobia, sexual orientation or gender identity (COWI 2010 France-sociological study, p. 9). Of the transgender youth, 34% may have attempted suicide (Leprince, 2009) A respondent says schools tend to have a “don't ask - don't tell” attitude (2014, Frederic Marion).

15. Employment protection for staff: In 2013, Professor Eric Debarbieux, former Director of the International Observatory of Violence in Schools remarked that LGBT staff can be the target of harassment, or to a lesser extent, insults from students. 1% of staff interviewed in a recent report were subjected to LGBT phobic insults since September 2012. According to the respondents, 2.4% of the insults against members of teaching staff were likely LGBT phobic. Debarbieux stressed the importance of schools implementing victimization surveys for both staff and students, especially in high schools (Antoine Patinet, 28 février 2013).

A GALE respondent says parents are very hard on this matter and would not support a DESPOGI teacher in case of a problem (2014, Frederic Marion). In secondary schools there can be counseling of teachers by Teacher Unions, with a focus on handling formal discrimination (GALE respondent, 2014).

### **Recommendations**

1. Get reliable statistics about DESPOGI discrimination and exclusion in education to base national policy on
2. Go beyond stressing the fight against homophobia and develop DESPOGI inclusive curricula
3. Train educational staff to be DESPOGI inclusive and include this in initial teacher training

4. Create a National Strategic Committee on Sexual Diversity in Education
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education, the Convention of the Rights of the Child and of SDG 4; use standard monitoring questions to be able to compare the situation in States



## Georgia

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives (no research, one respondent). One local activist respondent scored Georgia in 2014 as 60% forbidden/discouraged, 40% no policy, 0% encouraged/supportive, no items scored as unknown. We score Georgia as denying (mainly discouraging). On the total scale, the score comes down to 33%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			Encouraged			
2. Freedom of self expression for DESPOGI?		Discouraged				
3. Protection against DESPOGI bullying?		Discouraged				
4. No drop-out of DESPOGI?			Encouraged			
5. Equal school performance of DESPOGI?			Encouraged			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		Discouraged				
7. Attention in resources about sexual diversity?		Discouraged				
8. Resources for DESPOGI students?	Forbidden					
9. Support services open to DESPOGI students?			Encouraged			
10. Peer-learning opportunities for DESPOGI?			Encouraged			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		Discouraged				
12. Staff competent to teach about sexual diversity?		Discouraged				
13. Is staff competent to support DESPOGI?		Discouraged				
14. Supportive school environment for DESPOGI?		Discouraged				
15. Employment protection for DESPOGI staff?			Encouraged			

## General assessment

The countries education system is centralized, compulsory until 16 and free. However, 10-15% of young people do not go to school. There is no attention for life skills, sexual education or LGBT issues in the national curriculum, nor in teacher training

The attitudes towards DESPOGI are very negative. The Georgian legal framework is very good, but not at all implemented for LGBT/DEPOGI.

Specific research on sexual diversity in education is not available.

## Legal context

### Laws

In 2000 the article forbidding sodomy was taken out of the criminal code. In 2012, hate crimes became punishable, including on the grounds of SOGI. In 2014, discrimination in employment was forbidden by the Law of Georgia on the Elimination of All Forms of Discrimination, including on the grounds of sexual orientation, gender identity and expression (ILGA, 2017)

Since 2008, transgender persons in Georgia can change documents and personal names, after having undergone sex reassignment surgery ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Georgia\\_\(country\)](https://en.wikipedia.org/wiki/LGBT_rights_in_Georgia_(country))).

### *Conventions*

Convention against Discrimination in Education: **not signed** | signed | ratified | succession (1992)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1994)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1994)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1994)

### *International statements and dialogue*

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no** (only when referring to text non-discrimination law)

## **More information**

Education in Georgia is free of charge and compulsory from the age of 6 until 17-18 years. Although the Constitution mandates that education is “free,” related expenses that include books prevent some children from attending; about 10-15% does not attend school.

([https://en.wikipedia.org/wiki/Education\\_in\\_Georgia\\_\(country\)](https://en.wikipedia.org/wiki/Education_in_Georgia_(country)), this article may be outdated). The school curriculum is defined under the National Education Plan. It does not include life-skills (COWI, 2010 Georgia-legal study, p. 16), but the government has announced it intends to incorporate it (BZgA/IPPF, 2017, factsheet Georgia).

Discrimination in the educational system is expressly prohibited without further specifications about particular grounds. The right to personal safety, freedom from abuse, inviolability of personal life at school are guaranteed by law, however, there is no indication this is implemented (COWI, 2010 Georgia-legal study, p. 5).

The attitude of the population and many politicians towards DESPOGI is negative. There are regular negative comments in the media and by politicians on election posters. The government has proposed to limit the definition of marriage to unions between males and females (ILGA, 2017).

Homosexuality is considered a major deviation from highly traditional Orthodox Christian values prevalent in the country, where public discussions of sexuality in general tend to be shunned.

Consequently, homosexuals are often targets of abuse and physical violence. The government tries to bring the country's human rights record in line with the demands of Georgia's European and Euro-Atlantic integration. Former Georgian Prime Minister Bidzina Ivanishvili has stated that "sexual

minorities are the same citizens as we are... [and that] the society will gradually get used to it", but the current president tried to get an out gay participant in a TV game show to be removed from the show. Moreover, recent street tensions in the country over LGBT rights have generated unprecedented media coverage and public discussion of this previously neglected topic.

According to social attitude questionnaires, homosexuals remained one of the most disliked groups in society – with most respondents preferring an alcoholic rather than homosexual colleague at work. According to the same questionnaires, an estimated 91.5 percent of Georgians think that homosexuality is "completely unacceptable".

Gay Prides and celebrations of IDAHOT are regularly being attacked in very violent ways by right-wing mobs. The police makes some attempts to keep the peace but is accused by the organizers of not really securing the safety of participants and even arresting participants rather than attackers. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Georgia\\_\(country\)](https://en.wikipedia.org/wiki/LGBT_rights_in_Georgia_(country))).

Quantitative research performed in a recent large scale study dated June 2016 (check note 31 Wikipedia) identified that negative attitudes towards LGBTI group are not really changing to the better in Georgia. Respondents expressed more negative attitudes towards bisexual and gender non-conforming men than bisexual and gender non-conforming women. Attitudes towards lesbians and gay persons are equally negative. The study showed that adverse attitudes towards lesbian and gay people have various predictors. Biphobic attitudes in Georgian society are stronger than homophobic sentiment. The higher level of biphobia is determined by bisexuality being perceived as a "fluid, unstable orientation". In terms of transphobia, sex constitutes a significant predictor: men are more inclined to express negative attitudes towards transgender and gender non-conforming persons than women ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Georgia\\_\(country\)](https://en.wikipedia.org/wiki/LGBT_rights_in_Georgia_(country))).

In 2012, the Women's Initiatives Supporting Group (WISG) conducted a study on discrimination among LGBT people in Georgia, which revealed the following: 32% of surveyed respondents had at least once experienced physical violence and 89.93% had experienced psychological violence. On average, among the 134 respondents, who had experienced psychological violence, 73.13% had become victims three or more times, 13.43% had experienced it twice, whereas 13.43% - once (WISG, 2012).

Attitudes to LGBT persons and issues at schools and universities echo general societal patterns and are under strong influence from traditional stigmas, taboo and values promoted by the Georgian Orthodox Church. However, these patterns are less seen among young people in big cities that have access to the Internet and are more exposed to the Western views (COWI, 2010 Georgia-sociological study, p. 13). The Church also keeps opposing sex education in schools issues (BZgA/IPPF, 2017, factsheet Georgia).

## Access to schools

1. **Access to schools:** The Law on General Education further states that “everyone has an equal right to receive full general education in order to fully develop oneself and acquire the knowledge and skills necessary to have equal opportunities and achieve success in private and public life.”

Discrimination when accepting considering a pupil for admission to a school is unacceptable. Schools are obliged to facilitate the establishment of tolerance and mutual respect among pupils, parents and teachers, irrespective of their social, ethnic, religious, and linguistic belonging or worldview.” The Law on Higher Education prohibits all forms of discrimination in the sphere of higher education, including academic, religious and ethnic grounds, and/or views, gender, social origin or any other grounds (COWI, 2010 Georgia-legal study, p. 16). However, nobody has dared to test the law.

2. **Freedom of self expression:** According to Inclusive Foundation, derogatory terms referring to LGBT persons are frequently used for bullying and this is one of the reasons why practically no pupils or students come out as LGBT (COWI, 2010 Georgia-sociological study, p. 12).

3. **Protection against bullying:** The Law on General Education guarantees a pupil the right to be protected from inappropriate treatment, inattentiveness and insult. Moreover, the “school is obliged to create an environment safe for health, life, property during school hours, in the school and adjacent area. School is obliged to take all the reasonable measures to protect rights of pupils and parents during school hours, in the school and adjacent area to prevent or stop violation.” The law protects inviolability of personal life to a pupil, teacher and a parent and proscribes violence at school against a pupil or any other person and obliges the school to immediately react according to the procedure prescribed by the legislation in case of verbal or physical abuse of a person.

The law does not however, provide a practically enforceable mechanism to uphold these provisions (COWI, 2010 Georgia-legal study, p. 16).

Despite the theoretically good quality regulations, the social reality is starkly different. For example, all six respondents from the 16-18 age group in the Women’s Initiatives Supporting Group (WISG) study states that at school they had often become victims of bullying (WISG, 2012).

4. **Policy against DESPOGI drop-out:** There are unofficial reports about bullying in schools over LGBT pupils from the peers and bullying usually ends in the victim changing the class or the school (COWI, 2010 Georgia-legal study, p. 16).

5. **Equal academic performance:** We found no information on this topic.

## An appropriate curriculum

6. **Availability of public information:** The preamble of the Code of Behaviour of the Public Broadcaster states that the public broadcaster strives to establish equality and eliminate discrimination based on religious, ethnic, racial, gender or sexual orientation. The Code expressly prohibits use of pejorative

words (e.g., “pederast”). However, effectiveness of this Code to deter hate speech or provide post hoc remedy has yet to be legally tested. The Charter of Journalist Ethics in Georgia states that a journalist should take all measures to avoid any kind of discrimination on racial, gender, sexual orientation, language, religious, political or other grounds; as well as based on ethnic or social grounds. However, little evidence exists to demonstrate that self-regulatory mechanisms of any broadcast media in the Georgian media are effective to sanction discriminatory statements (COWI, 2010 Georgia-legal study, p. 6). There are regular negative comments in the media (ILGA, 2017).

7. **Relevant and supportive attention in school resources:** Both the Law of Georgia on General Education and the Law of Georgia on Higher Education contain declaratory statements providing that key goals of education system are development of a free individual, promotion of Georgian and world cultural values, orientation towards the ideas of democracy and humanism, facilitation to the development of personal potential and satisfying one’s interests and capabilities, etc. Discrimination in the educational system is expressly prohibited (COWI, 2010 Georgia-legal study, p. 16). Since 2014, there is a “healthy lifestyle” curriculum which was renewed for 6-11 year olds in 2016. NGOs are involved in piloting one of the topics “me and society” for 9-11 year olds. NGOs like Tanadgema and HERA XXI conduct peer education on sexuality which includes LHGBT issues (BZgA/IPPF, 2017, factsheet Georgia).

LGBT identities and practices are not represented in the curricula (COWI, 2010 Georgia-sociological study, p. 12).

8. **Resources for LGBT students:** Georgian legislation does not envisage a procedure for reissuing a diploma to reflect a person’s new/altered gender (COWI, 2010 Georgia-legal study, p. 5).

9. **Support services open to LGBT like counseling:** We found no information on this topic related to DESPOGI students.

10. **Peer-learning opportunities like LGBT youth groups of minors or GSA's:** We found no information on this topic related to DESPOGI students.

### **Good teachers**

11. **Supportive staff:** The Law on General Education provides: “a pupil, parent and a teacher as well as their associations are entitled to enjoy all the rights and freedoms guaranteed under this law and recognized by the school, as well as the right to enjoy all school resources equally, without discrimination. The school has the right to restrict freedoms and rights during class and on the school territory on a non-discriminatory basis. This law does not deny universal rights and freedoms which are not mentioned here but stem naturally from the Georgian legislation.” (COWI, 2010 Georgia-legal study, p. 16). Despite this, we have no indication that Georgian teachers have a different attitude than the general population, and there is little hope they will be supportive for DESPOGI.

12. **Staff competent to teach:** The law requires that courses envisioned under the National Education Plan should be taught in an academic, objective, neutral and pluralistic way (COWI, 2010 Georgia-legal study, p. 17). However, no specific training or awareness-raising programs dealing with LGBT rights have been introduced for public officials yet (COWI, 2010 Georgia-legal study, p. 3). When the new healthy lifestyle curriculum is approved, teacher training will be developed (BZgA/IPPF, 2017, factsheet Georgia).

13. **Staff competent to support:** We found no information on this topic, but based on impressions of general attitudes and lack of training, we expect most teachers to be severely discouraging of DESPOGI students.

14. **Supportive school environment:** We found no information on this topic, but based on impressions of general attitudes and lack of training, we expect most schools to be severely discouraging of DESPOGI students.

15. **Employment protection for staff:** The Labour Code of Georgia contains an anti-discriminatory clause with a specific reference to sexual orientation as one of the prohibited grounds of discrimination. However, the Code prohibits discrimination only in employment relations, not during the recruitment process (COWI, 2010 Georgia-legal study, p. 5). Although there are no case studies, we expect most LGBT teachers are not safe from discrimination in their jobs.

## Recommendations

1. Actively implement the laws that provide protection against discrimination in education for both students and staff
2. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
3. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
4. Include sexual education including attention to gender in the national curriculum
5. Train teachers in dealing with diversity, including sexual diversity
6. Include DESPOGI in the monitoring reports on your implementation of the right to education monitoring
7. Ratify the Convention against Discrimination in Education

## Germany

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives.

Eight local respondents have responded on the GALE Right to Education Checklist over 2012-2014. Their average scores were 5% discouraged, 29% no policy and 29% encouraged/supportive with an average 2 items unknown. On several checkpoints there was considerable disagreement about assessment of checkpoints across respondents. This partly has to do with Germany being a federal State, with education policy deferred to the *Länder* (States), but partly because one respondent scored Germany extremely more encouraged/supportive than others. After review, GALE decided to score Germany as 23% discouraging, 46% ambiguous and 31% encouraging, with 2 items unknown. This makes Germany an ambiguous State with a total score of 52%. Four experts have reviewed and amended this assessment.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			3	3	2	
2. Freedom of self expression for DESPOGI?			3	3	2	
3. Protection against DESPOGI bullying?			2	2	1	1
4. No drop-out of DESPOGI?			1	3	3	1
5. Equal school performance of DESPOGI?		1	2	2	1	1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		1	4		3	
7. Attention in resources about sexual diversity?		1	6	1		
8. Resources for DESPOGI students?		4	1	1	1	1
9. Support services open to DESPOGI students?			3	3	1	1
10. Peer-learning opportunities for DESPOGI?			3	5		
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			6	1	1	
12. Staff competent to teach about sexual diversity?		4	2	1		1
13. Is staff competent to support DESPOGI?			6	1		1
14. Supportive school environment for DESPOGI?		4	1	2		1
15. Employment protection for DESPOGI staff?			6		2	

Numbers show the number of respondents scoring an item.

## General assessment

The education system in Germany is decentralized to the *Länder* (States), which makes it difficult to assess the country as a whole because there are substantial differences between States.

Despite the main political parties in the German Government being socially conservative on the issues of LGBT rights, the average attitudes are rather positive. But attitudes differ widely across the country, with more conservative attitudes in the Southern and Eastern States and in rural areas. In some areas the Catholic Church has substantial influence and uses it to implement discriminatory attitudes and policies in Church owned schools (while legally staying within the law). There is a growing amount of

research on DESPOGI in education, but because of different focuses and questions, results are difficult to compare across the country.

## Legal context

### Laws

Although East Germany and West Germany stopped applying its Criminal Code provisions (Paragraph 175 StGB Penal Code – “lewd and lascivious acts”) in 1969 and 1973 respectively, the actual law was not abolished until 1994. The age of consent is equal at 14. The 2001 Act on Registered Life Partners provides protections for same-sex partners and some familial scope regarding adoption. In 2006 the General Law on Equal Treatment (Allgemeines Gleichbehandlungsgesetz) has combined previous legislation, streamlining non-discrimination based on sexual orientation in inter alia, employment. The same law gives churches a specific right, that may allow discrimination because of opposition to religious defined rules.

In 2017, the government allowed a vote in parliament on same-sex marriage, which was used to implement it immediately (ILGA, 2017).

Hate speech on the basis of sexual orientation and gender identity are not banned nationwide in Germany. Some more progressive States have anti-discrimination laws (that include sexual orientation and gender identity), including the constitutions of Berlin (since 1995), Brandenburg (since 1992), Bremen (since 2001), Saarland (since 2011) and Thuringia (since 1993), and Saxony-Anhalt in the public sector since 1997. In those states, hate speech based on both sexual orientation and gender identity are prohibited ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Germany](https://en.wikipedia.org/wiki/LGBT_rights_in_Germany)).

In 2016, the Ministry of Family, Seniors, Women and Youth asked the Family Planning Association Pro Familia to develop a guideline on how to address and counsel transsexual and intersexual persons ([http://www.profamilia.de/fileadmin/publikationen/Fachpublikationen/Inter\\_Trans\\_Beratung\\_Leitfaden.pdf](http://www.profamilia.de/fileadmin/publikationen/Fachpublikationen/Inter_Trans_Beratung_Leitfaden.pdf)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1968)

Convention on Technical and Vocational Education: **not signed** | signed | **ratified** | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1973)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (2002)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1992)

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**



Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The responsibility for the education system in Germany lies primarily with the States while the federal government plays a minor role. Public education is available free of charge up to university level and is compulsory from ages 6 to 16, with financial assistance being available to families in cases of hardship. A federal commission guarantees a standardised program of studies throughout the nation. After 4 resp. 6 years of primary school, extensive testing determines subsequent schooling. Students can proceed to high school of different levels (Hauptschule, Realschule, Gesamtschule, Gymnasium) and there is possibility to stream from one type to another. Lower tier high school is followed by a 3-year vocational training program which includes work experience ("dual apprenticeship training"). Pupils who wish to continue to university must first attend Gymnasium (grammar school) or finish a vocational training and additional studies, with admission to university determined by means of an entrance exam. Danish, Frisian and Sorbian communities may study in their mother tongue ([https://www.ei-ie.org/barometer/en/home/profile\\_details/77](https://www.ei-ie.org/barometer/en/home/profile_details/77), corrections by respondents).

Incitement of racial hatred, expressing support for Nazism and denial of the Holocaust, both in writing and on the Internet, are all prohibited, while the classification of "dangerous content" also prohibits child pornography and extremist propaganda. The government participates in international efforts against Internet hate propaganda, and some Internet service providers have been instructed to block access to prohibited content.

In Germany, violent or aggressive acts related to ideology, nationality, ethnic origin, skin color, religion, sexual orientation, disability and social appearance or status are classified as politically motivated offences.

Although the attitudes of Germans towards same-sex marriage are quite positive, homophobia in youth appears to be very prevalent. In a 2002 survey, 71% of boys and 51% of girls agreed with the statement "don't like gays and lesbians (at all)". This represented a significant increase: In 1998 only 28% of girls and 41% of boys agreed with this statement. Homophobia appears to be higher among certain ethnic communities (COWI, 2010 Germany sociological study, p.5, citing Barlovic, 2002).

On the other hand, a survey in 2017 found that 89.6% of the population supports initiatives to stimulate acceptance of gays and lesbians. Despite this, there are some population groups that have fierce resistance (**Küpper et al 2017 cited in Kalkum & Otto, 2017, p. 115**).

In 2002, the trade union Gewerkschaft Erziehung und Wissenschaft did a review among all States and found out there are considerable differences in how the States have or implement strategies to support LGBT in schools (GEW, 2002).

In 2014, the federal Ministry of Family, Seniors, Women and Youth, created a division (Referat) "Same-sex lifestyles/Gender Identity" which also includes a cross-Ministerial working group (interministerielle Arbeitsgruppe/IMAG) on these issues.

The federal government supports some projects to improve the situation of LGBTI students and "rainbow parents". In 2015 a 3-year project started to train Family Consultancy Centers on how to be sensitive to "rainbow families" (<http://www.regenbogenkompetenz.de/>). However, in the same year, 200.000 people signed a national petition against education about rainbow families, showing that there is resistance against this (Amadeu Antonio Stiftung, 2015, p. 49).

The States Berlin and Brandenburg (who often cooperate) have the longest history of studies, organizations and campaigns. The page on LGBTI issues of the State of Berlin Senatsverwaltung offers an overview of these policies and studies

(<http://www.berlin.de/sen/lads/schwerpunkte/lgbti/initiative-akzeptanz-sexueller-vielfalt/>).

Bildungsinitiative QueerFormat offers a range of free educational materials which were commissioned by the State of Berlin. They can be found here: <http://www.queerformat.de/schule/publikationen-und-materialien/>.

### **Access to schools**

1. **Access to schools:** Education is compulsory and discrimination in education is prohibited. We found no indications that students are denied access to schools or internships, nor are there specific measures to support this specifically for DESPOGI.

2. **Freedom of self expression:** According to a small study of Krell (2013), German LGBT youth tend to come out earlier than some years before, but it is still a high tension period for LGBT youth, especially in the face of fear of the consequences of coming-out. In reality, these consequences are often less serious than expected, but the fear itself is still quite a burden (Krell, 2013, p. 8-10). In a very large trendsetting study of 2015, Krell found that most students became aware of being LGBTIO between ages 13 and 16, while their coming-out was at average. Reasons for not coming-out were about 17 for LGB and for trans\* people between 12 and 20. Fear of rejection by friends and family, hurtful comments and looks and problems at school, training or work as main reason (Krell, 2015). A small study found that trans and intersex youth felt uncomfortable to come out at school (Sauer & Meyer, 2016).

3. **Protection against bullying:** According to the COWI Sociological study of Germany (citing a Lower Saxony report of 2002), discrimination against LGBT pupils in school is relatively prevalent. More than half of gay pupils experience ridicule or gossip, 38.6% said that they had lost friends, 27.8% reported name calling or defamation and 7% were victims of physical assaults (COWI, 2010 Germany sociological study, p. 9)

Ten years later, Ulrich Klocke did a research and in depth analysis of the situation of LGBTI students in Berlin schools. He did not use self-reports but peer-reports of two class mates for each student

(anonymously rating behavior in the last 12 months). Berlin is one of the most progressive areas in Germany. Despite this, he found a high level of homonegativity, 50%-62% of the students engaging in homophobic name-calling (Klocke, 2012). In the 2013 study of Claudia Krell, 85% of the LGBT young people experienced forms of discrimination. This was mostly expressed by name-calling, heteronormative images, bullying and cyber bullying. Krell's respondents did not report much physical violence (Krell, 2013, p. 10). The EU LGBT Survey of 2014 said that 16% of the respondents feel discriminated by education personnel and 90% think that measures in school would make them more comfortable. For trans people this last number is 86% (FRA, 2014).

In 2015, a large scale research on discrimination found that 39.9% of students who were discriminated based on SOGI reported to be offended or called names, against 28.6% of all students who were discriminated (Kalkum & Otto, 2017, p. 20). 37.9% of DESPOGI students reported to be discriminated on intersectional grounds. More than half of these were - next to SOGI - also discriminated on gender. Other discriminated intersections were ethnic background/race, age, religion/worldview and disability (ibid, p. 26). In summary, it is difficult to assess to real level of different types of bullying, which is probably due to different sampling methods and different questions. But it is clear that despite the generally positive attitudes of the German population, relatively high levels of name-calling and other forms of discrimination and exclusion still occur in schools.

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: Krell found that more than half of the young people (61%) indicate that they are afraid that coming out will cause problems in their places of work or education. Among other things, they are worried that their classmates or co-workers may react negatively or not accept them, that their performance will be judged less favorably by teachers or superiors at work, that they may encounter difficulties in leadership positions, and that their sexual orientation or gender identity will be emphasized more than their professional achievements. The fact that four in ten young people (44%) report having experienced discrimination on account of their sexual orientation or gender identity in an educational or work environment in the past shows that these fears are not unfounded. Stress and strain resulting from discrimination at places of education are highest among young people between the ages of 14 and 17 and among young people with a lower level of education (Krell, 2015, p. 22).

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press is guaranteed by law, and the media express a wide variety of views without any restrictions. Internet is free, not monitored and provides useful information for LGBTI young people. Public information is not regulated by federal law, although four States have legislated on the issue ([https://www.ei-ie.org/barometer/en/home/profile\\_details/77](https://www.ei-ie.org/barometer/en/home/profile_details/77)).

7. Relevant and supportive attention in school resources: A 2012 text book analysis concludes text books are rather traditional: there seems to be little awareness of other genders than male/female, representation of genders is heteronormative - with the exception of the possibility to divide household tasks in an equitable way -, and the books argue in a rather moralizing way for "tolerance" rather than just explaining the non-discrimination laws. Only a few history textbooks mention the persecution of LGB people in the Second World War (Bittner, 2012). In a 2012 analysis of the situation in Berlin schools, 58% of the principals said their school gave attention to LBT issues, which means 42% of schools did not implement the law on sexual education. Still, 72% of the students stated that the teacher has said that "homosexuality is not something bad". A more serious discussion was only noted by 22% of the students (Klocke, 2012, p. 88). Krell found that student say the topic of LGBT\* is rarely addressed in schools. It is rarely mentioned or discussed in class, and positive examples in which non-heterosexual or non-cisgender ways of life are presented in a neutral way are rare (Krell, 2015, p. 21).

Some States provide excellent resources for schools. An example is the combined offer of Berlin and Brandenburg.

Sex education is mandatory in Germany. The Federal Centre for Health Education (BZgA), as a government organization, and the authorities of the 16 States are by law assigned to implement and conduct sexuality education, in close cooperation with German family counseling institutions (ProFamilia) and other organizations working in the field. When to begin sexuality education, how to include the content in the curricula and which topics to emphasize may differ, depending on the Ministry of Education and Cultural Affairs (*Kultusministerium*) of the respective Land. However, in general, sexuality education is understood in a comprehensive sense, including physical, emotional, social and interpersonal aspects. "Soft" topics such as gender equality, sexual diversity and sexual and reproductive rights have become more prominent in many German classrooms over the last decade (Brockschmidt & Hessling, 2015). Bittner found that in sex education chapters, LGBT is discussed in slightly more depth, but in an implicit heteronormative context (Bittner, 2012).

In 2015, a large scale research on discrimination found that 53.3% of students who were discriminated based on SOGI reported people like them were depicted as less worthy, against 39.2% of all students who were discriminated (Kalkum & Otto, 2017, p. 20). Trans youth notes a lack of attention to transsexuality and predominance of heteronormative images and expectations in educational materials (Sauer & Meyer, 2016, p. 53).

Some States are hesitant to implement sexual diversity in education. During a GALE workshop in Stuttgart (Baden-Württemberg) in 2015, it was clear that explicit education about sexual diversity was difficult to accept for politicians and most teachers have difficulty imagining how such lessons can be given without creating social upheaval. In some States, LGBT education leads to protests (<http://www.dw.com/en/wave-of-protests-against-sex-education-reform-in-germany/a-36413964>).

In most States there are gay and lesbian peer educators going to schools to offer coming-out testimonials and have a discussion on discrimination (Schwul-Lesbische Aufklärung - SchLAu -

Gruppen). For an overview of these groups, see <http://queere-bildung.de/vor-ort.php>. In some cities such projects are funded by the municipality or the Land.

8. Resources for LGBT students: The main resources for students is the LGBT youth network Lambda. Local member groups often offer counseling and support, but services for under-age minors are still rare.

9. Support services open to LGBT like counseling: Krell found that only a small minority of LGBTI youth connect to professionals when they feel discriminated (Krell, 2013, p. 41). 26.9% of DESPOGI students would not look for help, 44.7% would react against the perpetrator and 28.4% would look for other actions. This pattern is similar for students who are discriminated on other grounds (Kalkum & Otto, 2017, p. 22). Only a small minority (13%) would look for help at a counseling center (Beratungstelle) (ibid, p. 43). In a large scale research done in 2015, 20% of the DESPOGI youth said they would look for internal counseling and 25% would look to external counseling. This is not very different from how other discriminated groups would look for counseling (Kalkum & Otto, 2017, p. 23). A study in Baden-Württemberg found that regular youth services hardly have any attention for DESPOGI youth and that the available support comes from LGBT and feminist groups who do this work on a volunteer basis (Staudenmeyer et al, 2016, p. 4).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Lambda has 6 Landesverbände and a federal unit to support LGBT youth. Krell found that LGBT Prides, internet, parties, youth centers and youth groups are the main domains where LGBTI youth go to find likeminded young people. (Krell, 2013, p. 34). The feeling of being able to be yourself was their main reason to look for these opportunities (ibid, p. 45). A study in Baden-Württemberg found that DESPOGI youth look for their support mainly to internet (Staudenmeyer et al, 2016, p. 4). Krell notes that the few leisure activities and counseling services that specifically cater to young LGBT\* people are generally found in large cities. Many of them are organized by volunteers and not supported by public funds, meaning that some youth groups are often short-lived (Krell, 2015, p. 18).

### **Good teachers**

11. Supportive staff: The support of staff depends on the Land and on the specific schools. There are examples of both good and bad practices. In the small study of Krell, LGBTI youth did not once mention teachers as professionals they would turn to when they feel discriminated (Krell, 2013, p. 41). Latz & Scharmacher think that when teachers know LGBT people in their environment, they will be more motivated to mention and discuss this in class. In addition, they will feel more confident to discuss the topic when they know more about it. (Latz & Scharmacher, 2014). Klocke, Latz and Scharmacher did an online survey of 1162 teachers in Germany and analyzed what prompts teachers to intervene against discrimination of LGBTI and to make sexual and gender diversity an issue at school. Both behavioral variables were predominantly predicted by perceived behavioral control and specific control beliefs, particularly teachers' belief that they know how to intervene against

discrimination. Additional predictors of behavior were guidelines (e.g. their curriculum), appropriate educational material, personal contact to LGBTI, assuming that some of their own students are LGBTI, and the belief that their behavior is able to enhance their student's acceptance of diversity (Klocke, Latz & Scharmacher, 2017-in press).

12. *Staff competent to teach:* We found no indication that sexual diversity is included in teacher training institutions. Mareike Klauenflügel, a teacher in Frankfurt and speaker for the GEW (trade union) group of LGBT teachers said in 2016: "There needs to be guidelines from the German Ministry of Education and they need to offer training that covers all states. That way, teachers can feel more comfortable talking about the subject". (<https://www.theguardian.com/education/2016/nov/23/its-not-all-anal-sex-the-german-schools-exploring-love-equality-and-lgbt-issues>).

13. *Staff competent to support:* There are no federal arrangements. In the State of Berlin every school is obliged to officially appoint a contact person for sexual diversity. According to Thomas Kugler of KomBi Berlin, 80-90% of schools have done so by mid 2017, and KomBi Berlin/ Bildungsinitiative QueerFormat has been training these staff members since 2011. Also key persons and pedagogues (starting with early childhood education) in the youth welfare services must be trained according to the policy action plan (<http://www.queerformat.de/ueber-uns/wir/>). There is no equivalent of this in other States.

14. *Supportive school environment:* We did not find much data on how school principals manage to create a safe school environment. There are a few studies by Klocke et al that focus on the role of teachers but not yet on coordinated efforts by schools to create staff team strategies. In North Rhine-Westphalia and since 2017 also in Berlin, the local project "Schule der Vielfalt" approaches schools and encourages and supports them in creating a safe environment (<http://www.schule-der-vielfalt.de/>). This project is unique in its wide focus: other local projects mostly focus on teacher and counselor training and peer education for students.

Markus Ulrich, of the German LGBT rights group Lesben und Schwulenverband (LSVD) has pointed out that school heads can make it clear that acceptance of diversity is part of the school policy, by having it included in school rules or on their website (<https://www.theguardian.com/education/2016/nov/23/its-not-all-anal-sex-the-german-schools-exploring-love-equality-and-lgbt-issues>, 2016).

A worrying finding of Himmelstein & Brückner is that non-heterosexual students get more punishment in schools and tend to be seen as troublemakers (Himmelstein & Brückner, 2011; cited in Sauer & Meyer, 2016, p. 53). Sauer & Meyer conclude trans youth have to deal with the same phenomenon, just because they make clear they have specific needs like toilet, sports and shower arrangements (ibid, p. 53).

The large study of Krell (2015) found that young LGBT\* people's experiences of how teachers react to derogatory behavior at school differ widely. For example, just over half (57%) state that teachers made it clear that they would not tolerate 'gay', 'lesbian' or 'trans\*' as insults (Krell, 2015, p. 21).

15. Employment protection for staff: Discrimination in employment on the basis of sexual orientation or gender identity is illegal throughout Germany. Some states have additional anti-discrimination laws (that include sexual orientation and gender identity), including the constitutions of Berlin (since 1995), Brandenburg (since 1992), Bremen (since 2001), Saarland (since 2011) and Thuringia (since 1993), and Saxony-Anhalt in the public sector since 1997

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Germany](https://en.wikipedia.org/wiki/LGBT_rights_in_Germany)). In some less progressive States, LGBT teachers complain that especially schools that are owned by the Catholic Church find ways to fire LGBT teachers despite the legal protection and that it is advisable to some out in such schools (personal comments during a GALE workshop in Stuttgart, 2015).

A recent research showed that 43,5% of LGBTIQ teachers comes out at school, as many (43.6%) is not talking explicitly about their sexual orientation or gender identity. The biggest reasons not to be open are the fear to lose respect of the students, fear of exclusion and insecurity. About a third of the 835 surveyed LGBTIQ teachers did report discrimination experiences. When their employer informed them about anti-discrimination legislation, they experienced much less discrimination. But 9 out of 10 LGBTIQ teachers got called offensive names in the past year ([Bildungsklick, 2017](#), Antidiskriminierungsstelle des Bundes, 2017).

## Recommendations

1. Create more opportunities for meeting and exchange of experiences of young people (Kalkum & Otto, 2017, p. 109, Krell, 2015, p. 30))
2. Provide positive role models for DESPOGI youth: support open LGBTI teachers, include SOGI and diversity in curricula and films, include also trans, intersex and rainbow families (Kalkum & Otto, 2017, p. 112)
3. Provide more education about sexual diversity, from Kindergarten on, and notably in religious schools and churches; churches should be made aware that religious views cannot be a justification for discrimination (Kalkum & Otto, 2017, p. 116)
4. Develop quality standards for sexual diversity education (Kalkum & Otto, 2017, p. 116)
5. Develop digital media for LGBTIQ young people (Krell, 2015, p. 30)
6. Create a Strategic Committee on Sexual Diversity in Education in each of the States and develop an adequate strategy to reduce discrimination and improve educational opportunities and space for self-development
7. Each school should have a contact person (Ansprecherson) for diversity with a focus on sexual and gender discrimination and creating a comprehensive safer/supportive school culture (GALE respondents, Krell, 2015, 31)
8. DESPOGI peer educators should be widely communicated by state authorities to schools, have free access and be financed either by local or States authorities



9. Every teacher program must provide LGBTI information mandatory for every future teacher on each scale from university to post study training programs and from kindergarten to university education (GALE respondents, Krell, 2015, 31)
10. Make counseling and youth centers (Beratungsstellen) more sensitive to DESPOGI and safe for them (Kalkum & Otto, 2017, p. 109) and set quality criteria for them in this area (Staudenmeyer et al, 2016, p. 4).
11. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education, the Convention of the Rights of the Child and of SDG 4; use standard monitoring questions to be able to compare the situation in States



## Greece

The reliability of this assessment is scored as 1 stars on reliability and 1 star on multiple perspectives. Forty local teachers and activists scored Greece in 2014 during a strategic workshop as 47% forbidden/discouraged, 38% no policy, 6% encouraged/supportive, with average 0,25 items scored as unknown. We score Greece as denying (mostly socially discouraging). On the total scale, the score comes down to 33%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		7	13	4	4	1
2. Freedom of self expression for DESPOGI?	6	19	4			
3. Protection against DESPOGI bullying?	3	8	14	3	1	
4. No drop-out of DESPOGI?	3	9	14	1		1
5. Equal school performance of DESPOGI?	9	7	8		2	2
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	6	12	8		1	1
7. Attention in resources about sexual diversity?	9	7	12	1		
8. Resources for DESPOGI students?	12	4	12			1
9. Support services open to DESPOGI students?	3	3	18	2		3
10. Peer-learning opportunities for DESPOGI?	6	9	13			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	2	15	9	2		1
12. Staff competent to teach about sexual diversity?	10	11	5	2		1
13. Is staff competent to support DESPOGI?	9	8	9	1		1
14. Supportive school environment for DESPOGI?	8	14	5	1	1	
15. Employment protection for DESPOGI staff?	7	8	8	3	2	1

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is highly centralized and influenced by the homophobic Greek Orthodox Church. Therefore, sex education is not permitted in Greece, let be attention for SOGI. The attitudes towards DESPOGI were quite negative but are slowly changing. A growing majority of the population does not support the ultra-negative church teachings any more. Apart from the FRA LGBT Survey, there is no specific research on sexual diversity in education.

## Legal context

### Laws

In 1951 same sex was decriminalized, but a different age of consent remained. From 2005 on, discrimination in employment is forbidden, from 2015 also withholding goods or services on the grounds of SOGI. From 2013 on, incitement to hatred based on sexual orientation become a crime and it is an aggravating circumstance in hate crimes. In 2015 Greece adopted a same sex partnership with limited co-parenting provisions (ILGA, 2017). Since July 20, 2016, a person who wants to change their gender on the Registry Office files is no longer obligated to already have done a sex reassignment surgery ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Greece](https://en.wikipedia.org/wiki/LGBT_rights_in_Greece)). However, a GALE respondent notes they have to go through an expensive legal procedure.

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1985)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1983)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

All levels are overseen by the Ministry of Education, Research and Religious Affairs. The Ministry exercises centralized control over state schools, by prescribing the curriculum, appointing staff and controlling funding. Private schools also fall under the mandate of the Ministry, which exercises supervisory control over them, but they are allowed the flexibility to create their own curricula.

. At a regional level, the supervisory role of the Ministry is exercised through Regional Directorates of Primary and Secondary Education, and Directorates of Primary and Secondary Education operate in every Prefecture. Tertiary institutions are nominally autonomous, but the Ministry is responsible for their funding, and the distribution of students to undergraduate courses.

State-run schools and universities do not charge tuition fees and textbooks are provided free to all students, although, from since the economic crisis after 2011, there has been a noticeable shortage of new textbooks, forcing students to either buy stock books from bookshops, or participate in parent-teacher association-run book trades ([https://en.wikipedia.org/wiki/Education\\_in\\_Greece](https://en.wikipedia.org/wiki/Education_in_Greece)). Because of

budget cuts, large numbers of teacher contracts have not been renewed and there a fewer positions each year (comment during GALE strategic workshop, 2014).

According to a 2016 report carried out by ILGA-Europe, which assessed LGBT rights in European countries, Greece ranks 15th (out of 49 countries) in Europe, achieving the highest improvement (19%) among the 49 countries for the year 2015. According to a GALE respondent, this does not reflect the change in attitudes.

In June 2013 The Pew Research Center found that a majority 53% of Greek respondents believed their society should accept homosexuality, while 40% believed not. Younger people (18-29) were more tolerant than older people (50 years and older).

However, the resistance of the Greek Orthodox Church remains vehement. When Greece accepted same sex partnerships, Archbishop Ieronymos called homosexuality "a diversion from life", metropolitan Anthimos declared that "Not even animals have such dispositions", metropolitan Seraphim said "Pawns of the international zionism! The masculofeminine is being created!" and metropolitan Amvrosios stated "Spit on them! They're disgraceful! They're nature's abominations!" He also had the bells of the churches in his metropolis ring mournfully. This stirred up much controversy.

It is also reported that following the rise of the Neo-Nazi far right party Golden Dawn homophobic and transphobic incidents have multiplied ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Greece](https://en.wikipedia.org/wiki/LGBT_rights_in_Greece)).

Next to the Church and fascist parties, many high-profile politicians, among them serving Ministers, have openly expressed disdain towards LGBT people and their claims (COWI, 2010 Greece-legal study, p. 25-26)

LGBT from Greece say they believe the most important measures against homophobia should be measures in schools and training for public officials like teachers, police, etc. (FRA, 2014).

### **Access to schools**

1. **Access to schools:** The Greek Ombudsman dealt with a complaint by a Macedonian postgraduate student with a Greek government scholarship who was dismissed from the University of Athens. He claimed the dismissal was based on his sexual orientation. The Greek Ombudsman disagreed with the expulsion of the student and he was allowed to continue his studies. Still, formally LGBT persons in post-secondary education are only protected on the grounds of race or ethnic origin, not on the grounds of sexual orientation (COWI, 2010 Greece- sociological study, p. 8).

A GALE Checklist respondent remarks: "LGBTI people are being bullied by other classmates because of their identity. Teachers do not support them. There is no system policy. Normally they should have access in schools but they face discrimination. See survey and follow up at the Greek ombudsman site: <http://www.synigoros.gr/resources/diakrisi-logw-fulou-3.pdf>"

2. Freedom of self expression: Not even 1 in 10 LGBT students is able to be open at school. More specifically, 97% of respondents did not talk openly about being LGBT at school, while 92% of respondents hid or disguised the fact that they were LGBT at school (FRA, 2014).

3. Protection against bullying: The PISA study found a national percentage of 6.7% of frequently bullied students and 16.7% for any bullying act for bullying in general. On the PISA scale of exposure to bullying is this quite positive (PISA, 2015, p. 138).

Greece does not feature in the 2014 EU LGBT Survey, nor is there any other research specifically investigating levels of bullying on the grounds of sexual orientation and gender identity. There are no anti-bullying LGBT policies in place (COWI, 2010 Greece- sociological study, p. 8).

4. Policy against DESPOGI drop-out: According to one GALE Checklist respondent (2014), Greece has no anti-drop-out policies at all. Another respondent confirms this and add there are no statistics on this either (GALE respondent, 2014).

5. Equal academic performance: We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: Several issues have been raised about the Greek media and their frequently discriminatory attitude towards LGBT individuals such as through the use of censorship, something partly attributed to the regulation authority, or Greek National Council for Radio and Television (NCRTV) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Greece](https://en.wikipedia.org/wiki/LGBT_rights_in_Greece)).

7. Relevant and supportive attention in school resources: Books on sex education are generally not allowed in school curricula, and famous Greek LGBT writers such as Sappho are not discussed as being LGB (COWI, 2010 Greece- sociological study, p. 8). A GALE Checklist respondent remarks that some school and university texts are often outdated and contain biased views in relation to persons of diverse sexual orientations and/or gender identities (GALE respondent, 2014).

“There is no sex(uality) education in schools. Curricula are overseen by the Ministry of Education and Religious Affairs. While students do not have sex education (despite perhaps in few private schools that are independent from the government), they do have classes on religion to learn about the Greek Orthodox religion. The Church has a strong influence in schools and curricula, and is vehemently opposed even to basic sex education” (GALE respondent, 2014).

8. Resources for LGBT students: It is even difficult for example to find an expert, a gynecologist, who knows or gives guidance for lesbian sex. In school sometimes there could be organized an informative briefing from external experts about HIV or how to protect yourselves during sex, but they do not include same sex people or trans or intersex people (GALE respondent, 2014). Another notes: (resources) from LGBT NGOs and some brochures from the ministry of education, but they are not given in schools (GALE respondent, 2014).

9. Support services open to LGBT like counseling: Lack of visibility constitutes a key issue for the LGBT community, contributing to the social exclusion of bullied persons. Despite that some LGBT organizations offer help lines (like Colour Youth), 2 in 5 respondents were in 2014 not aware of any organization in Greece that can offer support or advice to people who have been discriminated against because they are gay. This percentage increases to 1 in 2 regarding awareness of organizations in cases of discrimination against transgender persons (FRA, 2014). A respondent remarks: “No policies that are known of. Anecdotal evidence of individuals not receiving any support from staff members, and staff members in some cases turning against them (telling them not to be provocative, consistently mis-gendering them, etc.)” (GALE respondent, 2014).

Since 2015, the 11528 LGBT helpline is running, a joint project of Lesbian & Gay Community of Greece (OLKE), Positive Voice, Athens Pride, & Thessaloniki Pride. It is privately funded and supported by the Ministry of Education, Research, and Religious Affairs (GALE respondent, 2017). The 11528 Helpline provides counseling to students and teachers (among others).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Given the high levels of homophobia and transphobia amongst teachers, it is unlikely that LGBTQ students would have informal peer-learning opportunities (GALE respondent, 2014).

### **Good teachers**

11. Supportive staff: According to the FRA LGBT Survey, almost 1 in 3 respondents felt discriminated against because of being LGBT by school/university personnel in the past year (FRA, 2014).

12. Staff competent to teach: “No clear policy and as stated previously, many teachers are homophobic and/or transphobic themselves (based on the results of the 2012 EU FRA LGBT survey). A key reason for this is a lack of awareness and education on topics of sexual orientation, gender identity and gender expression, which is compounded by the social taboos surrounding such topics. Information and interventions at university level (in educational and pedagogical departments) would be an important starting point, for example” (GALE respondent, 2014).

13. Staff competent to support: One respondent on the GALE Checklist states: “One of the main problems is the prevalence of homophobia and transphobia amongst staff members in educational institutions” (GALE respondent, 2014).

14. Supportive school environment: This largely depends on individual schools and teachers/staff members. By and large they are probably not supportive, but where they are, this would more likely be due to their own initiative as opposed to a school-level or system-level approach” (GALE respondent, 2014).

15. Employment protection for staff: “The EU Directive on non-discrimination based on sexual orientation in employment has been incorporated in national legislation. However national legislation has not been updated to include non-discrimination based on gender identity, despite the recast of the legislation at EU level.” (GALE respondent, 2014).

The FRA LGBT Survey showed teachers are often victimized: 97% of respondents said they heard or saw negative comments or conduct because a teacher was perceived to be LGBT (FRA, 2014).

Respondents in the GALE strategic workshop in November 2014 remarked that the economic crisis made the situation worse, because school employers were looking for any reason to be able to fire teachers.

In 2007, a math teacher was transferred to another school because he was seen at a gay meeting place in a park (COWI, 2010 Greece- sociological study, p. 8).

A GALE respondent says: “A gay teacher could lose his/her job. Sometimes it is tolerated in private sector.” (2014, “LF”) Another respondent says the law is never implemented for LGBT teachers (GALE respondent, 2014).

## Recommendations

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Support LGBTI members of the Greek Orthodox Church to self-organize and advocate for LGBTI inclusion in the Church (recommendation from strategic workshop)
3. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
4. Ratify the Convention against Discrimination in Education
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education
6. Protect DESPOGI teachers against employment discrimination
7. Secure that schools have a safe school climate which includes DESPOGI students
8. Include DESPOGI students in your implementation of the right to education monitoring

## Hungary

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

Six local expert respondents scored Hungary between 2013 and 2015 at average as 36% denying, 42% ambiguous and 22% supportive, with 1,2 item scored unknown. After review of the facts and different opinions, GALE scored slightly more negative Hungary with 34% forbidden/discouraged and 36% no policy 1 item scored as unknown. We score Hungary as denying (mainly discouraging). On the total scale, the score comes down to 34%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		1	4		1	
2. Freedom of self expression for DESPOGI?			6			
3. Protection against DESPOGI bullying?			1	1	3	1
4. No drop-out of DESPOGI?			2		4	
5. Equal school performance of DESPOGI?		1	1			4
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		4			2	
7. Attention in resources about sexual diversity?		6				
8. Resources for DESPOGI students?		1	1		4	
9. Support services open to DESPOGI students?		4	1			1
10. Peer-learning opportunities for DESPOGI?		1	5			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		3	2			1
12. Staff competent to teach about sexual diversity?		2	4			
13. Is staff competent to support DESPOGI?		2	3	1		
14. Supportive school environment for DESPOGI?		2	3	1		
15. Employment protection for DESPOGI staff?		3	2		1	

## General assessment

In 2014, the Council of Europe Commissioner For Human Rights expressed concern at the deterioration of the Hungarian situation regarding racism and intolerance in Hungary. Although anti-Roma sentiments are the most blatant form of intolerance, the attitude towards LGBTI people remains also very negative, with even LGB people considering same-sex relations to be less worthy than other-sex relationships.

## Legal context

### Laws

The 1962 Criminal Code of Hungary removed the 1878 provisions that referred to "crimes against nature". The age of consent is equal at 14. (ILGA, 2017). In 2000, the Constitutional Court recognized that the constitutional ban on discrimination based on "other status" covers sexual orientation as well ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Hungary](https://en.wikipedia.org/wiki/LGBT_rights_in_Hungary)).

The 2003 Act on Equal Treatment and Promotion of Equal Opportunities sets out sexual orientation and "sexual identity" as grounds covered by the Act in inter alia employment and education. The 2009 Civil Code sets out limited provisions pertaining to gender-neutral civil partnership. The 2013 Criminal Code of Hungary includes a prohibition of Violence Against a Member of the Community, which explicitly lists SOGI. In 2017 Hungary introduced a law that would limit the ability of LGBTI NGOs based to register (ILGA, 2017).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1964)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1974)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1980)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Schools and universities in Hungary are predominantly public, directed and financed by the Ministry of Human Resources ([https://en.wikipedia.org/wiki/Education\\_in\\_Hungary](https://en.wikipedia.org/wiki/Education_in_Hungary), Ministry of Education).

Education is compulsory for ages 7 to 16 and is tuition-free to age 18 for children born after 1997. With the exception of Roma children, the Ministry of Education estimates that 95% of school-age children are enrolled in school, though the UNESCO statistics are somewhat lower. Roma children commonly drop out of school before completing their education and segregation continues to exist; a prohibition on collecting data on ethnicity makes it difficult to obtain accurate statistics on Roma participation in education. Discrimination against persons with disabilities is illegal in education or in other state services, but social discrimination and prejudice are observed. Children with special needs are increasingly integrated into the mainstream of the education system ([https://www.ei-ie.org/barometer/en/home/profile\\_details/89](https://www.ei-ie.org/barometer/en/home/profile_details/89))



Transgender people have access to gender recognition without compulsory medical treatment. However, further progress is needed in the fields of parenting and public funding for gender reassignment treatments.

There have been several legal challenges to limit the rights of LGBT people. In 2012, Jobbik MP Adam Mirkoczki introduced a constitutional amendment to the Parliament seeking to ban "the promotion of sexual deviations". The amendment would punish the "promotion of homosexuality or other disorders of sexual behavior" with up to 8 years in prison. LMBT Federation, a Hungarian LGBT advocacy group, protested against the amendment and called on Parliament to reject it. The Democratic Coalition also voiced their opposition and called it "mean and shameful". The amendment ultimately failed to pass. In November 2016, the small Hungarian town of Ásotthalom passed a law banning "gay propaganda", Muslim call to prayer and Muslim clothing. The Mayor called on Christians locals to support a "holy war on Muslims and multiculturalism". In April 2017, after a lawsuit challenging the ban was filed, the Constitutional Court struck down the ban, ruling that it violated human rights law as it aimed to "limit directly the freedom of speech, conscience and religion" ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Hungary](https://en.wikipedia.org/wiki/LGBT_rights_in_Hungary))

Gregor Anikó and Rédei Dorottya analyzed surveys from 2012 and found that despite surveys show that younger generations are more tolerant than older generations, that nearly half of the young people fully agree with the statement that "the cohabitation of a same-sex couple cannot be considered a family", and only one in twelve fully disagrees. Chauvinist nationalist values influence the level of heteronormativity. Young people of Roma origin, especially girls, have more heteronormative views about the family than those of non-Roma origin. They also found that of the LGB group, Hungarian bisexuals were least heteronormative, whereas gay and lesbian respondents valued same-sex couple arrangements even less than heterosexual respondents (Anikó & Dorottya, 2015).

There are few studies on Hungarian education and even fewer focusing DESPOGI topics in schools. One of the most informative is a survey among LGBT people in 2010 by Institute of Sociology of the Hungarian Academy of Sciences and Háttér Support Society among 1966 respondents. We will refer to this study as it was reported to GALE by a Háttér respondent.

### **Access to schools**

1. **Access to schools:** In principle, all students have access. But in practice this is not always the case. In 2003, a theology student of the Gáspár Károli Calvinist University was dismissed after he came out. Háttér filed a group complaint, but both the normal court and the appeal court dismissed the complaint on the ground that a religious institution is exempt from the law (COWI Hungary legal study, 2010, p. 55).

A respondent from Háttér notes in 2013 that the Equal Treatment Act (Act CXXV of 2003) specifically forbids discrimination based on sexual orientation and gender identity in access to education (Article 8

m)-n) and Articles 27-29). Students refused access can turn to the Equal Treatment Authority, the Commissioner for Educational Rights or the courts. The 2010 Hungarian Academy of Sciences & Háttér study found that 3% of those that have been discriminated were refused entry and 5% being kicked out relating to their SOGI. These are worrying statistics, and while the legislation formally provides access, the school practice seems to lag behind, so we score this item "no policy".

2. *Freedom of self expression*: A respondent from Háttér notes in 2013 there is no specific guidance for schools about this. Act no. CXC of 2011 on national public education contains that Article 46:2 The personality, human dignity and rights of the child or student shall be respected. The 2010 Hungarian Academy of Sciences & Háttér study found that only 16% of respondents were fully out to their high school classmates (38% partially). We score this item "no policy" following the opinion of the respondents.

3. *Protection against bullying*: In the PISA study, Hungary scores slightly below the average on bullying. 9.3% of the students reports to be frequently bullied and 20.3% has experienced at least one type of bullying (PISA, 2015, p. 138). In comparison, the 2010 Hungarian Academy of Sciences & Háttér study found that that 19% of respondents have been discriminated in educational institutions because of their SOGI, the majority of these cases being bullying by other students (68%). Bullying by teachers was also alarmingly high (29% of those reporting discrimination). In 2008, Takács reported that half of Hungarian LGBT students experienced discrimination and prejudice in school, especially in secondary school (Takács, 2008). The EU LGBT Survey says that 24% of the respondents feel discriminated by education personnel and 88% think that measures in school would make them more comfortable. For trans people this last number is 79%. (FRA, 2014).

According to a Human Rights Commissioner, 2014 report, bullying in schools of LGBTI students is very frequent (Muižnieks, 2014).

A GALE respondent from Hatter noted in 2013: "While there have been several research projects and initiatives about violence in schools, none of these have addressed homo- and transphobic bullying per se. Act no. CXC of 2011 on national public education contains that Article 25 (5) Educational-teaching institutions shall take care of the supervision of children and students placed in their custody and create healthy and safe conditions for school education and teaching. Article 46:2: The personality, human dignity and rights of the child or student shall be respected, and protection against physical and psychological violence shall be provided. The child and student shall not be subjected to physical or psychological punishment, torture, inhuman or degrading punishment or treatment. Article 46:3: The child or student has the right to: b) be educated and taught in a safe and healthy environment in an educational or educational-teaching institution".

In a small 2015 project, Háttér worked with the Action and Protection Foundation, the Hungarian Civil Liberties Union and the Romaversitas Foundation to reduce school bullying against minorities, especially against Roma, Jewish and LGBTQI youth. They collected good practices, produced a guide for schools and gave training for schools. The partnership also cooperated with teachers'

organizations, the Equal Treatment Authority and other public bodies (<https://tasz.hu/en/romaprogram/together-against-school-bullying>).

In summary, we score this item as "no policy" because it seems that the Hungarian government is not taking or supporting any initiatives in this area.

4. *Policy against DESPOGI drop-out*: The 2010 Hungarian Academy of Sciences & Háttér study found that 39% of respondents reported skipping schools because of discrimination and 5% of respondents had been being kicked out relating to their SOGI. In 2013, Háttér said that higher risks for dropping out among LGBT students are not recognized by policy makers or educational professionals. These are strong indications of a lack of policy, which is less, but similar in direction to the trends in drop-out among Roma students. Because of the lack of response of the Hungarian government, we score this item as "discouraged" and overrule the positive opinion of the respondents on this item.

5. *Equal academic performance*: Hungary adopted a National Social Inclusion Strategy in 2011. The implementation of the strategy works with three-year action plans. Monitoring reports about its implementation were prepared in 2012, 2013 and 2014. An updated Strategy was adopted in 2017 (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>). Although combating discrimination is nominally a part of this strategy, it does not seem to have any impact on the situation of DESPOGI students. Although the rate of drop-out probably leads to a lower academic performance, we do not have statistics on this and have to score this item "unknown".

### **An appropriate curriculum**

6. *Availability of public information*: Freedom of expression is enshrined in the constitution (Article IX of the Fundamental Law), but not specifically with regards to SOGI. Information on LGBT issues is easy to find on the Internet. Attempts by the extreme right wing party Jobbik to pass legislation banning attention to sexual diversity failed (GALE respondent from Háttér, 2013). However, local municipalities are able to adopt censorship regulations. The city of Asotthalom did this and was finally forced to withdraw it, but such lengthy bureaucratic procedures are infringing on LGBT rights. ILGA commented that the government is remaining too silent: "Silence is complicity". We follow the respondents by rating this item as "discouraged".

7. *Relevant and supportive attention in school resources*: The National Basic Curriculum (Government Decree no. 110/2012 (VI. 4.)) and the Framework Curricula (Decree no. 51/2012 of the Ministry of Human Resources on issuing and validating framework curricula) contain no mentioning of LGBT issues. The 2010 Hungarian Academy of Sciences survey found that 65% of students have not heard any information about homosexuality in schools, only 7% reported detailed coverage. 94% agreed with the statement that there has been not enough information on issues affecting LGBT people in the school curriculum and 78% with the statement that "when I was younger I would have needed more educational materials on sexual orientation and gender identity" (GALE respondent from Háttér, 2013). In a 2014 article in the EU Observer, it was reported that Hungarian primary school children are being

told homosexuality is a “deadly sin” in a state-backed religious textbook. However, courses on religion, introduced into the curriculum by the Hungarian government in 2013, are not compulsory. In compulsory Biology textbooks homosexuality is treated like a mental disorder linked to HIV/Aids, venereal disease, and risky behavior, Háttér states. A 2014 ILGA report on LGBTI rights notes that Hungary’s commissioner for fundamental rights, Mate Szabo, criticized the school curriculum for not mentioning sexual minorities. Szabo also raised concerns that children opted into religious studies by their parents would not receive a proper education on human rights. “Hungarian LGBTI people suffered from a general climate of increased fear and violence towards all minorities” (<https://euobserver.com/lgbti/124097>).

Sexuality education is referred to as "Education for Family Life" in Hungary in which a staff of teachers and health care professionals focus on a curriculum that addresses the human body, drinking, smoking, drugs, and AIDS ([https://en.wikipedia.org/wiki/Sex\\_education\\_curriculum](https://en.wikipedia.org/wiki/Sex_education_curriculum)).

We follow the respondents by rating this item as "discouraged".

8. Resources for LGBT students: There are no government or school-sponsored age-appropriate materials targeting young people on these issues (GALE respondent from Háttér, 2013). The few resources available are offered by several NGOs that work on advancing the rights and social acceptance of LGBTQI people. Next to Háttér, there are several small volunteer organizations offering peer education and workshops. We rate this item as "no policy".

9. Support services open to LGBT like counseling: General counseling is available in schools, but counselors receive no specific training on LGBT issues. With the general population attitudes, this does not give hope for much support. A general counseling telephone hotline from Háttér is available, but it does not specifically focus on school-age youth, and it is not advertised among young people (GALE respondent from Háttér, 2013). According to a 2008 report, 28% of LGBT (adult) respondents said they had encountered discrimination in the healthcare system, including rejection of blood donations from those identifying as homosexual. Homophobic and transphobic reactions of medical personnel were also common (Takács, 2007). We follow the respondents by rating this item as "discouraged".

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: There are no gay/straight alliances or specific NGOs or informal groups for LGBT youth. There is no information that their operation would be hindered by school administration, but it has never been tested as the environment does not appear to be supportive enough (GALE respondent from Háttér, 2013). We follow the majority of the respondents by rating this item as "no policy", but "discouraged could also have been an option.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students. We follow the majority of the respondents by rating this item as "discouraged".

12. **Staff competent to teach:** A 2011 focus group research among students of teacher training colleges concluded that students found themselves rather incompetent in dealing with LGBT issues. They would not know what to say if a student asked about homosexuality, let alone if a gay student turns to them for help. They reported of not having received any training on such issues as part of their professional education (see: György Mászáros, 2011: Tanöri szerepvállalás a homofóbia elleni küzdelemben [Teachers' role in the struggle against homophobia] in Judith Takács, ed. 2011: Homofóbia Magyarországon. Budapest: LáHarmattan). We score this item as discouraged.

13. **Staff competent to support:** A 2011 focus group research among students of teacher training colleges concluded that students would not know what to do if a DESPOGI student turns to them for help (Mászáros, 2011). We score this item as discouraged.

14. **Supportive school environment:** There is a general political climate that supports homophobia and transphobia, many schools feel they have to align to this climate (GALE respondent from Háttér, 2013). We score this item as discouraged.

15. **Employment protection for staff:** The Equal Treatment Act (Act CXXV of 2003) specifically forbids discrimination based on sexual orientation and gender identity in hiring (Article 8 m)-n) and Articles 21-23), educational institutions are specifically listed as institutions covered by the legislation (Article 4 g)). Many LGBT teachers are afraid that if they are out, they would be fired, and they remain in the closet (GALE respondent from Háttér, 2013).

According to a 2007 survey, more than one-third of Hungarian LGBT respondents experience discrimination and prejudice at work (Takács et al, 2007). Most people are afraid to come out at work (Takács et al, 2008). It is not clear, but probable this also pertains to schools. We score this item as discouraged.

## Recommendations

1. The Council of Europe Commissioner called on the authorities to take all necessary measures to ensure that all cases of physical or other violence against LGBTI persons are promptly and adequately investigated, prosecuted and sanctioned (Muižnieks, 2014).
2. He also encouraged authorities to continue taking strong public positions against violations of the human rights of LGBTI persons and to promote the public's awareness of diversity and respect for all persons' sexual orientation and gender identity, notably through human rights education and awareness-raising campaigns (Muižnieks, 2014).
3. Include DESPOGI education into the curriculum.
4. Train teachers to support DESPOGI students and teach about human rights, sexual diversity and tolerance.
5. Create a National Strategic Committee on Sexual Diversity in Education

6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Iceland

The reliability of this assessment is scored as 3 stars on reliability of data (one small scale research) and 2 stars on different perspectives. Three local expert respondents scored Iceland over 2013-2015 as 3% discouraged, 3% no policy and 95% encouraged/supportive, with average 2.7 items scored as unknown. We score Iceland as supportive (mainly encouraging). On the total scale, the score comes down to 87%. We mostly followed the ratings of respondents. The score may be somewhat overly positive: it seems the respondents have weighed the work of Samtökin 78 (the local LGBT organization) as government policy. If the government only financially supports Samtökin 78, but it is not a government priority, checkpoints 5, 7, 8, 9, 10, and 15 should be rated "encouraged" or "no policy" rather than "supportive".

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	1				2	
2. Freedom of self expression for DESPOGI?					2	
3. Protection against DESPOGI bullying?				2	1	
4. No drop-out of DESPOGI?				1		2
5. Equal school performance of DESPOGI?					2	1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					3	
7. Attention in resources about sexual diversity?				1	1	1
8. Resources for DESPOGI students?				1	2	
9. Support services open to DESPOGI students?				1	2	
10. Peer-learning opportunities for DESPOGI?				1	1	1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				2	1	
12. Staff competent to teach about sexual diversity?					2	1
13. Is staff competent to support DESPOGI?			1	1	1	
14. Supportive school environment for DESPOGI?				2	1	
15. Employment protection for DESPOGI staff?					1	2

## General assessment

Iceland is a small country with a progressive education system and progressive attitudes on LGBT issues. Although marriage is open for same-sex couples, the labor legislation lags behind, having no specific protection yet. But the judiciary is supportive and there are no indications of formal discrimination of staff or students. On a social level, Iceland remains heteronormative and it is unclear to what extent the government intends to do something about this. The national LGBT organization Samtökin 78 is offering both peer education and one city also teacher training. In the University of Iceland, a queer course has started for teacher training students.

## Legal context

### Laws

The General Penal Code of 1940 removed the criminalizing provisions of 1869. The age of consent is equal at 15. Although the Labor Law covers sexual orientation, it is not explicitly enumerated in the 1996 version. Despite this, the State and judicial practice is positive. The General Penal Code of 2004 specifies SOGI as being protected from discrimination in the provision of goods and services. It also protects anyone on the ground of "sexual inclination" as being protected from anyone "who publicly mocks, defames, denigrates or threatens"; from 2014 on it also includes gender identity. In 2010, the parliament changed the Marriage Act to include people regardless of gender. The 1996 registered partnership law was rescinded (ILGA, 2017).

Since 2008, it has been illegal to discriminate against people on the basis of their sexual orientation in education ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Iceland](https://en.wikipedia.org/wiki/LGBT_rights_in_Iceland)).

Contrary to ILGA, Wikipedia claims the lack of explicit mention of SOGI in the 1996 labor law means there is no prohibition of employment discrimination. Wikipedia states that a committee of the Ministry of Welfare is working since 2014 on a legal change, which should have been completed in 2016.

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Iceland](https://en.wikipedia.org/wiki/LGBT_rights_in_Iceland)). The ILGA Rainbow Report of 2016 is also critical: "An examination of Icelandic laws and policies also reveals a concerning lack of protections for LGBTI people in anti-discrimination legislation, gaps in hate crime legislation and no legislation or positive measures in the area of asylum. Current legislation still imposes a series of deterring conditions on trans people to access legal gender recognition, and there is no legislation to protect the bodily integrity of intersex people." (ILGA, 2016, Iceland, p.1)

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1979)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The system of education in Iceland is divided in four levels: playschool, compulsory, upper secondary and higher, and is similar to that of other Nordic countries. Education is mandatory for children aged 6–16. Most institutions are funded by the state; there are very few private schools in the country.

Iceland is a country with gymnasia. Compulsory education is divided into ten years. Schools which have all ten years, year one to seven, and years eight to ten are common. Those schools which teach



from years eight to ten often have a wider catchment area. The size of institutions is widely varied. In the Reykjavík urban area, schools can be up to 1200 pupils in size. In rural areas, schools can have fewer than 10 pupils, and around 50% of schools have fewer than 100 pupils. All compulsory education institutions are mixed sex. Many counseling services are available, including help with studies and specific subjects; psychological counseling is also available. Each school must follow the National Curriculum Guidelines, but exceptions are made for schools with special characteristics. The school is required to create a school working plan and an annual calendar, organize teaching and pupil assessment and to provide extracurricular activities. Reflecting Icelandic cultural values of tolerance, equity, and celebrating differences rather than individualism, current government policy emphasizes inclusion, or "one school for all", although segregated classrooms and schools are still permitted and supported ([https://en.wikipedia.org/wiki/Education\\_in\\_Iceland](https://en.wikipedia.org/wiki/Education_in_Iceland))

The judiciary is independent in law and in practice. The market economy provides a high standard of living. The official religion, Lutheranism, receives state funding, and the clergy are paid as public servants. All citizens aged 16 and over pay a church tax of US\$ 121 (ISK 7,800). Those who are not members of a religious group make the tax payment to the University of Iceland. Anti-bias and tolerance education are incorporated into the national curriculum in life skills and sociology courses. A Children's Ombudsman, independent of government, has a mandate to protect children's rights, interests and welfare ([https://www.ei-ie.org/barometer/en/home/profile\\_details/90](https://www.ei-ie.org/barometer/en/home/profile_details/90)).

According to an opinion survey carried out in 2004 (before the law on gender neutral marriage was passed), already 87% of the population supported same-sex marriage (COWI 2010 sociological study Iceland, p. 5).

Reports on the legal status of LGB people in Iceland conducted in 1994 and 2004 have emphasized the importance of educational material, inclusion of gay issues in school curriculum for the social sciences, as well as increased LGBT education for a number of professionals, such as teachers and nurses. Some positive development was recorded in 2004, such as the publication of education material for primary schools; the first grant accorded to production of this material in 2004; increased exposure for further education and professionals (in particular through material from other countries) and increased emphasis on gender studies (including LGBT issues) in university education, in particular within the social sciences and with the creation of new courses in gender studies.<sup>48</sup> A thorough report on integrating human rights education at all education levels was drawn up for the Ministry of Education in 2008. In 2009, the European Compass manual on human rights was translated in Icelandic (COWI legal study Iceland, 2010, p. 22-23).

In 2015, representatives of the City of Reykjavík and LGBT rights association Samtökin '78 signed an agreement on Friday including a funding of ISK 15 million (USD 113,000, EUR 102,000) for three years to the association for organizing LGBT rights education in the city's elementary schools (<http://icelandreview.com/news/2015/06/29/reykjavik-funds-lgbt-rights-education>).

## Access to schools

1. **Access to schools:** The right to general education is protected under Article 76(2) of the Constitution (Stjórnarskrá Lýðveldisins Íslands) and detailed legislation regulates pre-primary education, Act 90/2008 on play-centres (Lög um leikskóla); compulsory primary education, Act 91/2008 on primary education (Lög um grunnskóla) and secondary education, Act 92/2008 on secondary education (Lög um framhaldsskóla). Equality, individual needs and respect for diversity are stressed in the above legislation. Act 21/2008 on primary education specifically prohibits discrimination and requires educational policies and planning to protect against discrimination, inter alia on grounds of sexual orientation (Article 24). Policy for compulsory education (ages 6-16) pledges equal education for all, aimed at each individual's all-round, emotional and intellectual development (COWI legal study Iceland, 2010, p. 22). A GALE respondent confirmed in 2014 that there is no indication of discrimination concerning access.

Universities implement equality policies, such as the University of Iceland's equality policy of 2005, defining equality with reference not only to sex, but other aspects, as well, including sexual orientation.<sup>51</sup> An equality committee monitors equality policies, and policies promoting understanding and acceptance of difference; an equality advisor provides services to the University community (COWI legal study Iceland, 2010, p. 23).

2. **Freedom of self expression:** Iceland is one of the most progressive societies for LGBT rights and visibility. More can be done to make the situation better, especially for transgender people. However, the school system has not kept pace with societal changes, and institutional heterosexism remains the norm (Kjara & Jóhannesson, 2013). Kjara & Jóhannesson stated in 2010 that their research respondents agreed that there were few openly LGBT students at their school. In 2016, the University of Iceland changed its registration protocols. Now, trans students are able to change their names within the school (ILGA, 2016, Iceland, p.3). We found no data on how many students come out.

3. **Protection against bullying:** It seems Iceland has a generally low level of bullying (<http://icelandmag.visir.is/article/rate-bullying-icelandic-schools-3rd-lowest-oecd-icelandic-teens-worlds-4th-happiest>). The PISA study found a national percentage of 5.1% of frequently bullied students and 11.9% for any bullying act (PISA, 2015, p. 138).

This does not mean there is no bullying of DESPOGI. The Icelandic derogative word for a gay man is "hommi" (or "helvitis homminn thin" meaning "you f..... fagot" and was widely used as a swear word in schools in 2010 (COWI 2010 sociological study Iceland, p. 9). An online article of 2017 claims there are high numbers of bullying related suicide but it is unclear whether this is based on Icelandic data. Recent research show it is mostly foreign students that are bullied (Polish, others from Western Europe, Asian students). An overview by Sigurður Páll Jósteinsson indicates that LGBTI students are 30% more likely to suffer from bullying than their non LGBTI peers. Hafþór Freyr Línadal, a member of Iceland's safe internet center, says cyber bullying of gay students can be particularly 'coarse',

especially on such social media sites as Formspring and Ask.fm that encourage young people to post anonymous questions and comments about their peers (<https://nobullying.com/bullying-in-iceland/>). Since 2008, it has been illegal to discriminate against people on the basis of their sexual orientation in education. Policy on bullying, including prevention of physical and mental harassment, is prescribed in the national curriculum. No specific mention is made of LGBT issues and data about implementation of policy, as well as implementation of sex-education, is not easily accessible (COWI legal study Iceland, 2010, p. 23).

4. **Policy against DESPOGI drop-out:** In 2009, Icelandic schools had a high level of drop-out. Successful completion of upper secondary education within four years was 45% while the OECD average was 68%. The Icelandic government has undertaken reforms in teacher education, making upper secondary education compulsory and the development of a new national curriculum and a national qualifications framework. It is mainly social factors that led to dropout. Some factors of dropout include low motivation towards school, gender, immigrant status, or special needs (<https://www.oecd.org/iceland/49451462.pdf>). We found no recent data on the drop-out prevention policy. As far as we can check, the efforts to limit drop-out do not specifically tackle challenges for DESPOGI students.

5. **Equal academic performance:** According to the PISA study on 2015, Iceland is not doing too well on academic performance as compared to other Nordic countries (<http://icelandreview.com/news/2016/12/06/poor-pisa-performance-iceland>). There are no data regarding differences between DESPOGI and other students, but Iceland is not behind on gender equity (<http://www.compareyourcountry.org/pisa/country/ISL?lg=en>). Two of the three respondents guess that equal performance is supported by the State.

### **An appropriate curriculum**

6. **Availability of public information:** Freedom of speech and of the press are provided in law and in practice. The media express a wide variety of views without restriction. Internet access is unrestricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/90](https://www.ei-ie.org/barometer/en/home/profile_details/90)).

The Iceland LGBT movement has a website which offers information. Samtökin 78 (Organization 78, [www.samtokin78.is](http://www.samtokin78.is)) was founded in 1978 and is partly supported by the government.

7. **Relevant and supportive attention in school resources:** The national curricula for preschools, compulsory schools, and upper secondary levels from 2011 stipulate that equality education should focus on systems of exclusion, including sexuality. For example, queer studies and equality education can now be offered as positive subjects in both compulsory and upper secondary schools (Kjara & Jóhannesson, 2013). It is unclear how this is implemented for DESPOGI.

Samtökin 78 has a sustained cooperation with the municipality of Hafnarfjörur, offering peer education to the higher levels of elementary school. Reykjavik City also has a service contract with Samtökin 78.

Students in almost half of the city's schools have received LGBTQIAP based peer education (ILGA, 2016, Iceland, p.3). Samtökin has done this work since 1981 (COWI 2010 sociological study Iceland, p. 9). The specific mention of the important role of peer education in the largest cities may indicate that the government policy to mainstream equality and mandatory sexuality education is not so successful that it actually fully covers DESPOGI issues.

We should note that Icelandic sex education takes place in a context of liberal attitudes towards sex (<http://www.therooster.com/blog/icelands-casual-sex-culture-most-liberal-world-it-comes-cost>).

8. Resources for LGBT students: Kjaran & Jóhannesson say their research respondents agreed LGBT visibility could be better and more could be done to educate students these issues (Kjaran & Jóhannesson, 2013). Samtökin 78 the Icelandic LGBT organisation and Q the organisation of gay students do support individuals in these matters, (but) we don't believe that this is part of any school policy (Icelandic Human Rights Centre as GALE respondent, 2014).

9. Support services open to LGBT like counseling: There are no age-appropriate materials targeting young people on these issues (Icelandic Human Rights Centre as GALE respondent, 2014).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: An association of gay university students ([www.queer.is](http://www.queer.is)) is established within University of Iceland; the association and Trans-Ísland (association of transgender people) organized seminars in November 2009, related to Transgender Day of Remembrance (COWI legal study Iceland, 2010, p. 23).

In secondary schools, examples of heterosexism were found in the classroom, at school dances/proms, in social interactions of students, in textbooks, and in the policies of certain upper secondary schools. In general, LGBT visibility is not celebrated in most Icelandic upper secondary schools (Kjaran & Jóhannesson, 2013).

### **Good teachers**

11. Supportive staff: Six participants in a study by Kjaran & Jóhannesson felt that the school environment and social interactions were characterized by heterosexism. This manifested itself in various ways: lack of understanding toward LGBT students; emphasis on heterosexual relations; unpleasant questions being about personal matters or sexuality; heterosexist discourse within the classroom" (Kjaran & Jóhannesson, 2013).

12. Staff competent to teach: Samtökin 78 educates the schools' staff and students about LGBT rights with the long-term goal of the schools taking over the education program, *ruv.is* (Icelandic National Broadcasting Service) reported in 2016. Samtökin 78 has a sustained cooperation with the municipality of Hafnarfjörur, offering training for teachers and staff of most elementary schools within the municipality. Reykjavík City has not honored commitments for trainings for teachers and school staff in 2016 (ILGA, 2016, Iceland, p.3).

In 2014, a GALE respondent said there was no information whether sexual diversity is becoming part of initial teacher training. "There might be a course taught on diversity but that is probably not an obligatory course" (GALE respondent, 2014). But in 2015, professor Ingólfur Ásgeir Jóhannesson, a member of the Faculty of Teacher Education, University of Iceland, and Jón Ingvar Kjaran, a post-doctoral fellow, proposed adding a course in queer studies unto the curriculum for education students (<https://nobullying.com/bullying-in-iceland/>). This course has probably started in the schoolyear 2016-2017 (<https://gayiceland.is/2015/queer-studies-teachers/>).

13. **Staff competent to support:** Kjaran & Jóhannesson argued that institutionalized heterosexism prevails in the structure and culture of the schools under investigation, although to varying degrees. LGBT youth experiences institutionalized heterosexism daily in their dealings with faculty and fellow students. The 6 LGBT students who were interviewed responded to the oppressive nature of institutionalized heterosexism in various ways" (Kjaran & Jóhannesson, 2013).

14. **Supportive school environment:** Some schools have already acted in accordance with the new National Curricula and added sexual diversity to their policies and practices. But it remains to be seen whether changes in the curricula, the initiative of individual teachers, or policy improvements concerning LGBT issues will make the schools in Iceland, compulsory as well as upper secondary, more proactive or inclusive in this respect (Kjaran & Jóhannesson, 2013).

In 2016 one elementary school Akurskóli in Reykjanesbær took steps to become more gender neutral. Gendered signs were taken down from bathrooms and stipulations for specific swim attire were removed (now both boys and girls can choose between swimming costumes or swimming trunks). (ILGA, 2016, Iceland, p.3)

15. **Employment protection for staff:** Although the Labor Law covers sexual orientation, it is not explicitly enumerated in the 1996 version. Despite this, the State and judicial practice is positive (ILGA, 2017).

## **Recommendations**

1. Include legal protection of LGBTI teachers in the labor law
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Support peer education, Gay/Straight Alliances and other grass roots interventions
4. Develop training en offer educational resources about sexual diversity for interested teachers
5. Create a National Strategic Committee on Sexual Diversity in Education
6. Ratify the Convention against Discrimination in Education
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Ireland

The reliability of this assessment is scored as 4 stars on reliability of data and 1 star on different perspectives. Four local expert activist respondents scored Ireland in 2014 as 2% forbidden/discouraged, 2% no policy, 97% encouraged/supportive, with an average of 1,5 items scored as unknown. After review GALE set the assessment at 100% encouraged/supportive with 3 items unclear or unknown. We label Ireland as supportive. On the total scale, the score comes down to 100%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					4	
2. Freedom of self expression for DESPOGI?				2	2	
3. Protection against DESPOGI bullying?					4	
4. No drop-out of DESPOGI?					2	2
5. Equal school performance of DESPOGI?				1	3	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					4	
7. Attention in resources about sexual diversity?				1	3	
8. Resources for DESPOGI students?				1	3	
9. Support services open to DESPOGI students?					4	
10. Peer-learning opportunities for DESPOGI?					3	1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1	3	
12. Staff competent to teach about sexual diversity?				2	1	1
13. Is staff competent to support DESPOGI?			1		2	1
14. Supportive school environment for DESPOGI?		1		1	1	1
15. Employment protection for DESPOGI staff?				1	3	

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is centralized but with numerous bodies being responsible for implementation. The attitudes towards DESPOGI are very positive. There is a lot of specific research on sexual diversity in education. This gives the impression there is still a lot of bullying and unequal outcomes of education for DESPOGI. Since 2000, there is an active policy in which the government, LGBT organizations and increasingly the education sector as well are cooperating.

## Legal context

### Laws

In 1993, “buggery” was removed from the criminal code. From 1999, the Employment Equality Act ensures non-discrimination in the workplace on the basis of sexual orientation. In 1989, the Prohibition of Incitement to Hatred Act 1989 penalizes incitement to hatred, violence or discrimination on the ground, *inter alia*, of sexual orientation. In 2000, the Equal Status Act 2000 refers to non-discrimination based on sexual orientation in housing, provision of goods and services and education (with provisions favoring religious educational establishments). In October 2015, the Marriage Act 2015 was signed into law specifying its application to same-sex couples. In the same year, adoption was allowed. This law replaced a civil partnership, which functioned since 2010 (ILGA, 2017). Since July 2015, transgender people can self-declare their gender for the purpose of updating passports, driving licenses, obtaining new birth certificates, and getting married ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Republic\\_of\\_Ireland](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Republic_of_Ireland))

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1989)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

Education in Ireland is compulsory and free until 16. Students have to pay a fee up tot €3000 for university tuition, the rest being paid by the government. The Department of Education and Skills is in overall control of policy, funding and direction, while other important organizations are the National Qualifications Authority of Ireland, the Higher Education Authority. On the local level the Education and Training Boards are the only mechanism of government organization. There are many other statutory and non-statutory bodies that have a function in the education system.

Virtually all state-funded primary schools — almost 97 percent — are under church control. Irish law allows schools under church control to consider religion the main factor in admissions.

There are 4 kinds of secondary schools:



1. *Voluntary secondary schools*, or just "secondary schools", are owned and managed by religious communities or private organizations. The state funds 90% of teachers' salaries and 95% of other costs. Such schools cater for 57% of secondary pupils.
2. *Vocational schools* are owned and managed by Education and Training Boards, with 93% of their costs met by the state. These schools educate 28% of secondary pupils. *Comprehensive schools or community schools* were established in the 1960s, often by amalgamating voluntary secondary and vocational schools. They are fully funded by the state and run by local boards of management. Nearly 15% of secondary pupils attend such schools.
3. *Gaelcholáiste's or Gaelcholáistí* are the second-level schools for the Irish-language medium education sector in English-speaking communities. Approximately 3% of secondary students attend these schools. (see Gaelscoileanna for the Irish language primary level sector).
4. *Grind Schools* are fee paying privately run schools outside the state sector, who tend to run only the Senior Cycle curriculum for 5th and 6th Year students as well as a one-year repeat Leaving Certificate program. ([https://en.wikipedia.org/wiki/Education\\_in\\_the\\_Republic\\_of\\_Ireland](https://en.wikipedia.org/wiki/Education_in_the_Republic_of_Ireland))

Attitudes in Ireland towards LGBT people are regarded as among the most liberal in the world. Ireland is notable for its transformation from a country holding overwhelmingly conservative attitudes toward LGBT issues to one holding overwhelmingly liberal ones in the space of a generation. In 2015 a survey of 1000 individuals in Ireland found that 78% of people are in support of same-sex marriage and 71% of people think that same-sex couples should be allowed to adopt ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Republic\\_of\\_Ireland](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Republic_of_Ireland)).

In 2000, Gay HIV Strategies & Nexus Research made an extensive exploration of the needs of lesbian and gay students and made a series of recommendations, covering more or less all the right to education checkpoints (Gay HIV Strategies & Nexus Research, 2000). The report had ample backing of authorities. In 2013, the ministry of education published elaborate guidelines against bullying, including homophobic bullying (Department of Education and Skills, 2013).

### **Access to schools**

1. **Access to schools:** We found no information on this topic related to DESPOGI students.
2. **Freedom of self expression:** Religious bodies own and manage the vast majority of primary schools and a significant number of secondary schools in Ireland. This is an important contributing factor to the institutional invisibility of non-traditional sexual orientations in schools (COWI, 2010 Ireland-sociological study, p. 10)
3. **Protection against bullying:** The Equality Authority identified the general lack of education on LGB issues as a problem and discusses the effects of such invisibility. It identifies young LGB persons as being at risk of social isolation, depression, loneliness, harassment and violence. The invisibility of



one's identity may result in poor educational outcomes (Lodge & Lynch, 2004; COWI, 2010 Ireland-sociological study, p. 8).

BeLonG To Youth Service found that 73% of respondents experienced problems (including verbal and physical bullying, damage to property, and alienation) in their schools in reaction to their sexual orientation or gender identity (MacManus, 2004).

In 2006, a large scale study found homophobic bullying occurred in 79% of Irish second-level schools and was more likely to take place in boys' single-sex schools and co-educational schools than in girls' single-sex schools. The majority of Irish secondary schools had anti-bullying and equality policies but few made any specific reference to gay and lesbian equality. Most teachers were aware of homophobic bullying in their school, but 41% said it was more difficult to deal with than other forms of bullying. Some teachers did not consider this behavior to be anything more than 'horseplay' or 'messing', meaning that students could interpret their inaction as condoning bullying behavior (Norman et al, 2006).

In 2006, the Equality Authority launched a LGBT campaign "Making your school safe".

In 2008, the Equality Authority did research and published a report with guidelines for educational staff to address homophobic bullying (COWI, 2010 Ireland-legal study, p. 29-30).

The *Action Plan on Bullying: Report of the Anti-Bullying Working Group to the Minister for Education and Skills* was introduced in January 2013. Previous guidelines from 1993 did not name homophobic or transphobic bullying because there was silence around the issue (Public authority representative, principle officer, Ireland). The action plan contains 12 actions and 13 recommendations for further consideration, and section 2.7 refers specifically to homophobic bullying. Ireland's Department of Education and Skills (DES), in partnership with the Gay and Lesbian Equality Network (GLEN), has produced guides for principals, deputy principals, guidance counselors, teachers and all school leaders. The DES will consult with teaching unions and interested bodies for their responses to the action plan. The Minister for Education and Skills has ring-fenced € 500,000 for implementation. Action 8 flags the 'Stand Up Awareness Week against Homophobic Bullying', which aims to prevent and tackle homophobic and transphobic bullying in schools by increasing friendship and support for LGBT students; raising awareness of LGBT students among other students, teachers, principals and others in the school-wide community; and encouraging LGBT students to report bullying, leading to a reduction in bullying and attendant isolation, self-harm, suicidal behavior and mental health difficulties among LGBT students (FRA, 2016). In September 2013, the ministry of education also published elaborate guidelines against bullying, including homophobic bullying (Department of Education and Skills, 2013).

In 2015 and onwards, BeLonG To Youth Services regularly launched government supported campaigns to support students to "stand up for their LGBT friends". The video clip "Stand Up" (2015) became a worldwide hit among LGBT young people and activists.

4. Policy against DESPOGI drop-out: One-fifth of LGBT respondents left school early, primarily due to negative reactions to their sexual orientation (MacManus, 2004). One respondent notes there is an awareness that LGBT students might be at risk of drop out due to treatment in relation to their LGBT

identity. I'm not aware of any formal policy in this particular area around school completion (GALE Checklist respondent 2014, Sandra Irwin-Gowran). Another respondent says measures are in place to support pupils to continue in school, regardless of sexual orientation (GALE Checklist respondent 2014, Tony Gaynor).

5. **Equal academic performance:** Homophobia negatively impacted the studies of 42% of LGBT students (MacManus, 2004). A respondent notes all students are supported to develop to their potential in the education system, regardless of sexual orientation (GALE Checklist respondent 2014, Tony Gaynor).

### **An appropriate curriculum**

6. **Availability of public information:** There appears to be no quantitative or qualitative research or data on media representations of LGBT persons. According to *GLEN*, LGBT persons enjoy a positive and nuanced presence in the Irish media (COWI, 2010 Ireland-sociological study, p. 11).

7. **Relevant and supportive attention in school resources:** In 2002 Lynch and Lodge conducted research in 12 single-sex and coeducational schools in Ireland, and included a focus on sexual orientation. The authors concluded that sexual orientation was institutionally invisible across school materials, discourse and curricula (Lynch & Lodge, 2002).

Most students (98%) had no access to information about LGBT life in their schools, and one-half reported that a negative image of LGBT people prevailed (MacManus, 2004). In recent years, there have been a number of curriculum developments, allowing students to receive positive information about LGBT issues (Sears, 2005).

In 2014, a respondent says post-primary curriculum and resources developed by the ministry of education support this (GALE Checklist respondent 2014, Sandra Irwin-Gowran). Another respondent notes it is integrated in the Social, Personal and Health Education program in post primary schools. For example, a new short course in SPHE that has been developed for the Junior Cycle (first half of post primary schooling) expects participating students to be able to 'reflect on the personal and social dimensions of sexual orientation' (GALE Checklist respondent 2014, Tony Gaynor)

8. **Resources for LGBT students:** Most students (98%) had no access to information about LGBT life in their schools, and one-half reported that a negative image of LGBT people prevailed (MacManus, 2004). A respondent notes public sector funding is provided to groups who advocate for the rights of communities such as the LGBT community (GALE Checklist respondent 2014, Tony Gaynor).

9. **Support services open to LGBT like counseling:** BeLonG To Youth Services offers a help-line, meeting groups and support for activist initiatives by LGBT youth, with support of the government. *GLEN* has produced a specific resource for Guidance Counsellors in schools as has the NGO Transgender Equality Network Ireland (TENI.ie) (GALE Checklist respondent 2014, Sandra Irwin-Gowran).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Different context dictate how easy it is for a student to bring a same-sex partner to their school. It is still difficult for many LGBT people to be out, BeLonG To youth services have affiliated youth groups in 24 locations throughout the country. TENI (guidance counselors) also provide family support and direct support to trans people (GALE Checklist respondent 2014, Sandra Irwin-Gowran).

### **Good teachers**

11. Supportive staff: In 2002, a lack of awareness and sensitivity among teachers was found in a study (Lynch & Lodge, 2002). Teachers Union organizations consistently provide support to LGBT teachers and to teachers in support of LGBT students. That is not to say that everything is still perfect, many young LGBT people still experience homophobia and transphobia (GALE Checklist respondent 2014, Sandra Irwin-Gowran).

12. Staff competent to teach: There is no national policy on teacher education - there is ad hoc inclusion of lectures (mostly stand-alone) but nothing consistent to my knowledge (GALE Checklist respondent 2014, Sandra Irwin-Gowran).

In addition to their period of initial teacher education, through Colleges of Education and other third level educational institutions, teachers of Social, Personal and Health Education (SPHE) and Relationships and sexuality Education (RSE) also receive professional development support through the Well-being pillar of the Professional Development Support Team (PDST). This ensures that teachers are supported in delivering the SPHE/RSE curriculum in the classroom and are also upskilled when necessary to deal with new challenges that may emerge relevant to SPHE/RSE. RSE Workshops are delivered by the PDST at primary level through the education center network. Post primary regional in-service training is also delivered in the area of Junior Cycle and Senior Cycle RSE. In addition at post primary level Mental Health Days address a range of issues from wellbeing to change, including body image, self-harm, eating disorders phobias and depression. An in-service course on Sexual Orientation and Homophobia also is available to SPHE teachers at a regional level to help them in addressing these issues with students (GALE Checklist respondent 2014, Tony Gaynor)

13. Staff competent to support: Respondents refer to their answers on checkpoint 12.

14. Supportive school environment: Respondents find this difficult to answer, because it is school specific. However, there have been talks and agreements between LGBT NGOs and the national associations of principals, and they jointly produced a guide in 2016 (GLEN, 2016).

15. Employment protection for staff: LGBT school staff are legally protected against discrimination. We found no case studies proving the way this is implemented. A respondent notes that the religious ethos of the majority of schools places a threat on the job security of LGBT teachers by way of an

exemption (article 37.1) in our Employment Equality laws for religious run schools (GALE Checklist respondent 2014, Sandra Irwin-Gowran).

## Recommendations

1. Remove the exemption article 37.1 from the Employment Equality Act to be in line with the European Directive
2. Create a National Strategic Committee on Sexual Diversity in Education (?)
3. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
4. Train all educational staff to be DESPOGI inclusive (?)
5. Do research on effect of interventions and systematically improve impact
6. Monitor the progress of the government strategy
7. Ratify the Convention against Discrimination in Education
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and in the monitoring of SDG 4

## Italy

The reliability of this assessment is scored as 3 stars on reliability of data and 3 star on different perspectives. Five local expert respondents scored Italy between 2013 and 2015 at average as 10% discouraged, 62% no policy, 27% encouraged/supportive, with average 1,5 items scored as unknown. We score Italy as ambiguous. After reviewing the literature and also recent developments, GALE changed the scores in 7% discouraged, 80% no policy and 13% encouraged. On the total scale, the score comes down to 52%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	1		1		3	
2. Freedom of self expression for DESPOGI?			5			
3. Protection against DESPOGI bullying?			3		1	1
4. No drop-out of DESPOGI?			4			1
5. Equal school performance of DESPOGI?			2	2		1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		3	1		1	
7. Attention in resources about sexual diversity?			5			
8. Resources for DESPOGI students?			5			
9. Support services open to DESPOGI students?			3	2		
10. Peer-learning opportunities for DESPOGI?			4	1		
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			3		2	
12. Staff competent to teach about sexual diversity?		2	1	1		1
13. Is staff competent to support DESPOGI?			3		1	1
14. Supportive school environment for DESPOGI?		1	3			1
15. Employment protection for DESPOGI staff?		2	1		2	

## General assessment

Nationally, the situation of LGBTI in Italy has legally improved in the past 15 years. Non-discrimination law has been adopted and improved and there is discussion about stopping hate-speech. Also, attitudes have improved. However, there is still a lack of central government policy on DESPOGI issues in education. Anti-bullying measures are not specific for DESPOGI and no guidelines for attention for sexual diversity in curricula have been issued.

Moreover, the implementation on anti-discrimination law seems to vary across regions. In conjunction, policies and projects on education seem to differ quite a lot. The difference is not only between the more affluent and metropolitan regions and poorer regions, but also urban areas and rural areas within provinces. In the poorer regions and countryside, Catholic fundamentalism often still goes hand in hand with traditionalism and fear of otherness. The more traditional, the more there is a "don't ask, don't tell" attitude.

## Legal context

### Laws

The first Italian Penal Code in 1889 had no prohibition on consensual same-sex sexual acts between adults in private. The age of consent is equal at 14. A Legislative Decree of 2003 addressed a number of gaps in pre-existing labor laws in Italy, and instituted sexual orientation as a protected ground within employment (ILGA, 2017). After criticism of the European Union on the implementation of this law, Italy improved the law in 2008 (COWI legal study in Italy, 2010, p. 3).

In 2016, a civil partnership and cohabitation law for (only) same-sex couples was adopted. In 2012, the Court of Cassation denied a petition to recognize a same-sex marriage, but with a reasoning that represented a fundamental change in approach to the issue. A high profile case involving the adoption of the birth daughter of a lesbian partner was resolved in the couple's favor in late 2016 and some local authorities recognized adoption rights (ILGA, 2017). Transgender people have been allowed to legally change their legal gender since 1982. There is no legal protection against discrimination of gender identity and expression ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Italy](https://en.wikipedia.org/wiki/LGBT_rights_in_Italy))

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1966)

Convention on Technical and Vocational Education: **not signed** | signed | **ratified** | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1978)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Italy is compulsory from 6 to 16 years of age, and is divided into five stages: kindergarten (*scuola dell'infanzia*), primary school (*scuola primaria* or *scuola elementare*), lower secondary school (*scuola secondaria di primo grado* or *scuola media inferiore*), upper secondary school (*scuola secondaria di secondo grado* or *scuola media superiore*) and university (*università*). Italy has both public and private education systems ([https://en.wikipedia.org/wiki/Education\\_in\\_Italy](https://en.wikipedia.org/wiki/Education_in_Italy)).

At present, due to the tightening of migratory legislation and in particular the policies driven by the Northern League, member of the governing coalition, which is known for its rejection of the migrant population, a stance which on many occasions has touched on xenophobic, the situation of ethnic minorities in Italy has deteriorated and the chances of accessing the enjoyment of their rights to

education, housing, health and employment have decreased. Contemptuous comments from some politicians and representatives from different authorities help to foment a climate of intolerance towards the Roma, migrants, and lesbian, gay, bisexual and transsexual people.

([https://www.ei-ie.org/barometer/en/home/profile\\_details/97](https://www.ei-ie.org/barometer/en/home/profile_details/97)).

In February 2016, days after the Senate approved the civil union bill, a new poll showed again a large majority in favor of civil unions (69%), a majority for same-sex marriage (56%), but only a minority approving step adoption and LGBT parenting (37%)

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Italy](https://en.wikipedia.org/wiki/LGBT_rights_in_Italy)). The 2016 ILGA-RIWI survey on global attitudes showed 87% of Italians would not mind to have a gay or lesbian neighbor (ILGA, RIWI & LOGO, 2016).

Although there is no research on the extent of homophobia and discrimination against LGBT persons in the institutions of the Catholic Church in Italy, LGBT organizations denounce the influence of the Catholic Church on Italian politics. The hierarchies of the Catholic Church have been strongly critical toward the possibility of legal recognition of same sex partnerships, publicly arguing that such unions are against nature and must not be passed by parliament. Church leaders have also criticized TV broadcasts presenting positive images of gay and lesbian life (COWI sociological study in Italy, 2009, p. 10).

The Ufficio Nazionale Antidiscriminazioni Razziali (UNAR; Office against Racial Discrimination), which deals mainly with problems of racism and xenophobia, has expanded its files of competences to other kinds of discrimination, including discrimination based on sexual orientation, are envisaged. This body has advisory, monitoring and information provision roles. As to proceedings aimed at safeguarding victims of discrimination, Legislative Decree No 216/2003 provides a fast procedure. In accordance with Art. 4(3) of the Legislative Decree, the presumed victim of discrimination may invoke conciliatory procedure before turning to the judges (COWI legal study in Italy, 2010, p. 3).

The implementation of anti-discrimination varies greatly per region in Italy. Venice, Tuscany, Liguria and Rome there are progressive regions with own laws, policies and projects. In Tuscany there is a specific law against LGBT-violence which includes measures on victim support and education. In Liguria there "Rules against discrimination on the grounds of sexual orientation and identity" concern issues like employment, schools, health welfare, educational projects and cultural projects (COWI legal study in Italy, 2010, p. 27).

In 2012, Debicki and Passani studied stereotypes students may have of gays and lesbians. The (high school) students, asked to give a definition of homosexuality, consider it for 43% as a natural sexual orientation and for 46% as a choice. 13% of the students' answers give a definition of homosexuality linked to illness or reprehensible actions. Moreover, the majority of the students do not think that lesbian women and gay men have particular characteristics. Lesbian women appear, according to them, even less visible than gay men (Debicki & Passani, 2012, p. 16).

Most LGBT people think discrimination in Italy is mostly due to ignorance and a lack of education (78%). They also mention Christian religion of homophobes (63%) and cultural traditionalism (44%) as main factors (ibid, p. 42). 49% think that more communication and information through media is the best strategy to change this, only 22% thinks that education through schools will help (ibid, p. 43). However, the EU LGBT Survey found that 96% think that measures in school would make them more comfortable. For trans people this last number is 73% (FRA, 2014).

In Italy, the situation of LGBTI may vary greatly across regions. National legal measures or policy may not have equal impact in some regions.

In 2016, GALE facilitated a strategic workshop in the Puglia region. Nineteen experts, mostly teachers and some LGBT NGO representatives scored the GALE Checklist and discussed the results. About half the participants scored Puglia as ambiguous, with 16% scoring denying and 35% scoring supportive. In the overview and looking at the consistency of how participants respond to the same questions, it turned out there may be quite different assessments of whether the province is denying, ambiguous or supportive in specific situations. This increases the impression of ambiguity. The scores confirm the outcome of the discussion, in which the participants said that in cities, Puglia would be about 75% ambiguous towards supportive, while on the countryside this would be more in the middle of ambiguous.

More than half of the respondents thought the Puglia anti-bullying policy is not adequate enough and needs to be improved. Most participants also thought the school curriculum did not give enough attention to sexuality and sexual diversity, that there are not enough specific resources for LGBT youth in the region, that teachers don't have the necessary skills to teach about sexual diversity or to support LGBT students and that the school environment is not supportive enough. These are priority issues to be addressed in Puglia school policy.

Finally, it is also worrying that 53% of the participants think that LGBT teachers and staff are at risk to be discriminated and may not get or lose their job. This goes against the European directive and needs to be looked into (Dankmeijer, 2016a & b).

## **Access to schools**

1. **Access to schools:** Since primary and secondary education is mandatory, access is formally secured. A GALE respondent notes there is not institutional discrimination against DESPOGI, but this does not mean that schools are always a safe place for DESPOGI (GALE respondent 1, 2014). Another respondent adds that whether OPENLY LGBT students have full access is an open question, due to homophobic bullying and few attempts to combat this (GALE respondent 2, 2014). The government and most schools do not have policy on this.

2. **Freedom of self expression:** A GALE respondent said in 2014 that a relatively recent survey showed that the large majority of LGBT people did not come out at school. Similarly, students know only few



peers that come out at school (GALE respondent 1, 2014). Another respondent notes that in many schools, coming out is discouraged. Recently, there has been a wave of reports about homophobic comments made by religion teachers (who teach the Roman Catholic faith in Italian schools). In practice, most Italian children are forced to attend religion classes even though in theory they have the right to opt out (GALE respondent 2, 2014).

In a 2006 study on lesbian and bisexual health, only 15% of the respondents was entirely "out". The visibility of the sexual orientation of the respondents seemed to be particularly linked to their age and geographic zone of residence: responses show that the youngest women and women living in the south are more reluctant to be public about it (Graglia, 2006). In a 2012 study among LGBT adults, 23% said they came out in school, and 22% informed only a limited number of persons of their sexual orientation at school. Younger people came out more often than older people. About 20% of them thought that it was a personal matter and did not see any reason to disclose it publicly. Moreover, almost 30% feared the reactions of the others and to be discriminated, and some stated that they were too ashamed of their sexual orientation to speak about it. Others thought that the environment, or society in general, was not ready for such a declaration. (Debicki & Passani, 2012, p. 52). This seems to indicate that openness is slowly growing but still very low.

In the same 2012 research, heterosexual students were asked opinions and experiences. In Rome, 22% of the students said that they did not know any LGBT person, while 44% know 1 or 2 LGBT persons, 23% know between 2 and 5, and 12% know more than 5. So the majority of the respondents have at least some contacts with LGBT persons (Debicki & Passani, 2012, p. 14). Of all students, 63% felt comfortable with LGBT schoolmates, 19% felt uncomfortable and 18% was insecure about it. As expected, their answers vary according to the number of LGBT persons that the students know. The more LGBT persons they know, the more the students feel comfortable sharing everyday life moments with them (Debicki & Passani, 2012, p. 31).

3. **Protection against bullying:** According to No Bullying.com, bullying in general in Italy is high and even rising (<https://nobullying.com/bullying-in-italy/>). A 2014 report by Istat showed that over half of the teen population in the country had been bullied at one time or another; 20% of these victims suffered monthly attacks. Approximately 63% of kids and teens had witnessed bullying acts (<http://www.west-info.eu/how-many-italian-victims-of-bullying/>). Italy does not feature in the 2015 PISA study.

In a 2001 survey from Turin, 48% of gay men and 10% of lesbian women reported harassment or social isolation by other students when they were in school. Similar figures (41% of men and 21% of women) were found in a 2007 sample in Tuscany. Although harassment by teachers seems to be more rare, victims referred to their indifference and lack of support. Homophobic bullying gained visibility in the media in 2007 due to a suicide in Turin. The mother of the 16-year-old boy who committed suicide reported that he was distressed because he was identified as gay and bullied at school. The case was at the centre of media debates and public meetings. LGBT organizations pointed out that it was not an isolated case (COWI sociological study in Italy, 2009, p. 9).

According to a web-based poll promoted by the Gay.it web site (date not mentioned), it turned out that more than 50% of respondents was victim of bullying in school, 24,3% of victims had been ignored by his/her peers (Synergia, 2012, p. 26).

A research "*Family matters in Piemonte*" was conducted by the Department for Social Research from the University of Eastern Piemonte together with the cooperation of Agedo (Associazione GENitori Di Omosessuali – association of parents, relatives and friends of homosexual people) concluded more than half of the interviewed families admits that their son has been victim of several episodes of isolation and bullying because of sexual orientation (Synergia, 2012, p. 27).

According to a research done in the project "Schoolmates" (2009-2010), 53% of the students in high schools heard directly homophobic insults, more than 10% of them witnesses attacks or mocking towards students considered homosexual and 83,6% of teachers claim to have never been involved in such episodes. Two thirds of the students attending secondary school have heard homophobic speech against male students, and actually, for one out of five students, these expressions are part of the ordinary life; one student out of thirteen witnessed, at least once, a homophobic physical assault during the last month (from kicks and punches to sexual abuses). Around 20% of adolescents committed at least one action of a homophobic kind, while only 4% of them admitted to have been victim of an attack; the bullying behavior against lesbian students is reported as a minor issue. (Synergia, 2012, p. 25-26).

In a 2012 study, it was found that "the school" was the environment in which LGBT people felt most discriminated (49%). This as compared with 42% discrimination in the family, 33% in bars, 30% on internet, and 22% at work (Debicki & Passani, 2012, p. 36). The EU LGBT Survey says that 19% of the respondents feel discriminated by education personnel (FRA, 2014).

Although Italy has no anti-bullying laws per se, the country's Constitution, Rights and Duties of Citizens, Civil Code and Penal code can be used to some extent to help prevent bullying and provide a means of punishing criminal bullying behavior. After reviewing bullying statistics in the country, however, it seems that these laws aren't sufficient to get the job done. Although schools and local police are making an effort to increase bullying awareness via anti-bullying programs and campaigns, studies reveal that school bullying in Italy is on the rise. The country is also seeing an increase in bully related depression and suicide attempts due to this abusive behavior (<https://nobullying.com/bullying-in-italy/>).

The government response seems to be rather ambiguous but may be improving. A directive n.16 from 5/2/2007 of the Ministry for Public Education, called "Linee di indirizzo generali ed azioni a livello nazionale per la prevenzione e la lotta al bullismo", had the goal of preventing and contrasting physical and psychological bullying, through the empowerment of teachers as well as school directors (Synergia, 2012, p. 29). We found no mention of attention to DESPOGI related bullying in this directive. Measures designed to combat homophobic bullying in schools (including training for school personnel and inclusion of diversity issues in the curriculum) were dropped from the National LGBT Strategy by the Ministry of Education in June (ILGA, 2016, p.93). But ILGA reports The Ministry of Education, Universities and Research published guidelines on prevention of bullying and cyber

bullying in April 2016; the guide refers to victimization on the grounds of sexual orientation and gender identity (ILGA, 2016, p.93). In 2017 a law against cyber bullying was adopted (<https://www.west-info.eu/italy-has-now-a-law-to-fight-cyber-bullying/>) and the government has cooperated with LGBT organizations on a video clip ([http://video.corriere.it/io-sto-te-spot-contro-cyberbullismo/5b05e6ee-3a5b-11e7-acbd-5fa0e1e5ad68?refresh\\_ce\\_cp](http://video.corriere.it/io-sto-te-spot-contro-cyberbullismo/5b05e6ee-3a5b-11e7-acbd-5fa0e1e5ad68?refresh_ce_cp)) to also combat LGBT-specific cyber bullying (<https://www.west-info.eu/italian-schools-and-lgbt-associations-join-in-fighting-cyber-bullying/>) and a hashtag #IoStoConTe ("I stand with you").

The respondents score this checkpoint as ambiguous and despite the recent limited cooperation, we tend to agree.

4. Policy against DESPOGI drop-out: One GALE respondent says there are projects working or reducing drop-outs in general and projects working for supporting DESPOGI but not a clear policy on this (GALE respondent 1, 2014). Another says there is very little to no institutional support for queer students. The drop-out rate of queer students is not discussed and as far as I know, no statistics are collected on this (GALE respondent 2, 2014).

5. Equal academic performance: In 2011 a document regarding gender diversity was signed between the Minister of education and the Minister of equal opportunities and sent to all Italian schools for the promotion of culture of gender in education through an innovative awareness capable to involve five key areas: family, work and equal opportunities, women and science, public space and social groups, language and media. With "gender diversity" the Minister refer to "women's return in the labor market". There have also been UNAR projects for the prevention and countering of gender and racial discrimination (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>). However, we found no reference to supporting equality of academic performance for DESPOGI.

## **An appropriate curriculum**

6. Availability of public information: There is no censorship of the media or internet. LGBT organizations perceive limited and distorted media coverage on their issues, and have identified cases of homophobia put forward in media by politicians and church leaders. The COWI sociological study refers to a 20016 study which shows media coverage of gay and lesbian parenthood confirmed the limited visibility of LGBT organizations and their arguments (COWI sociological study in Italy, 2009, p. 11). A GALE respondent notes that the ministry of equal opportunity carried out a communication media campaign against discrimination on the grounds of sexual orientation and gender. He stresses that LGBT associations constantly work on this (GALE respondent 1, 2014). In the Tuscany region a regional committee for telecommunications monitors television and radio shows (COWI legal study in Italy, 2010, p. 27).

7. Relevant and supportive attention in school resources: In 2012, Only 13% of the LGBT respondents of a study in Roman schools found something useful in the school curriculum, and 19% found

prejudice in it (Debicki & Passani, 2012, p. 50). The RAINBOW desktop research of 2012 states that in all levels of schooling, sexual diversity is absent from the Ministerial school curriculum. Homosexuality is briefly mentioned in sex education (from secondary school) and in history (talking about Nazism). Homophobia as a subject of study is in teachers mind's immediately associated with sex education (a subject that anyway has generally only a little space) and not with rights and citizenship or cross-subjects like pedagogy, psychology and so on. In primary school, a part from one school the researchers found, sex education is not taught. Regarding themes such as rights and citizenship, whereas the issue of migration is addressed, as well as the rights of the child, LGBT people's rights are absent (Synergia, 2012). A GALE respondent notes that the curriculum on sexual diversity depends from school to school. Some schools (a minority) have included information in general school resources (GALE respondent 2, 2014).

In 2006 the University of Bologna launched a masters degree course in sexual minorities studies, the first of its kind in Italy (COWI legal study in Italy, 2010, p. 26).

In 1991, a bill which aimed at making sexuality education a non-mandatory school subject was incorporated into Biology lessons but failed. So there are no laws regarding this subject in the country, even if many proposals and compromises have been made during the last 30 years. In fact, the 1984 Concordat stipulates that the Ministry of Education had to consider the views of the Church. However, a few schools are actually providing sexuality education to their pupils aged 14 to 19. Some of them propose a "minimum program", which consists of only one lesson during the pupils' school year and is the same lesson for all age groups. Some of the schools propose larger programs. The headmaster of each school is in charge of the school policy about sexuality education. The contents of teaching are based only on biology and are taught by Biology teachers in a formal way.

Private family planning centers and association are, however, involved in proposing and providing sexual education with activities and information centers, but this not in a formal approach (European Parliament, 2013, p. 24).

8. Resources for LGBT students: A GALE respondent says there are no specific resources or resource persons (GALE respondent 2, 2014). Local ArciGay departments may inform LGBT students. Several children's books depicting same-sex families were banned from school libraries in Venice by mayor Luigi Brugnaro following his election in 2016. In response, 267 Italian authors wrote to Brugnaro during the summer, asking for their approved texts to be removed in solidarity (ILGA, 2016, p.93).

9. Support services open to LGBT like counseling: In a 2006 study on lesbian and bisexual health, it was shown that (adult) LB women are reluctant to admit their sexual orientation of contact to counselors (Graglia, 2006). The Gayhelpline of Rome reported that 35% of their help requests came from gay male victims of bullying in school (Synergia, 2012, p. 25). A GALE respondent says each school should have a psychological support service, this is not always available in all schools, but if it is present it is open to all students. at the same time, there is not a specific support service for

DESPOGI (GALE respondent 1, 2014). Another respondent says that any counseling services will be generic for the entire student body. The counselors may or may not have any idea about LGBT-related issues. (GALE respondent 2, 2014).

Regionally, this may vary. In Tuscany, a law (Legge regione Toscana 59/2007) aims at preventing violence based on sexual orientation and identity, and promoting protection, solidarity and help for people who have been victims of psychological and physical violence. In order to achieve this goal, Tuscany supports and promotes a coordinated network including town halls and provincial administrations, hospitals, schools, police, judges and magistrates, and anti-violence centers (COWI legal study in Italy, 2010, p. 27).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no specific examples of this. A GALE respondent said there are projects on this, usually financed by public authorities, but there is not a stable policy (GALE respondent 1, 2014). Another respondent says there is no prom tradition in Italy, and nor tradition of gay/straight alliances (GALE respondent 2, 2014).

### **Good teachers**

11. Supportive staff: Legally, there are minimum standards that are held up by the court. In 1994, a teacher was taken to court for calling a student "stupid" "imbecile", "idiot" and "gay". He was sentenced and in an appeal the Supreme Court judged that the adjectives used were "aimed not at motivating or educating the student but only at mortifying him. In general schoolteachers can use strong words or expressions to attract students' attention but the adjectives pronounced in this case lead one to think that the aim pursued overstepped the teaching purpose of the expression" (COWI legal study in Italy, 2010, p. 36).

A GALE respondent notes there are sometimes projects, usually financed by local authorities providing training for teachers on this topic. The Ministry of Education prepared a toolkit for teachers (date not mentioned) but then it was stopped for political reasons when the Minister changed. A short training short course for school managers was planned in October 2014 (GALE respondent 1, 2014). The Tuscany region organizes courses for the education of regional staff on respect for sexual orientation (COWI legal study in Italy, 2010, p. 27).

12. Staff competent to teach: The RAINBOW study says teacher admit homosexuality is at personal and social level an "unresolved" issue. In school there is still a heteronormative approach and a certain obsession with normalizing. Nowadays teachers often have a technical training on the subject they teach, but not necessarily a psycho-pedagogic framework that helps them dealing with cross-subject education. They feel they need the mediation of culture to tackle delicate aspects, such as sex, and this is why some issues are most of the time externalized to specialized organizations. In some cases personal discomfort of teachers regarding homosexuality was clear during the interviews, when they found it difficult to even use the words homosexual, gay, lesbian (Synergia, 2012, p. 31).

Basically, tricky issues like homosexuality and homophobia can be a part of the program only if the single teacher takes the responsibility to integrate the texts and the official curriculum. Teachers are aware that, especially in Literature, Latin, Greek and history there is space for dealing with them, but not all of them actually do it (Synergia, 2012, p. 34).

A GALE respondent notes in 2014 that recently there was strong political pressure (from right-wing parties) at the local level and from the Catholic Church to prevent teachers talking about affective and gender diversity (GALE respondent 2, 2014).

Another GALE respondent agrees teachers do not have adequate competences. He says there have been some projects, organized by LGBT organizations and normally financed by the EU with the support of local authorities or directly by local or national authorities but sexual diversity is not in the teachers standard training curriculum (GALE respondent 1, 2014).

The RAINBOW project reports there was a teacher training "Educare al rispetto" (education to respect) that is taking place since 1998. It started to be offered in the Pisa region and spread to other Italian provinces (Firenze, Brescia, Reggio Emilia, Arezzo, Siena, Pordenone, Trieste and Macerata). From 2007 on it was also offered as an on-line course ([www.educarealrispetto.org](http://www.educarealrispetto.org)). However in 2017 this course seems to be offline (Synergia, 2012, p. 30). In 2016, GALE, in cooperation with Colegio Salvemini (Bari), developed another teacher training course on sexual diversity which is available on <https://www.gale.info/en/projects/ecourses>.

13. **Staff competent to support:** According to a web-based poll promoted by the Gay.it web site only 5,5% of the victims of bullying felt truly helped and just 1,8% of them reported that the teacher dealt with the problem in a class discussion (Synergia, 2012, p. 26). A GALE respondent says there are guidelines at the regional level. Whether they are actually implemented is another story. (GALE respondent 2, 2014).

14. **Supportive school environment:** According to the RAINBOW study, combating homophobia "is not an emergency, nor visible, nor numerically significant and this is why, according to teachers, in most schools it is not an issue dealt with in lessons: they take actions on contingency problems and sensitive issues are addressed only if it's necessary". Schools are currently very aware of parents' concerns and avoid alarming them. That is also why they do not take structured initiatives on the subject, because there is no political/official backing from the Ministry of Education. However, the worry of parents is mainly present in primary and secondary school, because in high school parents rarely participate in school life and are difficult to involve. Only a minority of the RAINBOW project interviewees declared that talking about homosexuals' rights should be a priority in school (Synergia, 2012). The research "Family matters in Piemonte" concluded that schools have totally given up their pedagogical role in the area of homosexuals (Synergia, 2012, p. 27).

A GALE respondent says the Catholic Church has been encouraging religious teachers to provide names of teachers who speak about affective/gender diversity in their classrooms. This means that those teachers who are supportive are working in an overall hostile environment (GALE respondent 2, 2014).

15. Employment protection for staff: Italy recognized and ratified the EU normative for non-discrimination on the job place which recognize the right of equal treatment for LGBT people and behind (GALE respondent 1, 2014). But in practice, it seems no employment protection exists. There have been several cases of LGBT staff being fired or not having their contracts renewed (GALE respondent 2, 2014).

The 2010 COWI study states that LGBT teachers' visibility seemed to be particularly limited, and perceived as very risky (COWI sociological study in Italy, 2009, p. 10, based on a 2008 study). Teachers confirm also that there is a higher degree of hostility towards gay males with respect to lesbians, especially regarding homosexual teachers. The association that gays are pedophiles is still present. Overtly homosexual teachers could have problems being accepted by teachers and parents, as well as get insulted by students (Synergia, 2012).

## **Recommendations**

1. Protect DESPOGI teachers better against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Support peer education, Gay/Straight Alliances and other grass roots interventions
5. Integrate sexual diversity in formal teacher training curricula
6. Create a National Strategic Committee on Sexual Diversity in Education
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4



## Latvia

The reliability of this assessment is scored as 3 star on reliability of data and 1 star on different perspectives. One local respondent scored Latvia in 2014 as 27% forbidden/discouraged, 53% no policy and 20% encouraged/supportive, with no items scored as unknown. The respondent did not refer to sources or specific examples. After reviewing the literature in 2017, GALE decided to re-assess Latvia as 82% discouraged and 18% no policy with 4 items unknown. We therefore score Latvia as denying. On the total scale, the score comes down to 30%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?						
2. Freedom of self expression for DESPOGI?						
3. Protection against DESPOGI bullying?						
4. No drop-out of DESPOGI?						
5. Equal school performance of DESPOGI?						
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?						
7. Attention in resources about sexual diversity?						
8. Resources for DESPOGI students?						
9. Support services open to DESPOGI students?						
10. Peer-learning opportunities for DESPOGI?						
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?						
12. Staff competent to teach about sexual diversity?						
13. Is staff competent to support DESPOGI?						
14. Supportive school environment for DESPOGI?						
15. Employment protection for DESPOGI staff?						

## General assessment

The countries education system is managed on different levels. The government sets the key objectives and quality standards. The attitudes towards DESPOGI are among the most negative in Europe. They seem to slightly improve, but not much or fast.

There is little regarding the situation of LGBT students in the educational system, no reported incidents of discrimination in schools and no known openly LGBT teachers.



## Legal context

### Laws

After the dissolution of the Soviet Union, Latvia's removed in 1992 its punitive provisions regarding consensual same-sex sexual relations between adults criminal law. The equal age of consent was set at 16. In 2006, the Labor Law was amended to include sexual orientation in order to be in line with the EU Employment Directive 2000/78/EC (ILGA, 2017). There is no partnership law and same-sex marriage is constitutionally banned since 2006. It is possible to surgically change gender in Latvia and to legally change identity to reflect this. The Latvian law does not state what constitutes sex change, however as a proof of sex change, such a medical certificate must be submitted to the authorities ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Latvia](https://en.wikipedia.org/wiki/LGBT_rights_in_Latvia)). Sexual orientation and gender identity were not included among the explicitly protected grounds in the revised hate crime provisions in the Criminal Code ([https://www.ei-ie.org/barometer/en/home/profile\\_details/109](https://www.ei-ie.org/barometer/en/home/profile_details/109)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (2009)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1992)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1992)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

In the 2011 UPR cycle (11th session), Latvia was recommended to strengthen measures to prevent and combat discrimination and hate crimes against ethnic minorities and other vulnerable groups, including lesbian, gay, bisexual and transgender persons. The Latvian government responded by stating that the Latvian Constitution and legislation prohibits discrimination on various grounds, including sexual orientation (<http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights5May2011am.aspx>).

## More information

Education in Latvia is free and compulsory. Compulsory education includes two years of preschool education (usually starting at 5 years old) and a further nine years of elementary education (usually until 15/16 years of age ([https://en.wikipedia.org/wiki/Education\\_in\\_Latvia](https://en.wikipedia.org/wiki/Education_in_Latvia))). The education system is administered at three levels - national, municipal and institutional. The Parliament (Saeima), the Cabinet of Ministers and the Ministry of Education and Science are the main decision-making bodies at national level. The Ministry of Education and Science is the education policy development and

implementation institution that oversees the national network of education institutions, sets educational standards and determines teacher training content and procedures.

Religion is taught in public schools by unpaid representatives of various religious groups. Classes in religion are voluntary for students in both public and state-funded minority schools.

Debate continues about discrimination on the basis of ethnicity with respect to the language laws and education reforms. A shortage of qualified bilingual teachers is causing difficulty in ensuring Latvian instruction for students whose first language is not Latvian. State-funded university education is in Latvian, and student applicants whose mother tongue is not Latvian must pass a language entrance examination. Private institutions offer higher education in Russian ([https://www.ei-ie.org/barometer/en/home/profile\\_details/109](https://www.ei-ie.org/barometer/en/home/profile_details/109)).

Discrimination against Roma remains a serious problem, according to the 2012 ECRI report on racism and intolerance; this report does not mention LGBT people.

(<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Latvia/LVA-CbC-IV-2012-003-ENG.pdf>).

Reports cite corruption in government as widespread. Legally, the judiciary is independent, though allegations of judicial corruption, inefficiency and politicization are made. Lengthy pretrial detention remains a concern, and law enforcement officials have allegedly abused prisoners ([https://www.ei-ie.org/barometer/en/home/profile\\_details/109](https://www.ei-ie.org/barometer/en/home/profile_details/109)).

A Eurobarometer survey published on December 2006 showed that 12% of Latvians surveyed support same-sex marriage and 8% support same-sex adoption (EU-wide average 44% and 32%). Most people in Latvia have prejudices against homosexuality, usually rooted in social conservatism and lingering preconceptions dating from the Soviet period. An example of this is the belief that homosexuality and pedophilia are linked phenomena. Such popularly held anti-gay sentiments have recently been increasingly exploited by various religious groups and politicians. In 2002, Māris Sants, an openly gay minister, was defrocked and excommunicated from the Evangelical Lutheran Church of Latvia. Archbishop Jānis Vanags declared in a public statement, "Why Māris Sants was fired", that Sants was not removed from office because he was gay, but because he in his sermons publicly promoted, instead of condemning, the "sinful" homosexual "lifestyle."

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Latvia](https://en.wikipedia.org/wiki/LGBT_rights_in_Latvia)).

In 2016, social attitudes research centre SKDS released the results of an opinion poll on attitudes towards sexual minorities. When asked what they would do on discovering that a colleague was homosexual, 47.6% of people surveyed said their attitude would not change, 25.5% said they would contact the person less and 4.3% said they would try to make the colleague in question leave their job. When asked about a potential homosexual relative, 38.2% of people surveyed said their attitude would not change, 10.4% said they would contact the person less and 6.4% said they would openly condemn their relative. When questioned about homosexual people and homosexual relations, 22.3% thought that neither should be condemned, 24.7% condemned both and 37.9% condemned homosexual relations but not the people themselves. 37.3% of the people surveyed said

they would not want sexual minorities as their neighbor (<http://ilga-europe.org/sites/default/files/2016/latvia.pdf>).

The Rainbow Europe 2016 index ranked Latvia as only 17% on a scale of legal provisions. ILGA said the reason why Latvia ended up at the bottom of the table was partly due to the country's introduction of a "morality clause" to the school curriculum under its Education Law (<https://www.euractiv.com/section/social-europe-jobs/news/latvia-is-worst-place-to-be-gay-in-eu-index-shows/>). The percentage remained the same in 2017 (<https://www.ilga-europe.org/resources/rainbow-europe/2017>). The morality clause states that education institutions must provide moral instruction on the constitutional values of family and marriage. A prohibition on "distribution of certain materials to children" was not passed (<http://ilga-europe.org/sites/default/files/2016/latvia.pdf>).

### **Access to schools**

1. **Access to schools:** Education in Latvia is free and compulsory, but discrimination of students is only arranged in the Racial Equality Directive. it excludes age, disability and sexual orientation. (<http://www.equalitylaw.eu/downloads/4384-latvia-country-report-non-discrimination-2015-pdf-1-43-mb>, p. 52-52). We found no information about formal or informal exclusion of DESPOGI students.

2. **Freedom of self expression:** There are few publicly prominent persons who openly identify themselves as gay or lesbian ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Latvia](https://en.wikipedia.org/wiki/LGBT_rights_in_Latvia)). There is no research on openness of LGBTI students in schools. The LGBT organization Mozaika states that LGBT students are usually invisible at school, even those who are openly LGBT when not at school (COWI, 2009 Latvia-sociological study, p. 9).

3. **Protection against bullying:** The PISA study found a national percentage of 17.5% of frequently bullied students and 30.6% for any bullying act. This is the highest level of bullying of all countries who use PISA (PISA, 2015, p. 138). The EU LGBT Survey says that 23% of the respondents feel discriminated by education personnel and 83% think that measures in school would make them more comfortable. For trans people this last number is 72%. (FRA, 2014). According to Mozaika and information provided by education expert Dr. Liesma Ose, there are no anti-bullying policies addressing the issue. There are no reported incidents of discrimination in schools (COWI, 2009 Latvia-sociological study, p. 9).

4. **Policy against DESPOGI drop-out:** We found no information on this topic.

5. **Equal academic performance:** We found no information on this topic.

### **An appropriate curriculum**

6. **Availability of public information:** Freedom of speech and of the press are guaranteed, and the media are independent and active. The press law prohibits censorship. Libel is a criminal offense. By law, 65 percent of both national and regional broadcasts must be in Latvian or subtitled or dubbed in

Latvian. Internet access is not restricted([https://www.ei-ie.org/barometer/en/home/profile\\_details/109](https://www.ei-ie.org/barometer/en/home/profile_details/109)). Since the first LGBT Pride in 2005, the media coverage of LGBT issues has been extensive. The media are divided on the matter: Some provide consistently positive coverage of LGBT persons, groups and issues and criticize anti-LGBT politicians and media outlets, while others—including the most widely circulated newspapers—regularly print homophobic articles. A 2007 study<sup>52</sup> concluded that sexual minorities were the most discriminated-against group in the Latvian press. (COWI, 2009 Latvia-sociological study, p. 12).

7. *Relevant and supportive attention in school resources:* Although formally, Latvia has mandatory sexual education at ages 11-14, it is limited to a few health curriculum lessons (EU Parliament, 2013). The 2017 preliminary version of the Factsheet Sexuality Education in the WHO European region on Latvia states the number of hours is higher, and that the curriculum focuses on biological aspects. The morality clause limits the scope of human rights education about gays and lesbians (<http://ilga-europe.org/sites/default/files/2016/latvia.pdf>). According to Mozaika and information provided by education expert Dr. Liesma Ose, there are no curricula covering sexual diversity or LGBT issues and only one example of university-level training addressing sexual diversity and LGBT issues (COWI, 2009 Latvia-sociological study, p. 9). The Latvian educational curriculum is strictly gender biased, representing strong heteronormative and sexist role of the man and the woman, and excluding LGBT people. Issues related to homosexuality and trans issues are not part of the educational programs and are only discussed in schools if individual teachers choose to do so. There are no vocational training programs developed by the government to tackle homophobic and transphobic attitudes in schools, therefore, there is no objective to raise LGBT people's competitiveness and equal opportunities on the labor market (Freimane & Goša, 2011).

8. *Resources for LGBT students:* We found no information on this topic.

9. *Support services open to LGBT like counseling:* We found no information on this topic.

10. *Peer-learning opportunities like LGBT youth groups of minors or GSA's:* We found no information on this topic.

### **Good teachers**

11. *Supportive staff:* According to *Mozaika* and information provided by education expert Dr. Liesma Ose, there is little awareness of LGBT students (COWI, 2009 Latvia-sociological study, p. 9). A 2007 study contained information about teachers' attitudes. Asked what they would do if they learned that a 16-year-old student in their class was in a same-sex relationship, 57% of teachers were supportive (adding human diversity, tolerance and a right to personal choices to class lectures), 16% would have 'talked about the harmfulness and inadmissibility of homosexual behavior' and 23% said they would not do anything differently. According to the same study, there was a widespread view among

teachers that tolerance is a 'forced' agenda—that students are better off not knowing about contentious issues and that intolerance is a result of these issues being addressed (ibid, page 10).

12. *Staff competent to teach*: We found no information on this topic, there seems to be no teacher training and we base our assessment on the prevalent public attitudes and prejudices.

13. *Staff competent to support*: In January 2007, newspaper *Neatkarīga Rita Avīze* published a letter signed by 266 schoolteachers and addressed to the Latvian prime minister.<sup>39</sup> The schoolteachers demanded that the government stop the intended amendments to the Criminal Law prohibiting homophobic hate speech; in the teachers' view, that amounted to criminal persecution of those who oppose 'propaganda of homosexuality'. They also believed that homosexuality was a 'perversion' (COWI, 2009 Latvia-sociological study, p. 10).

14. *Supportive school environment*: The lack of guidance means that dealing with the LGBT issues depends to a large degree on the attitudes of individual teachers (COWI, 2009 Latvia-sociological study, p. 9-10).

15. *Employment protection for staff*: The non-discrimination clause in the labor act includes sexual orientation and the education domain (COWI, 2009 Latvia-legal study, p. 8). There are no known openly LGBT teachers (COWI, 2009 Latvia-sociological study, p. 9).

In 2005-2006, a gay man applied for a teaching job and was refused. He filed a complaint to the Riga City Court and won the case in the first review. However, in the second review by the appeal court, the court decided "that there were objective reasons for non-hiring of plaintiff". This rejection - the only one on sexual orientation - gave a clear signal to society that the rights of LGBT employees are not secured, even when there is a legal provision (COWI, 2009 Latvia-legal study, p. 49). Therefore we score Latvia on this issue as "discouraging" despite the legal provision.

## Recommendations

Recommendations made by ILGA Europe and Mozaika (Freimane & Goša, 2011):

1. Undertake campaigns of awareness-raising, directed to the general public and to actual and potential perpetrators of violence, in order to combat the prejudices that underlie violence related to sexual orientation and gender identity
2. Train the police force in recognizing, reporting and handling of crimes rooted in homophobia and transphobia
3. Ensure that education is directed to the development of each student's personality, talents, and mental and physical abilities to their fullest potential, and responds to the needs of students of all sexual orientations and gender identities

4. Ensure that education methods, curricula and resources serve to enhance understanding of and respect for, *inter alia*, diverse sexual orientations and gender identities, including the particular needs of students, their parents and family members related to these grounds
5. Take proactive and adequate measures to address homophobic and transphobic bullying and discrimination against LGBT pupils and teachers

Additional GALE recommendations:

6. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
7. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4



## Liechtenstein

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

There were no respondents from Liechtenstein on the GALE Checklist. Based on the limited data, GALE scored Liechtenstein in 2017 as 13% forbidden/discouraged, 13% no policy, 75% encouraged/supportive, 7 items scored as unknown. We score Liechtenstein as generally supportive (but without much specific attention). On the total scale, the score comes down to 75%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					Supported	
2. Freedom of self expression for DESPOGI?		Discouraged				
3. Protection against DESPOGI bullying?			No policy			
4. No drop-out of DESPOGI?						No data
5. Equal school performance of DESPOGI?						No data
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					Supported	
7. Attention in resources about sexual diversity?				Encouraged		
8. Resources for DESPOGI students?					Supported	
9. Support services open to DESPOGI students?					Supported	
10. Peer-learning opportunities for DESPOGI?						No data
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?						No data
12. Staff competent to teach about sexual diversity?						No data
13. Is staff competent to support DESPOGI?						No data
14. Supportive school environment for DESPOGI?						No data
15. Employment protection for DESPOGI staff?					Supported	

## General assessment

Liechtenstein is a very small country which consists of 11 rural municipalities, the two largest of which have a population of between 5000 and 6000. At the end of 2008, Liechtenstein had a resident population of about 35,600 and is thus approximately the same size as a small city (COWI, 2010 Liechtenstein-legal study, p. 3)

The countries education system is fully managed by the government. The attitudes towards DESPOGI are unknown. Specific research on sexual diversity in education is not available.



## Legal context

### Laws

In 1989 the Criminal Code was revised to remove Sections 129 and 130 “lewdness against the order of nature”. In 2001, the age of consent was made equal. In 2011 the Act on Registered Life Partnership confers limited protections to same-sex partners, but denies joint parental rights (ILGA, 2017).

On 1 January 2016, during his annual New Year's Day interview, Prince Hans-Adam II announced his opposition to allowing same-sex couples to adopt children. He even added that if the European Court of Human Rights were to rule in favor of it then Liechtenstein would simply ignore that ruling.

No anti-discrimination laws currently exist, but discrimination on the grounds of sexual orientation is now covered by a department reorganization in 2005 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Liechtenstein](https://en.wikipedia.org/wiki/LGBT_rights_in_Liechtenstein)).

### Conventions

Liechtenstein is not a UN member and has not signed any conventions.

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | succession

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | ratified | succession

Convention on the Rights of the Child: **not signed** | signed | ratified | succession

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The constitution stipulates that the state is responsible for schooling and the supervision of the entire education system. Private tuition is possible but must also be monitored by the state authorities.

Education is compulsory from 7 till 13. In 2004 a decree was introduced to summarize all other decrees on education matters issued since 1971, when the government took over the management of education from an independent council. There are also a number of additional institutions to help pupils, including learning groups, psychological support, extra teaching for pupils with dyslexia, etc. Liechtenstein also has a number of private schools (<https://www.liechtenstein.li/en/education/school-system/>).

Teachers earn up to €130.000 per year and classes are very small (average 15, maximum 24 students), which stimulates education quality (OECD report 2013, quoted in:

<http://www.telegraph.co.uk/education/10490211/OECD-education-report-Liechtenstein-uses-tiny-classes-and-a-specially-tailored-maths-programme-to-beat-the-competition.htm>).

The website [www.liechtensteineducation.info](http://www.liechtensteineducation.info) contains an article with suggestions against bullying, but it is unclear whether these are government guidelines and whether the mentioned statistics are gathered in Liechtenstein (very unlikely) (<http://www.liechtensteineducation.info/Career-Options/Career-Guide/Bullying.html>).

The Office of Equal Opportunity has, in 2007, initiated a report/questionnaire about the experience of discrimination of LG persons on the one hand and of the general population on the other hand. Overall, homosexuals continue to feel discriminated against, even though they consider the general situation as having improved. Still, as compared to the general population, twice as many (71%) homosexual persons were of the opinion that LG persons were discriminated against because of their sexual orientation. The percentage of homosexual persons who had experienced insults or molestation and threats (53%, 40% resp.) is somewhat higher than in the general population. However, the survey does not distinguish whether the grounds for threats and molestation were homophobia.

The Office of Equal Opportunity has participated in the preparation of the European Youth Conference in Liechtenstein in 2005 with the topic homosexuality. In 2008/09 the Office of Equal Opportunity undertook a public poster campaign, intended to sensitize the general population and tackle homophobic taboos. For 2010, further activities were decided by a work group consisting, among others, of the Association for Gays and Lesbians "Flay", the Office of Equal Opportunity, the Institute for sexual questions, Amnesty International Liechtenstein and church representatives (COWI, 2010 Liechtenstein-legal sociological study, p. 12).

A gay and lesbian organization, FLay (flay.li), was founded in 1998, and organizes social activities for LGBT people in the triangular area between Liechtenstein, Vorarlberg (Austria) and the Swiss Rhine Valley ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Liechtenstein](https://en.wikipedia.org/wiki/LGBT_rights_in_Liechtenstein)).

### **Access to schools**

1. **Access to schools:** Despite not having found information on this topic, the legal context provides full access and the social situation does not give indications this is a problem for LGBTI.

2. **Freedom of self expression:** FLAY organized in 2009 a "coming-out" day ((COWI, 2010 Liechtenstein-sociological study, p. 3). Like in the surrounding countries, coming-out is probably not encouraged in schools. The focus in schools is on academic virtues.

3. **Protection against bullying:** Should cases of bullying or harassment with respect to sexual orientation and gender identity become known, the Institute would offer sexual educational work, included work related to sexual orientation and gender identity. It would furthermore offer the

possibility for guided discussion between the pupils/students and - if necessary - their parents. Information about transgender or intersex is only given on request, if such information is specifically asked for (COWI, 2010 Liechtenstein-legal study, p. 8-9). We did not find statistics or anti-bullying policies.

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: A media council has been established with the purpose of monitoring the compliance of the media with the prohibition against discrimination and the principle of equal treatment and opportunities in respect of journalistic ethics. It is a legal requirement to refrain from incitement to hatred or discrimination on the basis of race, sex, age, disability, religion or nationality. There is no special legislation relating to LGBT interests. From time to time the Office of Equal Opportunity and the Institute for sexual questions and HIV-prevention ("Fachstelle für Sexualfragen und HIV-Prävention") publish articles or give interviews on the radio with regards to their activities for the prevention of the perpetuation of prejudices and against biased information in connection with LG persons. (COWI, 2010 Liechtenstein-legal study, p. 11).

7. Relevant and supportive attention in school resources: Although education is directed to the development of each student's personality, abilities and talents, no special legislation exists on how to deal with different sexual orientations or gender identities. The school curriculum includes sexual education. The extent of such education is up to the respective teacher (COWI, 2010 Liechtenstein-legal study, p. 8). [\(Find out more about content sex education curriculum\)](#)

8. Resources for LGBT students: There is the Institute for sexual questions and HIV-prevention, which is a special government service. One of the tasks of this Institute is the sex-educational service for children and young people. It offers workshops, courses and personal advice to pupils and students as well as information and advice to their parents, especially also in connection with questions or problems with regard to sexual orientation. Advice is given in schools, in youth-centers and on official or private request (COWI, 2010 Liechtenstein-legal study, p. 8-9).

9. Support services open to LGBT like counseling: See 8.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students.

12. Staff competent to teach: We found no information on this topic.

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: The individual right to work and the protection of workers are set out in Article 19, paragraph 1 of the Liechtenstein Constitution. However, no special legislation at all exists in the context of homophobia/transphobia and/or discrimination on the grounds of sexual orientation or gender identity. Persons experiencing discrimination on the grounds of sexual orientation and/or gender identity may contact the Office of Equal Opportunity. The Office of Equal Opportunity deals with all cases of discrimination including discrimination on the basis of sexual orientation. In the case of a complaint, the Office of Equal Opportunity will give advice and direct the parties to the competent authorities. The Office has no legal authority for investigation or sanction. (COWI, 2010 Liechtenstein-legal study, p. 9). There is no case law on LGBTI teachers, nor complaints.

## Recommendations

1. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
2. Train all educational staff to be DESPOGI inclusive
3. Do research on effect of interventions and systematically improve impact
4. Monitor the progress of the government strategy
5. Ratify the Convention against Discrimination in Education
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Lithuania

The reliability of this assessment is scored as 1 star on reliability and 1 star on multiple perspectives. Over 2013-2015, Lithuania was scored by 4 respondents. Their average scores were 61% denying/discouraging, 35% ambiguous, 4% encouraging, with average 2,3 item unknown. This comes to a total score of 34%. We score Lithuania as denying.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			3			1
2. Freedom of self expression for DESPOGI?		2	1	1		
3. Protection against DESPOGI bullying?			2		1	
4. No drop-out of DESPOGI?			4			
5. Equal school performance of DESPOGI?	1		2			1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	2	1	1			
7. Attention in resources about sexual diversity?	2	1	1			
8. Resources for DESPOGI students?	1	1	2			
9. Support services open to DESPOGI students?		3	1			
10. Peer-learning opportunities for DESPOGI?	1	1	1			1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		1	2			1
12. Staff competent to teach about sexual diversity?	1	1	1			1
13. Is staff competent to support DESPOGI?	2		1			1
14. Supportive school environment for DESPOGI?	1	2				1
15. Employment protection for DESPOGI staff?		1	3			

## General assessment

The Lithuanian education system is largely centralized. Bullying levels in schools are high and DESPOGI related bullying even higher. General research on bullying shows how Lithuanian society suffers numerous and serious psychosocial consequences because of this general high level of violence. A large majority of LGBT students consider emigration because of the negative situation. The Lithuanian government does not seem be willing to rectify this situation. On the contrary, in 2010 a censorship law was adopted to radically ban any LGBT supportive information from schools and media.

Research on sexual diversity in education is scarce: there are two small scale studies by LGL (the Lithuanian Gay League).

## Legal context

### Laws

Following independence from the Soviet Union in 1993, Lithuania decriminalized consensual same-sex sexual relations between adults. The age of consent is equal at 16. The Law on Equal Treatment secures non-discrimination regarding sexual orientation in the areas of employment and education. The Criminal Code specifies that discrimination and incitement to hatred on grounds of sexual orientation can be prosecuted with three years of imprisonment. The 2009 Criminal Code lists sexual orientation under 'aggravating circumstances', under murder, severe and not severe health impairments, with various sentences.

In 2014, the Lithuanian Parliament introduced amendments to the Code of Administrative Violations of Law (at Section 214 and elsewhere) penalizing activities or publication that violate so-called constitutionally established family values. These amendments were enacted in the context of the Law on the Protection of Minors against the Detrimental Effect of Public Information that came into effect in March 2010 (ILGA, 2017).

In the first versions of the law, a clause read that information on homosexuality is considered as causing detrimental effect to minors. In the latest and adopted version of the law this specific clause has been deleted, but the law has still been criticized for vague wording and lack of precision. However, Article 4 still addresses sexuality and family relations, stating (inter alia) that the following information is detrimental to minors: "15) which promotes sexual relations; 16) which expresses contempt for family values, encourages the concept of entry into a marriage and creation of a family other than that stipulated in the Constitution of the Republic of Lithuania and the Civil Code of the Republic of Lithuania (COWI, 2010, Lithuania legal study, p. 46; [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=346178&p\\_query=&p\\_tr2=\(02.02.2010\)](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=346178&p_query=&p_tr2=(02.02.2010))).

The removal of the clause about homosexuality does not seem to have made a extenuating impact on the implementation of the law. In 2014, the Lithuanian Office of the Inspector of Journalist Ethics (LEU) concluded that two fairy tales about same-sex love are harmful to minors according to the censorship law ([https://www.gale.info/en/news/local\\_news/news?id=740](https://www.gale.info/en/news/local_news/news?id=740)).

On 19 October 2017 the Parliament of the Republic of Lithuania adopted the Law on Strengthening Families (<https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/27d89460b40911e7950bfd0677850107>). The law established the family model exclusively based on a marriage between a man and a woman, thus discriminating other alternative families (LGL Newsletter, October 2017, No. 1; <http://www.lgl.lt/en/?p=18589>). It may be that this family law now allows the censorship law to be interpreted even more in the same way as the draft versions stated.

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: not signed | signed | | succession (1993)

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1991)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1994)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1992)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education is free of charge and compulsory from the age of 6 or 7 to 16 years (covering "primary" and "basic" education), as stated in the national Law on Education. In 1996, the gross primary enrollment rate was 98% (numbers unavailable for later years). While enrollments rates indicate a level of commitment to education, they do not always reflect children's participation in school ([https://en.wikipedia.org/wiki/Education\\_in\\_Lithuania](https://en.wikipedia.org/wiki/Education_in_Lithuania)).

All LGBT and human rights activists met by an ECRI delegation in 2016 agreed that homo- and transphobic violence is a growing problem in Lithuania. There is, however, no full official data on such acts. According to LGBT representatives, this is mainly due to a fear of revealing one's LGBT identity and lack of trust in the willingness of the police to investigate such crimes. According to the 2013 EU LGBT Survey, 39% of the 821 respondents in Lithuania said they were physically/sexually attacked or threatened with violence, but only 16% reported incidents of hate-motivated violence to the police. A monitoring report prepared by a local NGO reveals nine instances of violence against LGBT persons that occurred between January and November 2013, including one case of extreme physical violence, four cases of assault, and four cases of damage against property. The authorities, on the other hand, did not record any cases for 2013.

Although the problem of intolerance vis-à-vis LGBT persons is evident, there is no policy to combat this phenomenon. The new Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination only provides for an assessment of the general status of transgender people in Lithuania, and the protection of their privacy in particular. More far-reaching and comprehensive actions to promote non-discrimination of LGBT people, such as the involvement of NGOs in the decision-making process, development of concrete plans for assuring the non-discrimination of transgender people, and educational measures to promote institutional non-discrimination, as suggested by some LGBT representatives during the consultation process, were rejected by the authorities (ECRI, 2016).

Negative attitudes against gay and lesbian men and women remain entrenched. A European Union member poll, conducted in 2006, showed Lithuania at 17% support for gay marriage and 12% for rights of adoption. Another study, conducted in 2006, showed that 42% of respondents would agree on a same-sex civil partnership law, 12% – same-sex marriage, 13% – right to adopt. The support for same-sex couples' rights diminished significantly since then and continue this trend. A 2012 study revealed a 10% support for same-sex partnerships, 7% for same-sex marriages, while an identical study in 2013 showed only a 7% support for partnerships and 5% support for marriages. A poll conducted in 2009 showed that only 16% of Lithuanians would approve of a gay pride march in the capital Vilnius and 81.5% of respondents considered homosexuality as a perversion, disease or paraphilia.

There are small gay communities in Vilnius, Kaunas and Klaipėda. Elsewhere in Lithuania, however, the sparse population means there is no active or prominent gay community.

A media campaign against LGBT people was launched by the tabloid *Respublika* in 2004 – 2006. About two-thirds of the members of parliament declared their hostility to LGBT people during the campaign ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Lithuania](https://en.wikipedia.org/wiki/LGBT_rights_in_Lithuania)).

In the COWI study, it is assessed that although Lithuania has formally adopted a non-discrimination law to be able to enter the European Union, The transposition of the employment directive is both legally insufficient and sanctions in discrimination cases in Lithuania are not effective, proportionate and dissuasive (COWI, 2010, Lithuania Legal study, p. 4).

Two researches on LGBT in schools by show the dire situation. LGL's 2017 survey showed that 91% of LGBT students stated that they were considering moving from Lithuania after graduation (<http://www.lgl.lt/en/?p=18296>).

### **Access to schools**

1. **Access to schools:** Education is free of charge and compulsory from the age of 6 or 7 to 16 years ([https://en.wikipedia.org/wiki/Education\\_in\\_Lithuania](https://en.wikipedia.org/wiki/Education_in_Lithuania)). Protection against discrimination in education is secured through the Equal Treatment Law. We found no complaints, but the general attitude in Lithuania is such that this cannot be taken as proof for a supportive situation.

2. **Freedom of self expression:** The Eurobarometer survey of 2012 found that 81% of LGBT people in Lithuania hide their LGBT\* identity in school. In 2012, the European Union Agency for Fundamental Rights estimated that 84% of LGBT people in Lithuania never spoke about their sexual orientation in school, while 79% actively concealed information about being gay or bisexual<sup>3</sup> ([Eurobarometer 2012, FRA LGBT survey 2013, cited in LGL, 2015, p. 7](#)).

A somewhat less reliable survey by LGL (2015) showed that most students (52%) hide their sexual orientation in school and only come out to the people they are closest to. 19% of respondents stated that nobody in school knows about their sexual orientation. About 15% of respondents speak about their sexuality to other students and teachers, and about 13% only speak to fellow students ([LGL, 2015, p. 17](#)).

Teachers do not consider it beneficial to open up about one's sexual orientation in school. Only 17.6% of teachers say that such revelations are welcome and that they would support such students in their class (LGL, 2015, p. 11).

A 2008 study concluded that experiences of stressful life events increase the possibility of deliberate self harming among adolescents in general. The probability of deliberate self-harm among girls is mostly related to suicide attempts of family members or friends, problems with police, disagreements or fights with parents or friends, difficulties in relations with a boyfriend, and bullying at school. Such



probability of deliberate self-harm among boys is mostly related to concerns about sexual orientation, sexual abuse, suicidal attempts of family members and difficulties while studying (Drasute et al, 2010).

3. **Protection against bullying:** Povilaitis & Bulotaite describe several programs that are implemented widely in Lithuanian schools. They show that the governmental recognized bullying as a problem in 2007, which led to nationwide implementation of these program. Lithuanian data from International HBSC study shows positive trend of gradual decrease of percentages of children who are being bullied and who are bullying others (Povilaitis & Bulotaite, 2013). A respondent from the national "Child Line" notices some slow progress. He states a law of Education was changed to include a definition of bullying and the responsibility of schools. He thinks there was some reduction of bullying in general from extremely high to very high, implying changes are happening very slowly but in the right direction. The PISA study found that in total 9.6% students are and 16.4% experience any bullying act (PISA, 2015).

However, the general anti-bullying program do not seem to have much impact on LGBT students. In 2015, LGL found that 79% of the students who responded faced bullying based on their sexual orientation in school. Only 21% of respondents claimed that they never or almost never experienced the of bullying. When asked about who they feel is most vulnerable to homophobic bullying in school, the majority of respondents enlisted "girlish" boys, students believed to be homosexual or bisexual, and students who do not hide their homosexual or bisexual orientation (LGL, 2015, p. 17).

Even more recent data by LGL's from 2017 show 82% of LGBT students reported being bullied due to their sexual orientation and/or gender identity, and of these respondents, 90% reported feeling unsafe at school for this reason (<http://www.lgl.lt/en/?p=18296>).

Teachers see less homophobic bullying: almost a quarter of teachers (23.3%) said that verbal bullying based on presumed or actual sexual orientation occurs often or very often. Physical bullying is less reported; only 9% of teachers claim that it occurs often or very often (LGL, 2015, p. 11).

The EU LGBT Survey says that 31% of the respondents feel discriminated by education personnel and 86% think that measures in school would make them more comfortable. For trans people this last number is 85%. (FRA, 2014).

4. **Policy against DESPOGI drop-out:** We found no information on this topic.

5. **Equal academic performance:** We found no information on this topic.

### **An appropriate curriculum**

6. **Availability of public information:** Freedom of speech and of the press are in principle guaranteed, and active and independent media provide a variety of views, journalists may be ordered to reveal their sources under certain conditions and internet access is not restricted, according to the EI Barometer. But contrary to this, the 2010 censorship law bans supportive information on same-sex relations. The Lithuanian Gay League complains of physical abuse and insults on the street and in the mass media ([https://www.ei-ie.org/barometer/en/home/profile\\_details/115](https://www.ei-ie.org/barometer/en/home/profile_details/115)).

7. Relevant and supportive attention in school resources: In 2009 (before the censorship law) the Lithuanian Gay League (LGL) told the COWI researchers that LGBT issues were absent or presented negatively in curricula and educational material. They said sexuality education was supposed to start in Lithuanian schools from the first grade. However, the information presented to pupils depends on each teacher (COWI, 2009, Lithuania sociological study, p. 9).

The 2010 censorship law "on the Protection of Minors against the Detrimental Effect of Public Information" makes it impossible provide supportive educational attention through regular text books and school resources.

In May 2005, the Board of General Education established the "guidelines on training for family and sexuality education". These guidelines aim at providing holistic information about sexuality, sensitizing young people to the respect of human life and to mature interpersonal relationships. Moreover, it encourages young people to be responsible for their sexual health and to resist negative social influences. However, the development and the introduction of these guidelines were led by a majority of pro-life Catholic organizations, and the critical views regarding sexuality education seem to be reflected in the guidelines. Sexuality education introduced in these guidelines is incorporated into the curricula of Biology, Ethics and Physical Culture. The teaching methods used are mostly formal. The subject can be taught by teachers of all subjects, because they are all encouraged to promote a healthy lifestyle to their pupils. It has to be observed that in January 2006, the United Nations Committee on the Rights of the Child highlighted young Lithuanians' lack of information about sexuality education and limited access to reproductive health services (European Parliament, 2013, p. 25-26).

Psychologist and sexologist Kamila Gasinska claimed in 2016 that the cause of the intolerance against LGBT persons lays within the sexual education in Lithuania. From time to time there are some laws proposed that should improve the situation, but most of the parliamentarians do not support sexual education, so there is a very little chance for them to be adopted

(<http://www.media4change.co/news/lack-sexual-education-core-anti-lgbt-behavior-lithuania/>).

LGL reports that one-quarter of teachers think that sex education in school would help to address this problem (LGL, 2015).

8. Resources for LGBT students: In 2007 the FPSHA (the family planning association in Lithuania), implemented a website in 2007 providing information targeted at young people about sexuality and sexual health (European Parliament, 2013, p. 26). Due to the 2010 censorship was it is unlikely tis website contains supportive information for LGBT students.

9. Support services open to LGBT like counseling: Lithuania has the fifth highest suicide rate globally at 28.2 per 100,000, including among young people. The infrastructure of mental health for children and youth remains fragmented, with insufficient human and financial resources, and the treatment continues to rely mostly on pharmacotherapy. In 2015, the Suicide Prevention Centre, a subdivision of the State Mental Health Centre, became operational. In 2016, the Vilnius City Council adopted the

2016-2019 Suicide Prevention Strategy for Vilnius and a corresponding Action Plan for 2016, and allocated funding for its implementation from the municipality budget. However, there appears to be no comprehensive nationwide strategy for preventing suicide among young people and providing psychological services for those belonging to risk groups (Commissioner for Human Rights of the Council of Europe, 2017). Some doctors are accused of divulging to employers confidential information that violates the privacy of HIV-positive patients ([https://www.ei-ie.org/barometer/en/home/profile\\_details/115](https://www.ei-ie.org/barometer/en/home/profile_details/115)).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: In 2015, over 17% of teachers surveyed by LGL would not want to have a homosexual or bisexual student in their class and/or would feel uncomfortable in his/her presence (LGL, 2015, p. 11). In 2017, 50% of respondents to a LGL survey declared that their teachers either did not respond, or did not respond appropriately to homophobic bullying. A portion of teachers not only ignore bullying incidents, but even contribute to them. LGL's survey data shows that just 38% of respondents had never been subjected to bullying from teachers and other school staff. "Teachers tend to minimize anything that isn't relevant to them, and what a gay student may be struggling with isn't a priority to them," said one teen who participated in the survey (<http://www.lgl.lt/en/?p=18296>).

12. Staff competent to teach: Officially, the objective of Lithuanian teacher training is "to create conditions for individuals to acquire professional competences necessary for successful work at school and develop personalities guided by the values of humanism, democracy, contemporary national identity and renewal who will help their pupils achieve the competence necessary for members of modern society." The conditions of service of teachers are regulated by the Labor Code of the Republic of Lithuania, Government resolutions and other legal acts. The responsibility for teachers' conditions of service lies with the Government, the Ministry of Education and Science, municipalities and management of educational institutions. As specified in the Law on Education (2011), teachers must upgrade their professional qualifications and are entitled to at least five days a year for attending in-service training (professional development) events. In addition, participation in continuing professional development leads to the increase of salary or career benefits". (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>). However, these general guidelines and provisions seem to be without relevance for LGBT students.

13. Staff competent to support: According to LGL the majority of teachers do not recognize the problem of homophobic bullying in schools. The fact that only one tenth of teachers said they know that homosexual and bisexual students study in their school is concerning. 57.4% of teachers said that they very rarely notice homophobic bullying or are not aware of such incidents in their school. Speaking of how they would react upon witnessing an incident of homophobic bullying, the majority of

teachers responded that they would speak with the individuals responsible for the event, and 32.4% would speak with their parents. 16.9% of respondents answered that they would not respond directly, but would report the event to leadership. Only 5.1% would punish the perpetrators, and 2.9% would ignore the event. (LGL, 2015, p. 11). In the same study, 37% of students believe that teachers would talk to the person who provoked the event. Almost a third (31%) of students were certain that the teacher would ignore such an incident (ibid, p. 18).

Regarding the question about the factors interfering with addressing bullying related to sexual orientation in school, 45.6% of teachers responded that they do not have these problems in school, so it is not necessary to fight against them. One-third of respondents cited the scarcity of news and experience addressing this type of bullying as the reason. One-fourth of teachers believe that sexual education in school would help resolve the issue. 19.1% blame the country's political situation for the problem of homophobia. Only 2.9% of teachers believe that there is no place in school for discussing the topic of homophobic bullying. More than half of respondents (51.5%) said that they do not have such issues (homophobic bullying) at their schools, so they do not have to resolve them. 41.2% of teachers said that they lack the necessary expertise, and that this problem should be resolved by specialists such as psychologists and social workers. Only slightly more than 8% of respondents shared their experiences trying to address this concern. LGL also notes that the majority of the methods teachers would use against bullying were not related to stopping bullying, LGL thinks which reflects a stereotypical, homophobic view of the issue. LGL says this was also reflected in the comments left after the questionnaire (ibid, p. 12).

14. *Supportive school environment:* In 2015, 24% of LGBT students reported to feel safe or very safe regarding their sexual orientation in school. Over 30% of LGBT\* students felt partially or totally unsafe at school. Girls feel safer regarding their sexual orientation at school than boys (LGL, 2015, p. 17). In 2017 90% reported feeling unsafe at school for this reason (<http://www.lgl.lt/en/?p=18296>). Although 55% of the LGBT high school students who participated in LGL's 2017 survey indicated that their schools have anti-bullying campaigns, 73% reported that their study materials contain no information about LGBT\* people. 89% of the students had never heard one positive comment about LGBT\* people during lessons. "This topic is taboo in our school. Neither teachers, nor other school staff talk about LGBT\* issues, and our library contains just one book from LGL about homophobic bullying," one respondent described the situation in her school (<http://www.lgl.lt/en/?p=18296>).

15. *Employment protection for staff:* Although there is a formal equal opportunities law, this does not seem to work for teachers at all. The transposition of the employment directive is both legally insufficient and sanctions in discrimination cases in Lithuania are not effective, proportionate and dissuasive (COWI, 2010, Lithuania legal study, p. 4). According to the 2006 survey "Discrimination Against Various Social Groups in Lithuania", 69% of Lithuanians object to gays and lesbians working in schools. Thus, in order to stay in schools, LGBT persons are likely to remain closeted (COWI, 2009, Lithuania-sociological study, p. 9). The disproportionate use of the 2010 censorship law has also deteriorated the position of LGBT teachers. 89% of high school students participating in LGL's 2010

survey reported not knowing any staff at their school belonging to the LGBT community (<http://www.lgl.lt/en/?p=18296>).

## Recommendations

1. All stakeholders agree that the amendments to the Code of Administrative Violations of Law (at Section 214 and elsewhere) penalizing activities or publication that violate so-called constitutionally established family values in the context of the Law on the Protection of Minors against the Detrimental Effect of Public Information should be cancelled.
2. The government needs to develop a vision which clarifies that supporting the well-being of LGBTI people does not threaten family values and on the contrary, supports caring families and social networks.
3. Rather than banning sexual diversity from curricula, supportive information for LGBT youth should be integrated in curricula.
4. One of the main obstacles when resolving any type of problem relating to sustainable and quality relationships is the lack of comprehensive sexual education in school. This should be improved and become more inclusive.
5. ECRI recommended in 2016 that the Lithuanian authorities take urgent actions to combat the discrimination of LGBT persons by including, in consultation with the LGBT community, measures for the promotion of tolerance towards LGBT persons in the field of education as well as general public awareness-raising activities into the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination.
6. ECRI also recommended that the Lithuanian authorities, as part of the Inter-Institutional Action Plan for 2015-2020 on Non-Discrimination, set up an inter-institutional working group to develop a comprehensive strategy to tackle effectively the problem of racist and homo-/transphobic hate speech. This group should include the relevant authorities, as well as civil society organizations, including, amongst others, representatives of the LGBT community.
7. LGL recommends to educate teachers about various LGBT-related themes. Teachers must realize that LGBT youth is present in their schools, and that homosexuality/ bisexuality/ transgenderism is neither a disease nor a choice. It is extremely important that teachers understand what non-heterosexual youth lives through and experiences in school, at home and in other social spaces. It is also very important to educate teachers about how they can help this group of students.
8. Attention to homophobic and DESPOGI related bullying should be incorporated into more general anti-bullying programs.

## Luxembourg

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives.

One local expert respondent scored Luxembourg in 2014 as 57% no policy, 57% encouraged / supportive, with 1 item scored as unknown (total score 60%). GALE reviewed the assessment several times after more feedback from local LGBTI organizations came in. We may still be missing some information, especially we have much information about the government and trans/ intersex issues but much less on the government influence on the situation of LGB students. We score Luxembourg now as supportive (mostly encouraging; 31% ambiguous, 69% encouraged/supportive). On the total scale, the score comes down to 71%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?			1			
3. Protection against DESPOGI bullying?					1	
4. No drop-out of DESPOGI?			1			
5. Equal school performance of DESPOGI?					1	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			1			
7. Attention in resources about sexual diversity?			1			
8. Resources for DESPOGI students?					1	
9. Support services open to DESPOGI students?					1	
10. Peer-learning opportunities for DESPOGI?					1	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1		
12. Staff competent to teach about sexual diversity?			1			
13. Is staff competent to support DESPOGI?						1
14. Supportive school environment for DESPOGI?				1		
15. Employment protection for DESPOGI staff?					1	

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is centralized. The attitudes of the population are largely supportive, but formally discrimination of DESPOGI in education is not prohibited. Although there is government-led sexual education, it is unclear to what extent sexual diversity is included. There is no reliable research of sexual diversity in education.

## Legal context

### Laws

When Luxembourg came into the possession of France in 1795, the anti-sodomy provisions from its Criminal Code were removed. The age of consent is equal at 16. In 1997 the Criminal Code forbids sexual orientation discrimination in employment, goods and services, and penalizes acts of hatred and incitement to hatred based on sexual orientation. In 2015, civil marriage became possible for same-sex couples, including adoption (ILGA, 2017). There is a right to change gender based on the case-law, and there is a draft bill 7146 on modification of the sex and of the name or names in the Civil Register and modifying the Civil Code<sup>1</sup>. If adopted, the provisions of the draft bill would have an immediate impact on the inclusion of trans students at school, as it foresees an administrative modification of sex and first name without either surgical and other medical intervention, nor any psychiatric or psychological diagnosis or evaluation, even for foreigner minors, from the age of five, when both parents or legal guardians agree (feedback Intersex & Transgender Luxembourg, 2017).

A law of 2016<sup>2</sup> introduced a new anti-discrimination provision in the Penal Code on the ground of “sex change”, while it introduced the following provision in the Labor Code: “A discrimination on the ground of sex change amounts to a discrimination on the ground of sex.» There are no anti-discrimination laws concerning gender identity ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Luxembourg](https://en.wikipedia.org/wiki/LGBT_rights_in_Luxembourg)) but the draft law 7167 approving the Istanbul Convention of the Council of Europe plans to include “gender identity” as a discrimination ground prohibited by the Penal Code.<sup>3</sup>

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1970)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1983)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1989)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1994)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Recent monitoring report for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

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<sup>1</sup> The *Projet de loi relative à la modification de la mention du sexe et du ou des prénoms à l'état civil et portant modification du Code civil*, which was deposited at the Luxembourg Chamber of Deputies (*Chambre des Députés*) on 31 May 2017, <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/Accueil/Actualite&id=7146>.

<sup>2</sup> [http://www.chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/186/568/158657.pdf](http://www.chd.lu/wps/PA_RoleDesAffaires/FTSByteServletImpl?path=/export/exped/sexpdata/Mag/186/568/158657.pdf).

<sup>3</sup> <http://www.chd.lu/wps/portal/public/Accueil/TravailALaChambre/Recherche/RoleDesAffaires?action=doDocpaDetails&backto=/wps/portal/public/Accueil/Actualite&id=7167>.



Luxembourg signed two IDAHOT Declarations, in 2015<sup>4</sup> and 2017<sup>5</sup>.

## More information

Education in Luxembourg is multilingual and consists of fundamental education, secondary education and higher education. Most schools are run by the state and are free. Attending school is mandatory from the ages of 4 to 16 ([https://en.wikipedia.org/wiki/Education\\_in\\_Luxembourg](https://en.wikipedia.org/wiki/Education_in_Luxembourg)). Discrimination on the basis of race or sex is prohibited, and the legislation is generally enforced. The judiciary is independent. Financial support is provided to recognized churches. The salaries of Roman Catholic, Protestant, Orthodox and Jewish clergy are paid by the state. The Muslim community has named a representative to discuss similar funding for Muslim clergy ([https://www.ei-ie.org/barometer/en/home/profile\\_details/116](https://www.ei-ie.org/barometer/en/home/profile_details/116)).

A Eurobarometer survey published in December 2006 showed that 58% of Luxembourgers surveyed support same-sex marriage and 39% support adoption by same-sex couples. The EU-wide average in this survey was 44% and 33%, respectively ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Luxembourg](https://en.wikipedia.org/wiki/LGBT_rights_in_Luxembourg)). A well-known politician is Xavier Bettel who is openly gay and became Prime Minister of Luxembourg in 2013 ([https://en.wikipedia.org/wiki/Xavier\\_Bettel](https://en.wikipedia.org/wiki/Xavier_Bettel)).

In a small study carried out by *CIGALE*, 46.6% (of 74 LGB persons interviewed over the internet) stated that they at some point had experienced discrimination because of their sexual orientation. Problems most often arise from family and friends (COWI, 2009 Luxembourg-sociological study, p. 4-5).

The gay movement in Luxembourg can be found on [www.gay.lu](http://www.gay.lu) and [www.cigale.lu](http://www.cigale.lu). Both sites with a lot of information and special focus on young people under 25. They offer special facilities and personal support. **Rosa Lëtzebuerg/CIGALE** is the main LGBT association in Luxembourg. It is an LGBT information and counseling centre that provides advice to anyone who is looking for information on subjects like homosexuality, sexual orientation in general and gender identity. The centre also provides professional coming-out support at any age. CIGALE works both with young people and with staff.

Young people:

- in 2017 CIGALE did different types of awareness raising activities and reached 866 students aged 8-20
- 581 students gained from so called classical sensitization classes on LGBT\* issues in secondary schools (high schools),
- 277 participated in specific equality and/or diversity projects and

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<sup>4</sup> <http://dayagainsthomophobia.org/idahot-events-2015-luxembourg-signed-idaho-declaration/>.

<sup>5</sup> <http://www.gouvernement.lu/7062957/16-cahen-idahot>.



- 8 children of a child care service (aged 8-11) took part of a specific activity for children focusing on LGBT and family diversity
- those activities are generally taking place on demand of a teacher or a school and are not mandatory or part of any compulsory school curriculum

#### Staff:

- in 2017 CIGALE held 15 different LGBT related trainings for social workers, educators and other professionals that working or are likely to work with youngsters in general/ with a total of 94 participants
- 2 of these were specifically targeting secondary school teachers with a total of 18 participants
- specific LGBT related trainings for teachers are not mandatory but they are part of the training offer of the National Education Training Institute IFEN that addressing teachers of all levels (fundamental and secondary schools)

**Intersex & Transgender Luxembourg a.s.b.l.** (<http://itgl.lu/>) is the main association for intersex and trans issues in Luxembourg. Principal focus of the work are young people (birth, early childhood until young adults) and their families, especially parents. Next to individual meetings (permanences) exists the possibility to take part in the youth group, the parent's meeting, and the self support group. Here, specific options are highlighted concerning social, soma-medical and administrative (change of name and/or sex) transition. Until the last academic year, nearly all transgender adolescents made experiences with transphobia. This also includes the topic of suicide. Since the start of the academic year 2017/2018, we noticed an increase in integration amongst peer-groups in school.

### Access to schools

1. **Access to schools:** No child can be refused education for reasons of race, sex, language, religion or legal status of the parents

(<https://www.angloinfo.com/how-to/luxembourg/family/schooling-education>). It may be this also goes for being DESPOGI, but this is not explicitly mentioned. The non-discrimination clause in the criminal code does not mention education.

2. **Freedom of self expression:** We found no information on gay, bisexual and lesbian students. There is a strong policy on trans and intersex issues, with measures allowing legal name change in place. CIOGALE offers a range of awareness activities.

3. **Protection against bullying:** The PISA study found a national percentage of 7.9% of frequently bullied students and 15.7% for any bullying act. On the PISA scale of exposure to bullying is this slightly below average (PISA, 2015, p. 138). The EU LGBT Survey says that 16% of the respondents feel discriminated by education personnel and 82% think that measures in school would make them more comfortable. For trans people this last number is 58%. (FRA, 2014).

KiVa is used to prevent bullying (in primary schools). Teachers received training in 2014 and implemented it in the schools of Luxembourg in 2015. That year, bullying statistics went down slightly (<https://nobullying.com/bullying-in-luxembourg/>). We could not find if there is attention for DESPOGI in this effort (KiVa has no specific attention for sexual diversity).

CARAT <sup>6</sup> is a school climate model where each school can choose the aspects considered as useful. The CARAT program is based on a voluntary basis for schools. Mobbing is one of the aspects addressed by the model. Gender variance and trans identity are mentioned in the model, but not in relation to mobbing.

Intersex & Transgender Luxembourg a.s.b.l. is regularly informed of different types of bullying faced by trans students and cooperate with the equal opportunities center (CET: <http://cet.lu/en/>) in this regard. Most schools have an internal rulebook against discrimination. Its effectiveness is being judged differently by teachers and staff. However, not all schools punish effectively against (transphobic) bullying. Schools which do not react to bullying have serious problems with bullying and violence in general. Some schools try to impose silence on these situations. The consequence is a notable dropout rate of transgender youth. They simply cannot cope with this environment. The first publication to mention it was the so-called RADELUX-report in 2012, <sup>7</sup> written in the framework of the monitoring of the UN Children's Rights Convention. As a consequence of the serious risk of bullying, a certain number of trans students live stealth at school.

In 2013, the minister of Education at that time, Mady Delvaux-Stehres, in response to a Parliamentary question <sup>8</sup> regarding sensitization and continuing education of trans students in schools, concluded:

“I agree with some of the recommendations included in this report [RADELUX], including the first measure of general application, namely, ‘to consider trans’ children as a group requiring special protection. Among others, it seems that they run a particular risk of violence and suicide’.

I also clearly agree with the request to consider the trans identity of the child as confidential a priori.”

In 2017, a Reference document concerning the protection of minors against violence was launched. <sup>9</sup> It is a self-evaluation questionnaire aiming at helping any organization having contact with minors to assess their level of awareness and provide them with protection options. It mentions trans children, as the examples of psychological violence include the non respect of the sex and gendered self-perception when this differs from the sex of the civil status.

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<sup>6</sup> <http://www.men.public.lu/catalogue-publications/themes-pedagogiques/promotion-sante-bien-etre/carat/carat.pdf>.

<sup>7</sup> [http://itgl.lu/wp-content/uploads/2015/04/RADELUX\\_enfants-trans-et-intersexes.pdf](http://itgl.lu/wp-content/uploads/2015/04/RADELUX_enfants-trans-et-intersexes.pdf).

<sup>8</sup> <http://itgl.lu/wp-content/uploads/2015/04/Adam-question-et-r%C3%A9ponse-Transgender-PersonneReferenceEcole-QR.pdf>.

<sup>9</sup> <http://ork.lu/index.php/fr/news/773-referentiel-concernant-la-protection-des-mineurs-contre-les-violences>.

Intersex & Transgender Luxembourg a.s.b.l. recommends: 1: The adoption of a nationwide zero tolerance policy on violence at school; 2. The designation of a nationwide contact point to report all bullying cases at school ; 3. The respect of the decision of a trans student to keep his/her sex assigned at birth confidential at school; 4. The respect of the decision of a trans student not to make a coming-out at school and 5. The use of sex-segregated facilities according to the needs and the request of trans students. Teachers should be able to stop bullying and discrimination, independently of the motives. Only then pupils can learn in a secured environment. Furthermore, a secured environment is a precondition for "inclusion".

4. Policy against DESPOGI drop-out: We found no information on this topic for LGB students. The Ministry of National Education, Childhood and Youth has set up a procedure implemented by the offices of the Local Youth Action (ALJ) to identify and contact school dropouts, to help them find training or a job. There are general statistics on dropout. Intersex & Transgender Luxembourg a.s.b.l. notices that the situation of transgender students remains invisible in these statistics, but that three effective measures to prevent dropout for trans students would be : 1. to respect the name and gender of trans students, irrespective of their identity documents ; 2. to adopt a zero tolerance anti-bullying policy. 3. well-informed school staff and students about the existence of people whose sex assigned at birth differs from their sex/gender.

5. Equal academic performance: In 2011, the Luxembourg government reported that the Ministry actively supports gender equality with the project "Girls' day-Boys ' day". The "Girl's day-Boy's day" gives the opportunity to the students of secondary education and technical secondary education, in particular of the lower classes, to discover an atypical business, and are probably intended for the opposite sex, and consider as well the prospect of a future less stereotypical"

(<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>; > Luxembourg > inclusive education).

It is unclear if the government promotes equal performance of DESPOGI.

At this time, the University of Luxembourg is conducting a study called "Living environment of lesbian, bisexual and trans\* adolescents in Luxembourg". The study was commissioned by the government.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press are guaranteed and respected ([https://www.ei-ie.org/barometer/en/home/profile\\_details/116](https://www.ei-ie.org/barometer/en/home/profile_details/116)). Then median do not seem to be negative about LGBTI issues. In 2011, a gay man (Xavier Bettel) was elected to be major of the City of Luxembourg, and in 2013 he was elected president of the country, with no negative feedback in the media (see the references to the media coverage on the German Wikipedia page on Xavier Bettel, 2017).

7. Relevant and supportive attention in school resources: According to the report "Sexuality Education in Europe" (quoted by the European Parliament), sexuality education has been mandatory in

Luxembourg since the 1970s for pupils aged 13 to 19. The basis of sexuality education in secondary schools in Luxembourg is the "Study Plan" of 1973. It was republished in 1989 for primary schools as an extension of the program to younger classes. The Ministry of Education defined the minimum standards after which the Ministry of Health implemented the sex education project "SASEX" in 2006. Its aim was "to produce an inventory of services in the field of sexuality education, leading to more consistent and accurate sexuality education; develop a public health policy that promotes sexual and relationship health; give a wider response to the needs of teenagers by providing sexuality education in different sectors; and cover the needs of more socially excluded or marginalized groups".

Nowadays, sexuality education begins in primary school at the age of 6 and is taught in Citizenship classes. The classes from primary school focus on themes such as friendship, sexuality, family, responsibility, conception, pregnancy, birth, conflicts, the human body and puberty. For the following classes, it is taught in Biology and Religion and for secondary school, it covers love, sex, partnerships and family; and for the first year of high school sex, STIs and drugs. The methods used are various, mixing formal teaching, students' presentations and reports, role games and workshops. The approach of teaching is multidimensional (European Parliament, 2013, p. 24).

It is unclear if and how sexual diversity is included. *CIGALE* expresses a need for awareness raising in schools since they receive accounts from LGBT youth experiencing bullying and a lack of support in school settings. They attribute this to students not being taught a broad understanding of the diverse range of LGBT issues and identities. In fact, LGBT issues are nonexistent in educational materials (COWI, 2009 Luxembourg-sociological study, p. 7).

Intersex & Transgender Luxembourg a.s.b.l. recommends the inclusion of trans issues in a positive and non pathologizing way in the regular curriculum from the primary school on, as part of *human* diversity, for example (but not only) in the course "Life and Society" or in a course on human rights. Intersex & Transgender Luxembourg a.s.b.l. also recommends that trans-led organizations participate in the revision of the curriculum in this regard.

8. Resources for LGBT students: Resources are offered by LGBT organizations. It is unclear to what extent this is government policy or if the government support this financially. IFEN (Institut de formation de l'Education nationale, National Institute of Advanced Training for Teaching Staff) possesses books on trans issues.

9. Support services open to LGBT like counseling: There is no research or official data available with relating to the interaction of the health service and LGBT persons and issues (COWI, 2009 Luxembourg-sociological study, p. 7). The CePAS <sup>10</sup> (« Centre Psychosocial et d'Accompagnement Scolaire ») offers psychosocial counseling to students, including trans students who can get support there for either school or their transition. The CePAS also works closely together with schools and Intersex & Transgender Luxembourg a.s.b.l. on trans issues.

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<sup>10</sup> <http://cepas.public.lu/fr/consultations-psycho-sociales/activites-groupe-prevention/Transgender.html>.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic. At CePAS, Intersex & Transgender Luxembourg a.s.b.l. offers a trans youth group, parent meeting and permanences to, on the one hand, enhance communication between peers, and on the other hand, to deliver information. Most of the time, information delivered in these groups relate to social transition, procedures concerning social security and legal modification of sex/first name.

#### 11. National contact point at a ministerial level for schools concerning trans students

Concerning trans issues, schools who have not received a training on this topic are often embarrassed when a trans student wishes to be enrolled at this school with the name and gender corresponding to his/her gender identity, because they do not know if they may do it and how to manage it on the administrative level. Intersex & Transgender Luxembourg a.s.b.l. recommends the designation of a nationwide contact point, who could deliver the necessary information to schools on the administrative level.

### **Good teachers**

11. Supportive staff: Trans students in high schools, and parents of kids/adolescents in primary schools and high schools report an increasingly supportive school staff. The latter contacts Intersex and Transgender Luxembourg a.s.b.l. in a regular manner to find out how to best approach and help their students.

12. Staff competent to teach: The University of Luxembourg took part in a 2015-2017 Erasmus+ project "TRASE" (<https://www.traseproject.com/>) which focused on developing tools to deal with sexual diversity and disability. The project resulted in a curriculum, a teacher training and several other tools, including how to cooperate with parents. It is unclear if and to what extent this training is implemented in Luxembourg.

In Luxembourg, the National Institute of Advanced Training for Teaching Staff (IFEN) of the Ministry of Education has financially supported all advanced trainings in relation to trans issues (trans identity and gender diversity), and has provided the necessary locations so the former can be held. Since a few years, Intersex & Transgender Luxembourg a.s.b.l. has offered advanced training regarding trans on different levels for staff in primary schools or high schools: national advanced training (The 2017/2018 curriculum includes courses, such as "Coaching on trans in primary schools", "Potential and limitations of medical and administrative transitions", "Introduction to gender diversity in Luxembourg (trans, intersex,...)", "Transgender in childhood", "Transgender in adolescence", "Gender diversity, discrimination – what change is needed in schools?", "Intersex and transgender parenting" and "Trans in Luxembourg".), advanced training in specific schools, coaching in specific cases for individuals or small groups. Upon request, these trainings address the question how to bring the topics "trans" and gender (not sexual) diversity in the regular coursework in primary and high schools. During these trainings, individual teachers also bring supplementary ideas on how to do it.

Another aspect which needs to be underlined in these courses is the possible destructivity of the binary system, for example the separation of boys and girls in groups. The staff, especially in primary schools, are invited to be sensitive to the potential harm of such ordering.

Furthermore, the staff is very interested to the approach of “human diversity”, which means showing respect towards one another, independently of one’s identity or being. No human should under any circumstance be subject to discrimination.

Even here it is important to note that the general knowledge about the topic “trans\*” has been deepened over the past few years. However, the trainings about trans issues are not based on the concept “sexual diversity”, deemed as confusing.

Meanwhile, Intersex & Transgender Luxembourg a.s.b.l. receive more and more requests from primary schools and high schools to visit a class personally. We receive a lot of positive feedback from parents and transgender kids, especially from primary schools. The number of kids identifying as trans whose parents contact our organization is on the rise.

We see a positive development, especially for the topic of trans. There are first elements that the knowledge about the topic is on the rise in schools; there seem to be the first signs that transphobia also has declined in school environments. What remains unchanged, however, is transphobia in those places that do not profit from trans-specific advanced training.

13. Staff competent to support: Concerning trans youth, staff are competent to support when they are able to : 1. Respect the name and gender of the youth irrespective of identity documents; 2. Address the subject in the classroom if specific questions arise concerning the trans student ; 3. Respond to questions of colleagues or other parents and 4. Intervene in front of depreciating remarks or bullying situations. These are some of the topics addressed in the advanced trainings proposed by IFEN.

14. Supportive school environment: We found no information on this topic

15. Employment protection for staff: We found no information on this topic.

## Recommendations

1. Secure that schools have a safe school climate which includes DESPOGI students ;adopt a nationwide zero tolerance policy on violence at school and designate a nationwide contact point to report all bullying cases at school.
2. Include DESPOGI students in your implementation of the right to education monitoring
3. Support peer education, Gay/Straight Alliances and other grass roots interventions
4. Interventions of gay and lesbian-led organizations can’t be considered as peer education or grass roots interventions concerning trans issues, which need to be implemented by trans-led organizations. Evaluate the effectiveness of teacher training
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

6. Address the specific needs of trans students concerning the use of first names and gender at school and designate a national contact point at a ministerial level for schools in this regard.
7. Include trans issues in a positive and non pathologizing way in the regular curriculum from the primary school on, as part of human diversity, for example (but not only) in the course “Life and Society” or in a course on human rights. Associate trans-led organizations with the revision of the curriculum in this regard.
8. In the Education sector, carefully address separately issues linked to gender identity and issues linked to sexual orientation or sexuality.

Intersex & Transgender Luxembourg a.s.b.l advises against the GALE recommendation to create a National Strategic Committee on Sexual Diversity in Education for the following reasons:

(next text by Intersex & Transgender Luxembourg a.s.b.l)

- ⇒ There is a critical debate in Luxembourg as well as in other countries like Germany about the concept of Sexual Diversity. Here the concept of bodily diversity / human diversity linked to other grounds of discrimination are preferred by a part of the trans community and their parents.
- ⇒ Intersex & Transgender Luxembourg a.s.b.l. strongly opposes the inclusion of trans issues under the label “sexual diversity” as well as the use of the concept of sexual diversity concerning trans pupils in the education context, where we consider it confusing and dangerous, as trans issues of younger children have nothing to do with sexuality.
- ⇒ For this reason, Intersex & Transgender Luxembourg a.s.b.l. oppose the creation of a Strategic Committee named “on Sexual Diversity” in Education, which would be supposed to include trans issues. We rather promote the addressing of trans issues in global inclusion program in the Education sector, or in the framework of human diversity or in the framework of human rights courses.
- ⇒ Intersex & Transgender Luxembourg a.s.b.l. welcomes the support that the Luxembourgian Government has shown to a focused approach on trans issues during the last years and considers this institutional support as well as the cooperation between our association and the government as crucial. This specific approach on trans issues which has been followed until now can be considered as a positive “Luxembourgian model”.

Note: The intention of the GALE recommendation for a national committee is to create a structural and strategic cooperation between the government, the education sector and LGBTIQ NGOs. Such a structural cooperation is the only way to create sustainable change in the school system. In the GALE vocabulary, sexual diversity refers to DESPOGI and is therefore meant to be inclusive.

## Macedonia

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

No local expert respondents filled in the GALE Checklist. GALE scored Macedonia in 2017 based on the little information available, as 83% forbidden/discouraged, 17% no policy, 0% encouraged/supportive, with 3 items scored as unknown. We score Macedonia as denying (mainly discouraging). On the total scale, the score comes down to 29%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?						
2. Freedom of self expression for DESPOGI?						
3. Protection against DESPOGI bullying?						
4. No drop-out of DESPOGI?						
5. Equal school performance of DESPOGI?						
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?						
7. Attention in resources about sexual diversity?						
8. Resources for DESPOGI students?						
9. Support services open to DESPOGI students?						
10. Peer-learning opportunities for DESPOGI?						
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?						
12. Staff competent to teach about sexual diversity?						
13. Is staff competent to support DESPOGI?						
14. Supportive school environment for DESPOGI?						
15. Employment protection for DESPOGI staff?						

## General assessment

The management of Macedonia's education system is unclear. The attitudes towards DESPOGI are very negative and include a large parliamentary majority. Protections against discrimination of LGBT were actively removed in the past years. There is no research on sexual diversity in education, but there are examples of false and derogative textbooks.



## Legal context

### Laws

In 1996 criminalizing provision in the criminal code were removed when Macedonia wanted to enter the Council of Europe. (ILGA, 2017). From 2008 until 2010, Macedonia knew protection against discrimination of sexual orientation in employment, but sexual orientation was removed from the list in 2010. There is no recognition of same-sex relationships and in 2015 the Constitution was changed to define marriage as strictly heterosexual. Change of gender identity is not recognized  
([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Republic\\_of\\_Macedonia](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Republic_of_Macedonia)).

### Conventions

Convention against Discrimination in Education: not signed | signed | ratified | **succession** (1997)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | ratified | **succession** (1994)

Convention on the Elimination of Discrimination Against Women: not signed | signed | ratified | **succession** (1994)

Convention on the Rights of the Child: not signed | signed | ratified | **succession** (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The Constitution mandates free and compulsory primary and secondary education (6-19 years old). Primary education is from 6 to 15 years old, secondary education from 15 until 19. About 67% of the schools cater for ethnic Macedonian children, about 26% for ethnic Albanian children and about 5% for ethnic Turkish children. About 70% of Macedonia's population completes secondary or higher (tertiary) education. Dropout rates for girls in primary and secondary school are high, particularly among ethnic Roma or Albanian children. Macedonia's current educational system was developed during the years in which Macedonia was a member state of Yugoslavia, but the Soviet textbooks have been phased out (<http://education.stateuniversity.com/pages/893/Macedonia-EDUCATIONAL-SYSTEM-OVERVIEW.html>; [https://en.wikipedia.org/wiki/Education\\_in\\_the\\_Republic\\_of\\_Macedonia](https://en.wikipedia.org/wiki/Education_in_the_Republic_of_Macedonia)).

The management of the education system is unclear; the minister of education made public comments not to know who was responsible for accrediting a (homophobic) textbook (COWI, 2010 Macedonia-sociological study, p. 10).

Teachers are trained at Pedagogical Academies and at Vise Skole. Primary teachers (Grades I-IV) and subject teachers (Grade V-VIII) have different training. Pre-service training lasts two years.

Subject teachers may follow a four-year course at a pedagogical academy or at the university (<http://www.ceebd.co.uk/ceed/un/ma/macenco.htm>).

The attitudes in the country are mainly homophobic. There are many reports about public humiliations, worker firings and even casting homosexual teenagers onto the streets due to revelation of their sexual orientations. A survey carried out in 2002 by The Center for Civil and Human rights showed that more than 80% of the people saw homosexuality as "a psychiatric disorder that endangered families". About 65% answered that "being gay is a crime that warranted a jail term." Young men and inhabitants of larger towns are generally more liberal in their attitudes towards homosexuality than elderly people, women and rural inhabitants

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_Republic\\_of\\_Macedonia](https://en.wikipedia.org/wiki/LGBT_rights_in_the_Republic_of_Macedonia), (U.S. Department of State, country report of Macedonia, 2012).

In 2007 the research project "Inclusiveness of Macedonian public" showed that 62.2% of the interviewed citizens (n=1,600) answered negatively to the question "would you accept persons who are having sex with the same sex as your neighbor" (COWI, 2010 Macedonia-sociological study, p. 5). The Macedonian Women's Alliance report strong family pressure on women to get married (COWI, 2010 Macedonia-sociological study, p. 10).

There are several accounts of hate crimes (also involving the police as perpetrators) and hate speech, although none of them have been fully processed nor have any perpetrators been convicted. Usually victims do not report the incidents or if they do, they often withdraw from proceedings. On different occasions police forces reportedly harassed or discriminated against LGBT persons (harassment, rape, blackmail, etc.). According to representatives of some nongovernmental organizations (NGOs), there is a "holy matrimony" between the Church, Muslim figures and the government on LGBT issues in the sense that all three actors strongly oppose the rights of LGBT persons (COWI, 2010 Macedonia-sociological study, p. 3). LGBT organizations consider the removal of sexual orientation from the anti-discrimination law in 2010 as main driver of intolerance (COWI, 2010 Macedonia-sociological study, p. 5).

LGBT United (Macedonian: ЛГБТ Јунајтед) is a recently formed organization which works exclusively for protecting LGBT rights in the country. It organized the first ever pride week in Skopje in late June 2013 alongside the *Coalition "Sexual and Health Rights of Marginalized Communities"*. The program mainly included airing of LGBT-themed films.

LEGAL (Macedonian: ЕГАЛ) is the oldest organization working in the area of gay/lesbian health issues. It's also one of the main supporters of the Dzunitsa film festival<sup>[12]</sup> which shows LGBT themed films.

Coalition "Sexual and Health Rights of Marginalized Communities" (Macedonian: Коалиција „Сексуални и здравствени права на маргинализираните заедници“) works partially in the LGBT rights area and organizes different events for promoting equality. It worked on organizing the Skopje Pride Week in 2013. LGBTI Support Center – (Macedonian: ЛГБТИ Центар за поддршка) is a

subsidiary of the Helsinki Committee for Human Rights of the Republic of Macedonia located in Skopje that works on changing the legal and social status of the LGBT | people in Macedonia through community strengthening, advocacy and free legal aid.

### **Access to schools**

1. **Access to schools:** The right to education and the rights relating thereto are guaranteed in Articles 44, 45 and 46, and the freedom to scholarly, artistic, and other forms of creative work in Article 47 of *the Constitution* (The Official Gazette of “the former Yugoslav Republic of Macedonia”, Nos. 52/91, 01/92, 31/98, 91/01 and 84/03). Article 44 of the Constitution defines that everybody has the right to education, that education is accessible to anyone under equal conditions, and that primary education is free of charge and compulsory. *The Law on Secondary Education* (The Official Gazette of “the former Yugoslav Republic of Macedonia”, Nos. 44/95, 24/96, 34/96, 35/97, 82/99, 29/02, 52/02 – consolidated text, 40/03, 42/03 and 67/04) lays down that everybody under equal conditions defined in this law has the right to secondary education. Further on, the same law prohibits discrimination based on sex, race, color of skin, national and social origin, political and religious belief, welfare and social status (COWI, 2010 Macedonia-legal study, p. 17):

2. **Freedom of self expression:** The Coalition for Protection and Promotion of Sexual and Health Rights of Marginalized Communities sums up the current situation and its consequences: “the fear of psychological and physical violence, the fear from the police maltreatment, the fear of harassment in the workplace and in the family is discouraging the LGBT and MSM population to publicly declare their sexual orientation and identity” (COWI, 2010 Macedonia-sociological study, p. 6).

3. **Protection against bullying:** We found no information on this topic related to DESPOGI students.

4. **Policy against DESPOGI drop-out:** We found no information on this topic related to DESPOGI students.

5. **Equal academic performance:** We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. **Availability of public information:** In Macedonia the electronic media are regulated by the Law on Broadcasting. Radio and Television are responsible to plan and develop its program in the interest of the entire public and to produce and broadcast programs for all segments in society, without discrimination, taking into consideration the specific social groups (Article 121(1)). The right to a free of charge response and correction is given to every physical and legal entity in the case of airing an incorrect or incomplete information that violates the legitimate right or interest of a person, especially their dignity, honor or esteem (Article 52(1)). The Broadcasting Council supervises the implementation

of this Law (Article 163(1)) (COWI, 2010 Macedonia-legal study, p. 22-23). There is no particular legislation regarding the printed media (COWI, 2010 Macedonia-legal study, p. 23).

Between 2000 and 2010, there has been more relatively neutral news in the media about LGBT issues, mainly due to activist organizations (COWI, 2010 Macedonia-legal study, p. 23). It appears in the years after 2010, a backlash has taken place. For example, Macedonian politicians have been known to publish derogatory comments about LGBTI on their webpages (ILGA, 2017, p. 182)

7. Relevant and supportive attention in school resources: There is no appropriate or comprehensive sex education or education on life skills or LGBT related issues (COWI, 2010 Macedonia-sociological study, p. 3). In the *Pedagogy* text book (for secondary education, published in 2005 and edited by Eli Makazlieva) the chapter on “Negative aspects of sexual life” describes homosexuality as “abnormal”, and homosexual persons as “highly neurotic and psychotic persons” and participants in “abnormal, not natural and degenerated sexual life”. In 2009, the Coalition Against Discrimination requested the Ministry of Education to remove these quotes, but the Ministry did not answer (COWI, 2010 Macedonia-sociological study, p. 10).

A 2008 study concludes “Although there are few positive examples, “the former Yugoslav Republic of Macedonia” institutional scientific (and educational) system still lacks a serious interdisciplinary approach that would reconsider issues of culture, gender and sexuality in its approach and curricula. This is firmly connected to the same lack in epistemologies and methodologies arts, humanities and social sciences are operating with. There is still significant lack of direct tackling of issues of sexuality in academic curricula. Worrying fact is that there are still put in circulation textbooks which explicitly promote homophobic attitudes, and the same are supported by the state University or the Government itself. However, the recent years also have showcased very few positive examples of inclusion of courses in the official curricula treating sexuality in non-heteronormative and non-homophobic manner.” The lack of effective legal protection is predominantly visible in the recurring presence of discriminatory contents in the textbooks which are in use, and the lack of institutional reaction on the matter - a reaction which should be undertaken under the auspices and on behalf of the Public Prosecution, the Ombudsman, and/or the Constitutional Court (Dimitrov, 2008 p. 86, quoted in COWI 2010 legal study, p. 18).

8. Resources for LGBT students: We found no information on this topic related to DESPOGI students.

9. Support services open to LGBT like counseling: We found no information on this topic related to DESPOGI students.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students.

## **Good teachers**

We found no information on this topic, but based on the available information about general attitudes, we expect teachers generally to be unsupportive.

## **Recommendations**

1. Include protection of LGBTI students and teachers in laws and policies
2. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
3. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education
4. Combat social prejudice against DESPOGI or support initiatives in this area
5. Secure that schools have a safe school climate which includes DESPOGI students

## Malta

The reliability of this assessment is scored as 2 stars on reliability of data and 2 stars on different perspectives. Specific research on sexual diversity in education is not available. We are happy to have to very expert respondents who represent both the activist and government perspective. These 2 respondents scored Malta in 2014 as 8% no policy, 82% encouraged/supportive, with on average 1 item scored as unknown. We score Malta as quite supportive. On the total scale, the score comes down to 91%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					2	
2. Freedom of self expression for DESPOGI?				1	1	
3. Protection against DESPOGI bullying?					2	
4. No drop-out of DESPOGI?					2	
5. Equal school performance of DESPOGI?				1	1	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?					2	
7. Attention in resources about sexual diversity?			1		1	
8. Resources for DESPOGI students?			1		1	
9. Support services open to DESPOGI students?					2	
10. Peer-learning opportunities for DESPOGI?				1	1	
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1		1
12. Staff competent to teach about sexual diversity?					2	
13. Is staff competent to support DESPOGI?				1	1	
14. Supportive school environment for DESPOGI?				1		1
15. Employment protection for DESPOGI staff?					2	

Numbers show the number of respondents scoring an item.

## General assessment

Malta is a small country and although education is being decentralized, the lines between the ministry and the schools are short. The national very progressive laws – including for transsexuals and intersex people - have been transposed into education guidelines and policy implementation.

The attitudes towards LGBTI people have dramatically improved in the last 12 years.

## Legal context

### Laws

Malta removed the offence of “unnatural carnal connection” from Article 201 of the Criminal Code in 1973. In 2004, Malta included protection against discrimination in employment on the ground of sexual orientation in the Equal Treatment Act, in 2017 this was elaborated as direct and indirect discrimination based on SOGIESC in educational guidance. In 2012, the Criminal Code set penalties for hate crimes based on, sexual orientation (ILGA, 2017). Moreover, CAP 456 – Equality for Men and Women Act was amended in 2012 to include protection against discrimination on additional grounds, including sexual orientation and gender identity, in employment; education and vocational guidance; and by banks and financial institutions (respondent government Malta). In 2014, sexual orientation was included as a ground for protection against discrimination in the Constitution and civil marriage was opened to same-sex couples, including adoption. In 2015, Malta adopted the progressive Gender Identity, Gender Expression and Sex Characteristics Act, the first of its kind in Europe. The CAP 456 was also extended to cover gender expression and sex characteristics. In 2016, conversion therapy was prohibited (ILGA, 2017). In 2015, Malta became the first country in the world to outlaw sterilisation and invasive surgery on intersex people ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Malta](https://en.wikipedia.org/wiki/LGBT_rights_in_Malta)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (1966)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | **succession** (1990)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | **succession** (1991)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | **succession** (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Malta is compulsory from 5 to 16 and is offered through three different providers: the state, the church, and the private sector. Kindergarten starts from 3 and is free of charge. In 1988 a new Education Act was passed, lowering the compulsory education age to five years, decentralizing educational decision making and establishing a right for any person to apply for a license to open a school. The state is responsible for promoting education and instruction and ensuring universal access to education. Approximately 30 per cent of Malta's primary and secondary school students are enrolled in private schools, most of which are operated by the Catholic Church.

Primary and secondary school teachers begin their teacher education at the University of Malta by gaining a Bachelor of Education ([https://en.wikipedia.org/wiki/Education\\_in\\_Malta](https://en.wikipedia.org/wiki/Education_in_Malta)).

Living conditions for LGBT people have become more favorable in recent years with same-sex relationships being accepted in public though some negative conditions remain. The FRA LGBT Survey showed that 54% of gay people in Malta felt comfortable holding the hand of a same-sex partner in public, though only 40% were out at their workplace (FRA, 2015)

A 2015 opinion poll indicated that a majority of the public support same-sex marriage, with a significant increase over a decade ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Malta](https://en.wikipedia.org/wiki/LGBT_rights_in_Malta)).

Most secondary schools in Malta are gender segregated. This poses a problem for transgender and intersex students ((COWI, 2010 Malta-sociological study, p. 10). The Maltese Ministry for Education and Employment published a Trans, Gender Variant and Intersex Students in Schools Policy in June 2015. The policy allows students to present themselves, be addressed, choose the facilities, such as toilets, that match their gender; and wear a uniform that matches their gender. The policy also includes recommendations for implementation in schools (MoEE, 2015, p 24).

### **Access to schools**

1. **Access to schools:** There is a constitutional provision prohibiting discrimination on the grounds of sexual orientation and gender identity (2014, GALE Checklist respondent, Gabi Calleja). The National Curriculum Framework (2012) clearly states that ALL students (irrespective of their sexual orientation) are given full access to all educational settings throughout the compulsory schooling years (5-16 years) (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality)

2. **Freedom of self expression:** Theoretically nothing stops students from coming out although school climate varies so perceptions of safety and risk by students might play a role (2014, GALE Checklist respondent, Gabi Calleja). All stakeholders in schools (e.g. guidance teachers, counsellors, etc.) who take on a caregiving role encourage students to express themselves and talk about their concerns, whatever these may be. To date our policies do not explicitly refer to self-expression by DESPOGI students, however there is evidence that several cases have been supported and followed up throughout (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality).

The Malta Transgender & Intersex policy allows students to present themselves, be addressed, choose the facilities, such as toilets, that match their gender; and wear a uniform that matches their gender (MoEE, 2015, p 24).

3. **Protection against bullying:** Around 2010, the Maltese Gay Rights Movement tried to initiate a survey on the extent of bullying against LGBT students, but it has been refused by the church and the responsible ministry has yet not responded to their request (COWI, 2010 Malta-sociological study, p.



10). Some studies from the early 2000's contain signals of bullying of LGBT students in Maltese schools (Malta Gay Rights Movement, 2003; Takács, J., 2006).

The Ministry for Education has launched an anti-bullying policy in 2014 which includes specific reference to bullying on the grounds of sexual orientation and gender identity. This should provide some protection to those students who decide to come out. The policy is not binding on church or independent schools although the Ministry announced that meetings were held with heads of church and independent schools to inform them of the policy and invite them to adopt it (2014, GALE Checklist respondent, Gabi Calleja). This policy "Addressing Bullying Behaviours in Schools" emphasizes a zero tolerance attitude towards any form of bullying and harassment, including any incidents related to DESPOGI students. Additionally the education psycho-social teams in schools, support and follow-up all cases of bullying together with the anti-bullying service (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality). The Maltese Directorate for Education has an anti-bullying unit that deals with homophobic and transphobic bullying, and its anti-bullying policy specifies that schools should refer very serious cases to it (FRA, 2016). This unit has one counselor per secondary school, who advises the school on policy and may assist in concrete cases of bullying (comment by a Ministry representative during the annual conference of the European Anti-Bullying Network in Malta, 2016).

4. *Policy against DESPOGI drop-out*: All students are supported irrespective of sexual orientation (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality). A directorate focusing on early school leaving was set up in 2013 with specific programs and initiatives. However, there is no specific focus on risk factors such as sexual orientation and gender identity. Schools do not collect data on why students drop out or miss school other than for medical reasons (2014, GALE Checklist respondent, Gabi Calleja).

5. *Equal academic performance*: All students are given equal educational provisions, irrespective of sexual orientation (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality). There is little awareness that sexual orientation or gender identity issues could affect school performance (2014, GALE Checklist respondent, Gabi Calleja).

### **An appropriate curriculum**

6. *Availability of public information*: Before 2010, Malta Gay News reported that gay persons and their lives are likely to be portrayed in negative terms by the local media and that positive images of gay life are unlikely to appear in entertainment programs (COWI, 2010 Malta-sociological study, p. 12).

The government is quite outspoken on LGBTI issues which have high visibility in the media and in politics. This has come about after 12 years of advocacy and activism by various LGBTI groups (2014, GALE Checklist respondent, Gabi Calleja). Information is disseminated through various forms of media, in parental skills courses, through the curriculum and even through recent legislation regarding civil unions and gender identity rights (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality).

7. Relevant and supportive attention in school resources: The National Minimum Curriculum (NMC) issued in 1999 by the Ministry of Education states that the curriculum should include information and knowledge on the range of sexual identities and should teach children respect for diversity, respect towards persons with a different sexual identity, etc. (COWI, 2010 Malta-sociological study, p. 10). All these are covered through the PSCD (Personal, Social and Career Development) compulsory curriculum in all schools (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality). Although no research has yet been conducted on this, it is unlikely that current school text books and library resources are inclusive of DESPOGI students. The personal and social development syllabus includes education on diverse sexual orientations and gender identity but the input is limited due to time constraints. the quality of the education provided is very much dependent on the quality of the teacher (2014, GALE Checklist respondent, Gabi Calleja).

8. Resources for LGBT students: before 2010, the Malta Gay Rights Movement has been denied permission by Catholic schools to disseminate leaflets and education materials aiming to inform students about LGBT sexuality and issues (COWI, 2010 Malta-sociological study, p. 10). In 2015, the donation of reading material by the Malta Gay Rights Movement, that contained the teaching of diverse families including same-sex parenting,[86] to the education department caused some controversy. Minister of Education Evarist Bartolo took a position not to distribute the material, questioning both directly inclusion and indirectly discrimination ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Malta](https://en.wikipedia.org/wiki/LGBT_rights_in_Malta)).

One activist GALE Checklist respondent thinks no such resources are available to students in school (other than for the regular student services such as counsellors and social workers). Most young people would access resources online (2014, GALE Checklist respondent, Gabi Calleja). However, the Commissioner of the National Commission for the Promotion of Equality says that during their PSCD lessons, students are encouraged to bring up and openly discuss the above. Some schools are also organizing awareness weeks focusing on diversity and LGBTI issues and/or inviting the local NGO on LGBTI to speak to both staff and students (2014, GALE Checklist respondent, Renee Laiviera).

9. Support services open to LGBT like counseling: The Malta Gay Rights Movement runs a weekly drop in and support services. The university of Malta also has an LGBTI student society which acts as a support group and resources for students. She also mentions that some counsellors refer students to the Malta Gay Rights Movement which we consider to be a positive development in that for many years such referrals would have been discouraged (2014, GALE Checklist respondent, Gabi Calleja). The Commissioner of the National Commission for the Promotion of Equality thinks that regular support counselors are open tot LGBTI students.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: The university of Malta also has an LGBTI student society which acts as a support group and resources for students. The

Malta Gay Rights Movement runs a Rainbow Support Service which includes a weekly youth drop in. There is one secondary school which has established a diversity group which runs on the same lines as a gay/straight alliance but is not limited to SOGI but would also cover race and disability for example. The university has an LGBTI student society. (2014, GALE Checklist respondent, Gabi Calleja).

### **Good teachers**

11. *Supportive staff*: There has been no study assessing the attitudes of teachers on LGBTI rights (2014, GALE Checklist respondent, Gabi Calleja). It is one thing when you come to policy and legislative change and another matter when you come to attitude change. Malta has progressed a great deal on legislation and policy. Although many are accepting, others still have some reservations and concerns. However the Ministry for Education and Employment makes sure that these reservations and concerns do not in any way translate into harassment and/or non-acceptance. There is a zero tolerance towards staff who do not respect diversity (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality).

12. *Staff competent to teach*: It is included in equal opportunities training to all trainee teachers although this is not particularly comprehensive. For particular subjects such as personal and social education, the curriculum would definitely include sexual diversity (2014, GALE Checklist respondent, Gabi Calleja).

13. *Staff competent to support*: The anti-bullying policy provides also procedures that schools are to follow and strategies that schools can adopt to ensure a safe environment for students. To our knowledge there are no specific guidelines for counsellors on how to support DESPOGI students and expertise may vary between one counsellor and another as might attitudes (2014, GALE Checklist respondent, Gabi Calleja). Guidelines are being drawn and will be issued soon (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality)

14. *Supportive school environment*: The National Minimum Curriculum contains a statement about sexuality which states that “(w)hen dealing with this topic, the teachers must keep in mind the context of moral and religious values of the students and their parents” (p.43). With the dominant ‘moral and religious values’ in Malta reflecting those of the Catholic Church, this proviso could be seen to be in effect absolving teachers of their need to raise LGBT issues (COWI, 2010 Malta-sociological study, p. 10).

All surveys to date seem to indicate that DESPOGI students are likely to experience homophobic and transphobic bullying. Malta is only now introducing co-ed education in secondary state schools which may not always favour DESPOGI students. While there is a visible trend of young people coming out at a younger age, this does not necessarily mean that they encounter less homophobia. In fact, it is likely that increased visibility also raises the risk of being targeted. Again, it is unlikely that the ethos of church schools are particularly welcoming of sexual diversity (2014, GALE Checklist respondent, Gabi Calleja). In practice many schools are supportive and if schools are not supportive, the Student

Services Department, within the Directorate for Educational Services, Ministry for Education and Employment, makes necessary interventions (2014, GALE Checklist respondent, Renee Laiviera, Commissioner of the National Commission for the Promotion of Equality).

15. *Employment protection for staff:* LGBTI staff are protected against discrimination, but in schools owned by the Catholic Church this remains a problem. In July 2007, Malta's Union of Teachers threatened to publish the details of four attempts to fire gay and lesbian teachers from Roman Catholic schools. According to the union, Church schools were under pressure from parents to fire the teachers, leading to four interventions in the past five years ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Malta](https://en.wikipedia.org/wiki/LGBT_rights_in_Malta)).

The Malta Transgender and Intersex policy allows students to present themselves, be addressed, choose the facilities, such as toilets, that match their gender; and wear a uniform that matches their gender. The policy also includes recommendations for implementation in schools (MoEE, 2015, p 24).

## Recommendations

1. Create a National Strategic Committee on Sexual Diversity in Education
2. Make attention for DESPOGI issues a priority for each department in the Ministry of Education
3. Do research on effect of interventions and systematically improve impact
4. Monitor the progress of the government strategy
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Moldova

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

Two local expert respondents scored Moldova in 2014-2015, one focusing on legal rights and scoring mostly "no policy" and one also considering the social context and scoring mostly "discouraging". After review of the few available data and recent developments, GALE re-scored the country as 100% discouraged with 2 items scored as unknown. We label Moldova as denying with a total score of 25%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		1	1			
2. Freedom of self expression for DESPOGI?		2				
3. Protection against DESPOGI bullying?			2			
4. No drop-out of DESPOGI?			2			
5. Equal school performance of DESPOGI?		1	1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		2				
7. Attention in resources about sexual diversity?		1	1			
8. Resources for DESPOGI students?		1	1			
9. Support services open to DESPOGI students?		1	1			
10. Peer-learning opportunities for DESPOGI?		1	1			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		1	1			
12. Staff competent to teach about sexual diversity?			2			
13. Is staff competent to support DESPOGI?		1	1			
14. Supportive school environment for DESPOGI?		1	1			
15. Employment protection for DESPOGI staff?			1		1	

## General assessment

The countries education system seems to be centralized. The attitudes towards DESPOGI are very negative and these attitudes have government and church support. LGBT Prides are allowed but restricted. There is a non-discrimination law in the area of employment (there were no precedent regarding LGBT teachers), and there is a censorship draft law on propaganda of prostitution, pedophilia and non-heterosexual relationships. There is no specific research on sexual diversity in education and if there are policies on inclusive education, they are not applied to DESPOGI.

## Legal context

### Laws

In 1995 The Criminal Code of Moldova removed the pre-existing sodomy provisions from the Soviet Union period. The age of consent is equal at 16. The 2012 the Law on Ensuring Equality (Law nr. 121) specifies that the law only applies to sexual orientation in employment (ILGA, 2017). In 2013 the parliament of Moldova passed a bill which bans the propaganda of prostitution, pedophilia and "any other relations than those related to marriage and family in accordance with the Constitution and the Family Code". The law did not explicitly prohibit the "propaganda" of homosexuality, but it could be interpreted as such by the judges (Wikipedia, 2017). The law was repealed under the pressure from international institutions several months later (feedback Angela Frolov, 2017).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (1993)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | **succession** (1993)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | **succession** (1994)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | **succession** (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Recent monitoring report for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

The Committee on the Elimination of Discrimination against Women urges the State party: to eliminate all forms of sex- and gender-based discrimination throughout the education system and in informal education programs with a view to removing gender stereotypes from educational materials, incorporating human rights education into school curricula and introducing mandatory courses in all teacher training programs on ways in which schooling reproduces gender inequalities (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>).

Moldova rejected calls to expand the Law on Ensuring Equality to other areas than employment at its 2nd UPR cycle (ILGA, 2017, p. 52))

## More information

Education is compulsory for ages 7 to 16. Secondary education begins at age 11 and is completed in 7 years ([https://www.ei-ie.org/barometer/en/home/profile\\_details/131](https://www.ei-ie.org/barometer/en/home/profile_details/131)). The language of instruction under the Soviet rule was Russian. However, since 1989, Moldovan was adopted as the official language and in the year 2000, nearly two-thirds of all pupils were studying in schools where Moldovan was the language of instruction. Strong ties have been established between the education systems in Romania and Moldova. Since the late 1990s, private education as an alternative to state education has also begun in Moldova. The institutions follow the regulations established by the

Ministry of Education and Science (<http://education.stateuniversity.com/pages/993/Moldova-EDUCATIONAL-SYSTEM-OVERVIEW.html>).

Discrimination based on sexual orientation is reported. Negative media portrayal and condemnation by the Orthodox Church encourages discrimination against homosexuals. Gay children are reported to be asked to leave home by their parents, and villages shun the family of a gay child. Schoolteachers and university professors have been dismissed for their sexual orientation (there was just one documented case before adoption the antidiscrimination legislation), and police are accused of bribing gays and lesbians with public exposure. NGOs report discrimination against persons with HIV/AIDS, particularly in rural villages (El Barometer, 2017, information edited by Angela Frolov, 2017).

Derogatory public statements and violence were directed towards LGBTI people throughout 2016. LGBTI people have no explicit legal protection against these types of bias-motivated incidents. An amendment to include protection of sexual orientation, gender identity and expression in the criminal code was proposed by the government in 2016, but has not been adopted yet. One of the most outspoken critics of LGBTI equality, politician Igor Dodon started the year by criticizing Pride marches and ended 2016 by being elected the country's president. In an interesting parallel, a LGBTI activist was almost elected 'alternative president' in a popular vote among TV viewers. LGBTI public events were disrupted by protestors and threats (ILGA Rainbow, 2016).

In 2016, seven PRSM MPs registered a draft law on amending and completing the Code of Administrative Offences and the Law on the Rights of a Child with articles prohibiting so-called 'propaganda of homosexual relations among minors'. The 'anti-gay propaganda' bill seeks to add a new Article 881 to the administrative offences code, to introduce fines for any individual who distributes "propaganda of homosexual relations among minors" (The proposed Article 881 states: "Propaganda of homosexual relations among minors with means of assemblies, mass media, Internet, booklets, brochures, images, audio-video spots, films and/or audio-video recordings, via audio recordings, amplifiers or other means of sound amplification is sanctioned with a fine from 200 to 300 conventional units (EUR 181- 272) applied to individuals, [and] a fine from 300 to 500 conventional units (EUR 272-454) applied to legal entities". Also, the bill aims to amend Article 21 of the Law on the Rights of a Child titled "Protection of family by the state" by inserting the following text: "The state ensures protection of a child from the propaganda of homosexuality for any purpose and under any form". If adopted, this law may be arbitrarily applied against anybody (including mass media and LGBTI NGOs) who distribute information about gender identity and gender expression. The draft law was approved by the several Parliamentary Committees in mid 2016. It is unclear if the proposal became law in 2017 (ILGA Rainbow, 2016).

The general attitudes towards LGBT people in Moldova are reported to be negative. According to a 2002 Moldovan poll, 86% of the population do not want to have homosexual neighbors. In 2008 the Moldovan LGBT NGO "GenderDoc-M" published a study on public attitudes towards LGBT persons in Moldova and the general level of awareness about homosexuality in the country. During the study 3,500 persons were questioned. According to the study, 41.9% of the respondents would not accept



sexual orientation of their potential friends or family members, if they were to come out as homosexuals. 34.3% of the respondents answered that they would be neutral and 12.5% would accept their friends', family members' or acquaintances' homosexuality. The same study reveals that 51.4% of the respondents believe that homosexuality is a sin; 30.2% think that it is evil and 32.1% state that homosexuality is a disease (COWI, 2010 Moldova-sociological study, p. 4).

A 2011 SOROS Foundation study states that tolerance had decreased in the five years before. In that year only 14% Moldovans said that they accept gays and lesbian as neighbors, 13% as work colleagues, 10% as friends by 10%, and 4% as a future member of the family ([http://www.soros.md/files/publications/documents/Studiu\\_sociologic\\_EN.pdf](http://www.soros.md/files/publications/documents/Studiu_sociologic_EN.pdf), p. 6).

The most well-known LGB organization is "GenderDoc-M". There is a Coalition Against Discrimination, which unites Moldovan NGOs working with various human rights and minorities' issues (COWI, 2010 Moldova-sociological study, p. 4)

### **Access to schools**

1. **Access to schools:** Although primary and secondary education is mandatory, there is no specific protection for DESPOGI from discrimination. There is numerous anecdotes about discrimination in schools but these are rarely registered (COWI, 2010 Moldova-legal study, p. 18).

2. **Freedom of self expression:** A GALE respondent notes in 2015: "due to high level of homophobia and transphobia DESPOGI students prefer to be closed and do not discuss their identities in educational institutions". Another GALE respondents says: "one's expression of DESPOGI is highly discouraged and may lead to bullying, both by student body and school personnel" (2014).

3. **Protection against bullying:** Moldova did not participate in large scale studies like the PISA on school performance and bullying, nor were there respondents in the EU LGBT Survey (FRA, 2014), so e have no reliable data on bullying in general nor specifically on DESPOGI.

In 2010, hospitals, schools/ high schools, discos and bars were reported to be the most common places where LGBT persons were subject to verbal aggression and discrimination (COWI, 2010 Moldova-legal study, p. 14). Bullying appears to be a problem in educational institutions and LGBT persons are regularly used for bullying. There are cases of bullying children whose parents are from the LGBT community. However these are never registered these are never officially registered due to lack of legislation and legal mechanisms or the attitude of educational institutions (COWI, 2010 Moldova-legal study, p. 18).

A GALE respondent said in 2015: "despite the fact that we have Antidiscrimination legislation in Moldova which includes protection against bullying and harassment, students and teachers do not use it or do not aware about it. And there is high level of bullying and harassment in Moldovan schools in general." Another GALE respondent (2014) thinks Moldova has *no* policy against any forms of bullying. "Bullying is omnipresent in all Moldovan schools. In most cases it is overlooked by teachers and school management who refuse to admit that it is a serious issue. Bullying on grounds of SOGI is



not addressed at all because many teachers and school management manifest homophobia and transphobia by themselves."

4. Policy against DESPOGI drop-out: A GALE respondents says there is no data on such cases, and Moldova does not have any policy on this issue (2015).

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Access to information is provided in law but denied in practice. Freedom of speech and of the press are guaranteed legally, but journalists report self-censorship as a result of intimidation. Journalists can face libel suits under the civil code, and public figures use civil defamation laws to lodge complaints about news coverage. The Internet is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/131](https://www.ei-ie.org/barometer/en/home/profile_details/131)). The Moldovan media is large negative about sexual diversity. This is partly due to the fact the media are politically controlled and civil society is still too weak to challenge this effectively (<https://moldovanpolitics.com/2016/05/22/the-struggle-of-lgbt-people-in-moldova/>). Recently, the LGBT community has suffered a crackdown by a Russian-inspired hate-campaign in the media (<https://www.worldpoliticsreview.com/trend-lines/22967/moldova-s-lgbt-community-faces-a-russia-inspired-media-crackdown>).

7. Relevant and supportive attention in school resources: Art. 4 of the Law on Education states that moral and spiritual education in state primary education is a compulsory subject, and in secondary, vocational and higher education is of elective/voluntary subject of study. The Law also stipulates that these subjects are taught by people with special and appropriate training. The development of the concept, educational programs and training of teachers to teach the subject "Moral and Spiritual Education" is the prerogative of the Ministry of Education and Science (COWI, 2010 Moldova-legal study, p. 18).

In 2006, the Moldovan government tried to pressure "GenderDoc-M" to withdraw from the National Committee of the European All Different-All Equal Campaign (COWI, 2010 Moldova-legal study, p. 19).

In 2007 UNICEF Moldova launched a Life Skills program in Moldovan public schools. The program included information on the issues, such as sexual behavior, diversity, tolerance and homosexuality. The course was removed from the school curricular again, due to pressure from the Church. The Coalition underlines that in this case the pressure came not only from the Moldovan Orthodox Church, but also from other Churches in Moldova. In 2009 The Moldovan Orthodox Church was lobbying for the introduction of courses on religion in public schools. According to CAD and "HomoDiversus Pro", the course will be exclusively about the Orthodox Christianity and will not include information on any other religion. The courses would be taught by the practicing priests.<sup>75</sup> It is expected that the courses will provide a negative view of LGBT people - (as well as religious minorities) to the students (COWI, 2010 Moldova-sociological study, p. 15). It is unclear if such courses were implemented.

According to "GenderDoc-M" the textbooks used in the Medical University of Moldova in 2010 still dated from the time when homosexuality was criminalized and listed as a disease by WHO (COWI, 2010 Moldova-sociological study, p. 15).

In 2016 it was reported that the Ministry of Education published two editions of Civic Education textbooks for 9<sup>th</sup> and 10<sup>th</sup> graders, which explicitly promote abstinence-only approach. Pupils in the 9<sup>th</sup> grade discuss sexual relationships under the theme "Passions and emotions. Abstinence and its importance to healthy and safe lifestyle". According to Natalia Cojuhari, assistant representative of United Nations Population Fund in Moldova, although the law on reproductive health (adopted in 2012) stipulates that sex education be made compulsory in schools and in other institutions where there are young people, this is not fully implemented and remains an optional subject (<http://www.astra.org.pl/youth/news/336-sexuality-education-in-moldova.html>, 2016).

GenderDoc-M conducted lectures on anti bullying for high school students in rural areas in Moldova (GALE respondents, 2015, 2017). "We do this owing personal contacts with teachers and professors without support of Ministry of Education" (2015).

8. Resources for LGBT students: There seem to be no specific resources for DESPOGI students except general material from GenderDoc-M.

9. Support services open to LGBT like counseling: According to a 2006 report, 19% of the respondents have felt being treated worse by their health care provider because of their sexual orientation and 44.5% would not feel comfortable revealing their sexual orientation to their health care provider. Although 55% reported that it would be comfortable for them to reveal their sexual orientation to their health care provider, 81% of the Moldovan respondents would still prefer an LGB-specified health care provider, if it existed (COWI, 2010 Moldova-sociological study, p. 16). GALE respondents from GenderDoc-M say students can access support from GenderDoc-M.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: There is no government-led or supported peer-learning for DESPOGI youth. GALE respondents from GenderDoc-M say students can engage in peer-learning within GenderDoc-M. This is probably referring to young adults rather than to under-age students.

## **Good teachers**

11. Supportive staff: A 2006 study on mental health of LGBT found there are situations when teachers are the ones making discriminating statements about LGBT people or encouraging discrimination against them as a pretext of "moral education" norms (quoted in COWI, 2010 Moldova-legal study, p. 18).

12. Staff competent to teach: GenderDoc-M has conducted a 2014 (unpublished) retrospective study on perception of young LGB people of their adolescence. The results show that LGB youth are extremely marginalized in education due to the lack of professional approach to the subjects of SOGI

by teachers who are not informed about modern SOGI standards. Guided By stereotypes and prejudices, teachers sometimes tell students that homosexuality and bisexuality is wrong/sin/mental disorder/ something amoral, thus discouraging LGB students to come out and/or affect their mental wellbeing (GALE respondent, 2014).

The government or teacher training institutions do not offer teacher training on sexual diversity. GenderDoc-M offers education sessions for university students from the faculties of psychology, social assistance, journalism, etc. (<https://www.gdm.md/ro/content/studenti>, 2017).

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: A GALE respondent (2014) thinks bullying is omnipresent in all Moldovan schools and mostly overlooked by teachers and school management who refuse to admit that it is a serious issue. Bullying on grounds of SOGI is not addressed at all because many teachers and school management manifest homophobia and transphobia by themselves."

15. Employment protection for staff: Since 2012, Moldova has the Law on Ensuring Equality (also known as the anti-discrimination law) which explicitly forbids discrimination on the ground of sexual orientation (no gender identity, though) in the work place. However, there haven't been known any of such cases, especially regarding DESPOGI staff in schools (GALE respondent, 2014).

## Recommendations

1. Withdraw laws that hinder adequate implementation of the right to education for DEPOGI students, like censorship laws or so-called anti-homosexual propaganda legislation
2. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
3. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
4. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
5. Secure that schools have a safe school climate which includes DESPOGI students

## Monaco

The reliability of this assessment is scored as 0 stars on reliability of data and 1 star on different perspectives. This report is based on desktop research. GALE scored all items as "no policy" because first, Monaco has no non-discrimination policy at all, and second, the attitudes of the population are ambiguous. This brings the total score on 50% and a final assessment as ambiguous.

Access to school						
1. Full access to schools for DESPOGI?						
2. Freedom of self expression for DESPOGI?						
3. Protection against DESPOGI bullying?						
4. No drop-out of DESPOGI?						
5. Equal school performance of DESPOGI?						
An appropriate curriculum						
6. Is there public information about sexual diversity?						
7. Attention in resources about sexual diversity?						
8. Resources for DESPOGI students?						
9. Support services open to DESPOGI students?						
10. Peer-learning opportunities for DESPOGI?						
Good teachers						
11. Is staff supportive for DESPOGI?						
12. Staff competent to teach about sexual diversity?						
13. Is staff competent to support DESPOGI?						
14. Supportive school environment for DESPOGI?						

## General assessment

The countries education system is centralized but, apart from history, copies the French education syllabus. There is only one poll on attitudes, which show that half the native population supports same-sex partnership. However, there is not such a law nor any other law protecting against discrimination. Specific research on sexual diversity in education is also not available.

## Legal context

### Laws

As Monaco was in the possession of France, it removed any sodomy provisions from its Penal Code in 1795. The age of consent is equal at 15. The Law on Public Freedom of Expression of 2005 prohibits causing violence to because of actual or perceived sexual orientation and protects against defamation and 'insult' regarding sexual orientation (ILGA, 2017). Monaco does not recognize same-sex unions or marriages, being the last and only country in Western Europe not to do so ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Monaco](https://en.wikipedia.org/wiki/LGBT_rights_in_Monaco)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (2012)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1997)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (2005)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1993)

### *International statements and dialogue*

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## **More information**

Education in Monaco is mandatory for children belonging to the age group of 6-16. The education system of Monaco is well structured and the curriculum is mostly identical to the syllabi of France. Primary education is disseminated through ten, state-run schools, which includes 7 primary and 3 nursery schools. The secondary education is disseminated through colleges like the Lycee Albert providing diploma courses in accounting, secretarial studies, followed by the hotel training, commercial studies by the Technical Lycee college of Monte Carlo, finally the Charles college which provides vocational training. Literacy rate is very high and from the second half of 1990 the Government has been allocating a considerable amount in their education

(<https://www.mapsofworld.com/monaco/educational-institutions.html>).

There are no LGBTI organizations or establishments, probably because Marseille, Nice and Lyon are relatively nearby ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Monaco](https://en.wikipedia.org/wiki/LGBT_rights_in_Monaco)).

In a 2007 survey 51% of the respondents (only native Monaco inhabitants asked) agreed that living in registered partnership should be accepted. People native of Monaco being a minority in their own country, the survey is not representative of the entire population's opinion. All people interviewed during the COWI visit to Monaco<sup>2</sup> stressed that direct and open homophobia and transphobia is non-existent in Monaco apart from the one or two single incidents mentioned; although there is minor discrimination like joking. On the other hand a few interviewees stated that they believe that LGBT issues are deliberately ignored in legislative and policy matters (COWI, 2010 Monaco-sociological study, p. 5).

## **Access to schools**

1. **Access to schools:** Education in Monaco is mandatory for children belonging to the age group of 6-16. Monaco signed the Convention Against Discrimination in Education, which means that at least legally no students should be denied access to schools on internships.

2. **Freedom of self expression:** We found no information on this topic.

3. Protection against bullying: The Government of Monaco has set aside Thursday November 3 as “No Bullying Day” and is asking all public and private schools in the Principality to show their support in the fight against this often invisible violence. The day is part of a strategy which includes classes by the organization “Action Innocence”, training of school staff and implementation of an anti-bullying protocol. We could not establish if the strategy includes LGBTI bullying. In 2015 a research found that only 8 of the 400 students of 4th grade said they had been subject to bullying, a level (2%) significantly lower than the French average. (<http://www.monacolife.net/bullying-at-school-breaking-the-silence-thursday/>).

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press is guaranteed in law, but public denunciation of the royal family is not permitted; other than the restriction on royal comment the media work freely. Internet access is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/132](https://www.ei-ie.org/barometer/en/home/profile_details/132))

7. Relevant and supportive attention in school resources: See France, Monaco follows the French syllabus. According to the COWI legal study, the curriculum does not include a specific sexual education program (COWI, 2010 Monaco-legal study, p. 7), but according to the COWI sociological study, the NGO Fight Aids has an agreement with the Ministry of Education to provide sexual education in upper secondary education in Monaco. Beyond matters on prevention, this education takes into consideration general non-discrimination principles and thus addresses choice of sexuality and tolerance of such choices. The teaching includes different methods and media and attracts the attention of the target group as considered. Some intolerance is encountered in this group of the youth, but there are no reports about bullying or harassment (COWI, 2010 Monaco-sociological study, p. 7-8).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students.

12. Staff competent to teach: We found no information on this topic.

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: Monaco legislation does not include the principle of non-discrimination in employment, neither in general nor on the grounds of sexual orientation and gender identity (COWI, 2010 Monaco-legal study, p. 8).

## **Recommendations**

1. Protect DESPOGI teachers against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Develop training en offer educational resources about sexual diversity for interested teachers
4. Create a National Strategic Committee on Sexual Diversity in Education
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Montenegro

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives.

One local respondent scored Montenegro in 2014 as 40% forbidden/discouraged, 53% no policy, 7% encouraged/supportive, with no items scored as unknown. We score Montenegro as (towards the lower end of) ambiguous. On the total scale, the score comes down to 40%. The final version was checked and adapted by LGBT Forum Progress.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?		1				
3. Protection against DESPOGI bullying?			1			
4. No drop-out of DESPOGI?			1			
5. Equal school performance of DESPOGI?			1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				1		
7. Attention in resources about sexual diversity?			1			
8. Resources for DESPOGI students?	1					
9. Support services open to DESPOGI students?			1			
10. Peer-learning opportunities for DESPOGI?		1				
<b>Good teachers</b>			1			
11. Is staff supportive for DESPOGI?			1			
12. Staff competent to teach about sexual diversity?			1			
13. Is staff competent to support DESPOGI?		1				
14. Supportive school environment for DESPOGI?		1				
15. Employment protection for DESPOGI staff?		1				

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is centralized and has a quite good attention to civic competences, including a legal framework to secure this. However, sensitive issues like sexual education are difficult to discuss.

The attitudes towards DESPOGI are quite negative. Specific research on sexual diversity in Montenegro is limited, with the exception of one through research about textbooks. This research reflects the taboo in society.



## Legal context

### Laws

In 1977 the Criminal Code repealed the 1951 Yugoslav provisions regarding same-sex sexual acts. In 2010 the Law on Prohibition of Discrimination specifies discrimination in employment, services, health and education for SOGI. This was a requirement for access to the European Union. In 2013 amendments to the Criminal Code introduced sexual orientation and gender identity as aggravating circumstances and protection against incitement to hatred. (ILGA, 2017). There is no legal recognition of same-sex couples. The Constitution of Montenegro, in Article 71, states that “Marriage may be entered into only on the basis of a free consent of a **woman and a man**”. This is further confirmed throughout the Family Law of Montenegro (Articles 3, 12, 15, 16, etc.) (Feedback by LGBT Forum Progress, 2017). The Law on Prohibition of Discrimination defines discrimination in education as a specific form of discrimination and prohibits it explicitly with regard to sexual orientation and gender identity (COWI, 2010 Montenegro-legal study, p. 21).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (2007)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | **succession** (2006)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | **succession** (2006)

Convention on the Rights of the Child: **not signed** | signed | ratified | **succession** (2006)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Montenegro is regulated by the Ministry of Education. Education is compulsory from ages 6 till 14. The educational system is uniformed and primary (6-14 years) and secondary schools (3 or 4 years extra) are free of charge. In 2010, changes to the General Law on Education, in Article 11, made the mandatory language of education nation-wide Montenegrin. Additionally, it was allowed for minority languages to be used at the same time in areas where that minority is predominant.

(<http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag={A5E651D2-6311-499B-AF8F-F6AC03FB77B0}>)

Civic Education (CE) is a separate subject in formal education – in primary and general secondary education; in primary school being an obligatory subject, and in general secondary schools the so-called obligatory elective subject (UNICEF, 2009).

Gays and lesbians may face discrimination and harassment in Montenegro. Anti-gay attitudes are deeply ingrained and homo/bi/transphobia levels are still very significant (<http://media.lgbtprogress.me/2017/05/SITUATION-ANALYSIS-REGARDING-HUMAN-RIGHTS-OF-LGBTIQ-PERSONS-IN-MONTENEGRO-DURING-2016.pdf> ). Around 70% of Montenegrins believed in 2009 homosexuality to be an illness (COWI, 2010 Montenegro-legal study, p. 22). 75% believe that homosexuals should not express their sexual identity in public with gay parades, and 59% think that even gay bars and restaurants should not exist." (COWI, 2010 Montenegro-sociological study, p. 3). Groups of right-wing hooligan groups are reported to be very aggressively anti-LGBT and representatives of the Orthodox Church have also voiced highly anti-LGBT public statements (Ibid, p. 6)

There are no official data on discrimination in employment, but anecdotal evidence of discrimination against LGBT persons, lack of visibility, and of the fact that victims of discrimination do not want to report (COWI, 2010 Montenegro-sociological study, p. 3). Until 2018, no criminal cases involving LGBTIQ individuals were ever categorized as hate crimes (Information provided by the Judiciary of Montenegro; feedback by LGBT Forum Progress, 2017).

From June – August 2017, the National Democratic Institute, the U.S. Agency for International Development, the Gay and Lesbian Victory Institute and Civil Rights Defenders carried out opinion polls in the Western Balkans on attitudes towards LGBTI people. The survey combined the results of online questionnaires, focus groups with LGBTI people and face-to-face interviews with the general public. In Montenegro, 47% of the general public said that they would try to help their son or daughter find a cure if they found out that their child was not heterosexual. 49% said they would not vote for a political party that championed the rights of LGBTI people. (ILGA-Europe 2016 report)

The EU Reports on Montenegro have addressed the issues of education for Roma people and persons with disabilities throughout the years, but not for LGBTIQ people (Feedback by LGBT Forum Progress, 2017).

After a research by the LGBT youth group Juventus in 2010, a coalition was formed between LGBT organization, the government and other social actors to promote and support of human rights of sexual minorities in Montenegro. This group does not exist anymore (Feedback by LGBT Forum Progress, 2017).

In 2012 a broader study was done which confirmed homosexuals were among the most discriminated populations. (As verified by EU reports over the years, as well as US DoS reports and ILGA-Europe reports)

From September 2011, Montenegro has been the first beneficiary country of the Council of Europe LGBT Project offering support to prepare measures and implement recommendations given by the Committee of Ministers of the Council of Europe, concerning measures for combating discrimination on grounds of sexual orientation or gender identity. Thus, Montenegro has shown its readiness and openness for applying democratic principles and providing justice and equality for all. (Milić, 2012).

Unfortunately, following the CoE support, almost all activities in the area of education have stopped. NGO Juventas has occasional workshops with high-school students, but not under any national framework (Feedback by LGBT Forum Progress, 2017).

### **Access to schools**

1. **Access to schools:** The General Law on Education provides for equality of all citizens in exercise of the right to education, without differentiation as to nationality, race, sex, language, religion, social origin or other personal feature (art. 9, para. 1) (COWI, 2010 Montenegro-legal study, p. 21).

2. **Freedom of self expression:** There is no clear policy on this, but still DESPOGI students cannot come out without fear that they'll be victims of violence (2014, respondent GALE Checklist, Tamara Cirgic).

3. **Protection against bullying:** The General Law on Education was amended in 2010 to include the provision explicitly prohibiting "physical, psychological or social violence; maltreatment and negligence; physical punishment and offending a person; sexual abuse of children, pupils or teachers and every other form of discrimination within educational institutions" (COWI, 2010 Montenegro-legal study, p. 21). The Ministry of Education and Science does not register cases on homophobic/transphobic bullying and harassment of LGBT students and teachers in Montenegrin schools, nor does it keep evidence of such cases or of any other incidents of school violence, because such obligation has not been prescribed by any law. The police acts only in serious incidents of a beating, and none have been recorded to date as having involved violence based on sexual orientation or gender identity (Ibid, p. 22).

Despite these legal safeguards, the social reality is different. A 2009 research conducted within a group of 30 homosexual persons up to the age of 30 shows that some of them sensed discriminatory treatment from some professors, but resented reporting it. A professor of law was reported as referring to the LGBT persons in the following terms: "I would burn down all of them." ([www.hraction.org/wp-content/uploads/results-ofanonymous-questionnaire.pdf](http://www.hrraction.org/wp-content/uploads/results-ofanonymous-questionnaire.pdf), quoted in COWI, 2010 Montenegro-legal study, p. 22). The LGBT youth group Juventas reported there is extensive bullying of pupils not conforming to the traditional notions of gender (Milićx, 2012).

4. **Policy against DESPOGI drop-out:** No evidence on this and no-one, as far as I know, is dealing with this issue or collect any data. 2014, respondent GALE Checklist, Tamara Cirgic).

5. **Equal academic performance:** In schools they would say YES, equally as other students and all schools policies dealing with academic performance apply to DESPOGI as well, but in practice, there is no evidence on this. (2014, respondent GALE Checklist, Tamara Cirgic).

### **An appropriate curriculum**

6. Availability of public information: the Media Act explicitly prohibits publishing information and opinion instigating discrimination, hatred or violence against persons or a group of persons due to their belonging or not belonging to a gender or sexual orientation (Art. 23) (COWI, 2010 Montenegro-legal study, p. 10). The Montenegrin Broadcasting Act envisages “duty [of broadcasters] to contribute to the respect and promotion of human rights and freedoms, democratic values and institutions, pluralism of ideas... and dignity of citizens”. Since its foundation, the Broadcasting Agency sanctioned media only on two occasions (on promoting religious and national hatred in 2006). (Ibid, p. 15)

According to a GALE Checklist respondent, the media report more about LGBT issues since Montenegro started to access the European Union (2014, respondent GALE Checklist, Tamara Cirgic).

7. Relevant and supportive attention in school resources: Although Article 2 of the General Law on Education sets “development of consciousness, need and ability to protect and promote human rights, legal state, natural and social environment, multiculturalism and diversity” as a goal, the obligatory school curriculum still does not include sexual education or human rights lessons inclusive of sexual orientation and/or gender identity. The Ministry of Education noted the general lack of information among youth on sexuality in general and envisaged certain activities by the 2007 National Action Plan for Youth that should eventually lead to introduction of the sexual education in schools (COWI, 2010 Montenegro-legal study, p. 22).

The LGBT youth group Juventas reported that there is no mention of LGBT issues or representation of LGBT persons in the curricula (Milić, 2012). Such mentions have been added in several instances, for non-compulsory courses in both elementary and high school since 2013 (Feedback by LGBT Forum Progress, 2017).

In 2013, a thorough review was done of the Montenegrin textbooks and curricula. The researcher concludes LGBT issues were largely treated as a “secondary”, “other” and “less important” topic and not neutral. The textbooks do promote human rights but neglect representations of socially sensitive topics. Still, the author concludes that compared to neighboring countries, Montenegrin textbooks do not contain inappropriate, open discriminatory or scientifically unfounded opinions (Zeković, 2013) Following the publication of this book, several books that had negative mentions of LGBTIQ topics have been removed, and the entire “LGBTIQ issue” is now mostly neutrally observed within the curricula (Feedback by LGBT Forum Progress, 2017).

8. Resources for LGBT students: I cannot say that this is forbidden, but just that there are no specific resources (2014, respondent GALE Checklist, Tamara Cirgic).

9. Support services open to LGBT like counseling: In schools there is not, but some LGBT NGOs are dealing with this (2014, respondent GALE Checklist, Tamara Cirgic). LGBT Forum Progress provides support services to LGBTIQ individuals – shelter, social services, counseling, psychological support, legal aid, etc. (Feedback by LGBT Forum Progress, 2017).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic, we expect there to be no opportunities. Some informal groups of high school students gather in American Corner Podgorica, and the topics of LGBTIQ sometimes come up. However, no formal peer-learning groups exist (Feedback by LGBT Forum Progress, 2017).

### **Good teachers**

11. Supportive staff: We found no information on this topic, but the taboo seems to assure there is no supportive staff. A supportive teacher or professor is a very rare occurrence, and they face discrimination themselves if recognized as allies (Feedback by LGBT Forum Progress, 2017).

12. Staff competent to teach: There are some changes in recent years, but nothing specific - it is still taboo topic (2014, respondent GALE Checklist, Tamara Cirgic). Only a handful of educators have sufficient and proper education to teach others on gender equality or LGBTIQ. Unfortunately, they mainly choose not to deal with those topics (Feedback by LGBT Forum Progress, 2017).

The first-ever workshop dedicated to human rights of LGBTI people at a pre-school in the country took place in June 2017. NGOs LGBT Forum Progress and the SOGI – Social and Community Centre ran the interactive training workshop for 102 teachers and staff from 12 units of the 'Djina Vrbica' public pre-school. (ILGA-Europe 2017 report, <http://lgbtprogres.me/en/2016/06/odrzano-prvo-predavanje-lgbt-tematike-u-predskolskim-ustanovama/>)

13. Staff competent to support: While this is not "forbidden", there are no adequate competences developed from the educational institutions (2014, respondent GALE Checklist, Tamara Cirgic). There were a series of trainings for school counselors in order to equip them with skills needed to work with LGBTIQ youth, but no continuity was established, nor did the Ministry of Education formally support the initiative, so the implementing NGOs, such as Juventas, did not succeed at this task (Feedback by LGBT Forum Progress, 2017).

14. Supportive school environment: We found no information on this topic related to DESPOGI students. The levels of discrimination, bullying, violence (physical, psychological, and other) in schools is very high in relation to LGBTIQ youth. Numerous private reports have been made to LGBTIQ organizations over the years, but due to the fear of outing and more violence, they chose not to file formal complaints. No national data is available on this very important issue.

NGO LGBT Forum Progress and the University of Montenegro's Student Parliament reached an agreement on a plan of joint activities following a meeting on 28 November 2017. Both groups discussed the LGBTI-phobia that exists within the education system and the need for LGBTIQ students to feel secure at the university. Plans for cooperation in 2017 included the organization of the first anti-discrimination panel discussions at the Faculty of Philosophy in Niksic (organized by the Student Council of the Faculty of Philosophy and NGO LGBT Forum Progress). It is anticipated that this would be followed by public events at the University of Montenegro. (ILGA-Europe 2017 report, <http://lgbtprogres.me/en/2016/11/zajedno-protiv-diskriminacije/> )

15. Employment protection for staff: The Labor Act explicitly prohibits discrimination on the basis of, among else, sexual orientation or "other personal feature" (Art. 5), provides for court protection also in the case of discrimination (Art. 10), as well as for administrative supervision by the Labor inspection of the competent ministry (Art. 147). It also explicitly prohibits sexual harassment, defined as: "all unwanted verbal, non-verbal or physical behavior intended to violate dignity of a person seeking employment, as well as of an employee in the sphere of sexual life and which causes fear or promotes hostile, degrading, unpleasant, aggressive or offensive environment" (Art. 8, para. 3). However, no cases were recorded alleging discrimination in the workplace on the basis of sexual orientation or gender identity (COWI, 2010 Montenegro-legal study, p. 10)

## Recommendations

1. Combat social prejudice against DESPOGI or support initiatives in this area
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Support peer education, Gay/Straight Alliances and other grass roots interventions
4. Develop training en offer educational resources about sexual diversity for interested teachers
5. Create a National Strategic Committee on Sexual Diversity in Education
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
7. Continuously monitor LGBTIQ peer violence in schools and establish a national mechanism of LGBTIQ bullying prevention that is actually applicable in practice.
8. Establish efficient support systems in schools for LGBTIQ youth.
9. Directly and explicitly include LGBTIQ topics in the curricula, based on scientific facts, in all applicable subjects.
10. Implement penalties for LGBTIQ based discrimination in schools, when committed by peers and teachers.
11. Reduce hate speech levels by teachers and peers in schools.

## Netherlands

The reliability of this assessment is scored as 5 stars on reliability of data and 3 stars on different perspectives.

An original assessment of the Netherlands was done by 15 expert respondents during a national strategic workshop in 2014. They scored the country as *at average* as 0% forbidden, 8% discouraged/no policy, 92% encouraged/supportive with 2.1 item unknown. After feedback from among others the Ministry of Education and the national association of school boards in secondary schools, GALE filled in the information gaps and scored the country as 100% supportive (with 11 items supportive, 3 items encouraged, and 1 item unknown). On the total scale this is a score of 95%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	2	3	8	2
2. Freedom of self expression for DESPOGI?	0	0	0	5	8	2
3. Protection against DESPOGI bullying?	0	0	2	5	6	2
4. No drop-out of DESPOGI?	0	0	0	6	4	5
5. Equal school performance of DESPOGI?	0	0	0	6	2	7
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	0	0	2	13	0
7. Attention in resources about sexual diversity?	0	0	4	2	9	0
8. Resources for DESPOGI students?	0	0	1	4	10	0
9. Support services open to DESPOGI students?	0	0	2	1	10	2
10. Peer-learning opportunities for DESPOGI?	0	0	2	7	4	2
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	0	0	7	8	0
12. Staff competent to teach about sexual diversity?	0	0	2	5	6	2
13. Is staff competent to support DESPOGI?	0	0	2	3	6	4
14. Supportive school environment for DESPOGI?	0	0	2	9	2	2
15. Employment protection for DESPOGI staff?	2	0	0	0	11	2

## General assessment

The Netherlands is a progressive country with an adequate legal system to protect the rights of DESPOGI. The school system is decentralized quite autonomous, limiting the influence of the government on social safety and citizenship skills. The promotion of such government priorities is supervised by the School Inspectorate, but is on the more detailed level subject to negotiations with national school board associations and up to individual schools boards and managers, On the level of school staff, there is often a lack of time or interest to seriously implement diversity policy. The government supports COC Netherlands and the Foundation for School Safety to support LGBTI+ students and stimulate mainstreaming in the education sector.



## Legal context

### Laws

In the Netherlands, sodomy was decriminalized with the adoption of Napoleonic law in 1811. The Equal Treatment Act (1994) forbids discrimination on sexual orientation and gender identity in employment, education, housing, healthcare, cultural affairs and social services. In 2001, civil marriage was opened for same-sex couples and adoption by same-sex couples was allowed. The Netherlands' constituent country, Aruba, does not allow same-sex marriage, but in September 2016 voted to allow civil partnerships. In 2008, homosexual orientation was added to the Penal Code as an aggravating factor. (ILGA, 2017)

In 2012, the national core objectives for the primary and secondary education were adapted to include sexuality and sexual diversity. In 2015, after a number of teen suicides, which resulted because of bullying, including homophobic bullying, an anti-bullying law (Law Safety in School, <https://zoek.officielebekendmakingen.nl/stb-2015-238.html>) was proclaimed. The law makes it mandatory to have prevention plan (to prevent bullying and to promote safety), to have a school safety coordinator (that parents, pupils and teachers can turn to) and monitoring every year (available to the Inspectorate). The law does not have a reference to sexual diversity. Schools can choose their own monitor instruments, so it is not mandatory to measure DESPOGI related bullying, but in the national monitor on social safety in schools (every two years), there is a specific chapter on social safety and bullying incidents of LGBT students and staff (feedback Ministry of Education, Association of Schools in Secondary Education and EduDivers, 2017).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1966)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1978)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1991)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1995)

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

The Dutch population is one of the most tolerant in the world. It appears negative behavior towards sexual diversity is least serious in primary education, more serious in secondary education due to adolescent insecurities (Bucx & Van der Sman, 2014) and less widespread, but more fierce in vocational education (ECBO, 2016). Only 34% of the secondary education students think homosexuality is "a natural sexual orientation" (Dankmeijer & Schouten, 2013). About a quarter of the students find it difficult to see two boys kissing, about 75% has no problem with that ([EduDivers, 2017](#), De Graaf et al, 2017, p. 45).

The Dutch education system is fully financed by the government, but schools are largely autonomous with only general quality standards in place, notably through the Quality Law and the core objectives.



The quality of education is independently monitored by the inspectorate of schools. The government can direct the policy of the Inspectorate in a joint agreement on the annual "Year Work" plan. In this, the government can ask the Inspectorate to report on specific issues (feedback Ministry of Education, 2017). The government has asked the Inspectorate several times to specific report LGBT issues (feedback EduDivers, 2017).

Interested communities can start their own schools, and ask for funding when they have enough students and qualified teachers. The Dutch schools can be roughly divided in public schools (with autonomous boards), Catholic schools, Protestant schools and schools based on specific pedagogic methods (like Montessori, Dalton, Jenaplan and others) (Wikipedia, 2017). There is a small number of Orthodox Catholic, Protestant and Muslim schools which have a tense relationship with legal requirements like equal treatment and the mandatory attention for sexual diversity.

The Program for International Student Assessment (PISA), coordinated by the Organization for Economic Co-operation and Development (OECD), ranks the education in the Netherlands as the 9th best in the world as of 2008 (PISA, 2008). The general focus of the ministry is on high academic achievement and less on inclusive schools. It is generally agreed that schools are responsible for a safe environment. There is some degree of disagreement between school board and NGOs to what extent pro-social behavior and citizenship policy is pro-actively implemented. The VO-raad (Association of Schools in Secondary Education) maintains that the Association feels promoting social safety in school is preventive and positive and that the Association is role modeling this, but NGOs like EduDivers say that this is limited to "soft" management. EduDivers: "the School Inspectorate treats Language and Arithmetic as priority topics to supervise with strict guidelines as to the quality of education, while social safety is supervised as a secondary topic and there are no quality guidelines for how to implement this (comment VO-raad and EduDivers, 2017). The Inspectorate admitted that the national key objective "to teach respect for sexual diversity" cannot be attained with the currently limited attention and lack of coordination by school managers (Onderwijsinspectie, 2016). The government reacted on the report that more stimulation of more systematic attention was needed (Ministry of Education, 2016).

In the period 2007-2017, the government had three main strategies to promote LGBTI issues in schools: (1) changing laws and regulations, asking research organizations and the School Inspectorate to analyze the situation in schools and negotiating with the national associations of school boards for more inclusive school policies, (2) funding COC Netherlands and a cluster of Christian LGBT organizations to work on empowerment and basic awareness, which was mainly through supporting under-age peer groups (Jong & Out), GSA's and peer education, (3) funding a national Education Alliance for Sexual Diversity to mainstream sexual diversity in schools which consisted of trade unions and LGBT organizations. The alliance has tried several strategies to make sexual diversity an integrated part of the work of national educational institutions and associations and of schools themselves. After a 3 year focus on mainstreaming in national educational institutions, the

alliance initiated a campaign to directly approach schools with advisors and to create a network of "ambassadors" who could initiate more coherent actions in schools. Although slow progress was made, there remained a series of issues that made it difficult to get attention for sexual diversity properly implemented on the school level. In 2015, the trade unions got frustrated about the financial regime and risks and pulled out (feedback EduDivers, 2017).

Over 2016-2017, the alliance engaged in interactive research and dialogue with the education field to find out more about possible enhancing factors. This dialogue led to a report (Schouten & Kluit, 2017), a summarizing booklet (Stichting School en Veiligheid, COC Nederland, EduDivers, 2017) and increased dialogue with the national associations of school boards. The national associations of school boards are discussing a national school safety strategy with a large coalition of organizations. LGBTI organizations are not involved in this process. The funding for the third strategy ended on 31 December 2017 and not prolonged (feedback EduDivers, 2017). In a comment on this assessment, a Dutch government representative looks back on the Education Alliance as "a relatively small initiative" which lost much of its significance after the two trade unions withdrew.

## Access to schools

1. **Access to schools:** Primary, secondary and partly vocational education are mandatory and the Equality Law forbids discrimination in education.

In addition, it is mandatory for schools to accept students or to make sure there are accepted in another school in the near environment (Wet Passend Onderwijs). This law has recently been adopted and is mostly considered to be relevant (only) for disabled children, which is more limited than the UNESCO definition of inclusive education (UNESCO, 2008).

There are no indications that LGBTI students are not accepted in schools. Occasionally, students are refused for an internship because they are LGBT. However, the Dutch Human Rights Council can and does offer legal verdicts in such cases.

One still remaining tension is the guidance of a reformed cluster of schools. In the past ten years, this school association developed several guidance documents about how to deal with homosexual students. Each guidance was adapted to reflect the Equal Treatment Law and current social expectations, but still maintain biblical guidelines. The most recent guidance orders principals to engage in a conversation with parents and the student about whether this school is still the right choice in case a student announces his/her intention to engage in a relationship (VGS, 2014). The apparent intention of the guidance is to convince the student to stop the relationship, or to convince the parents to relocate the students to the school. The guidance states that having a homosexual relationship is against the school's biblical principles, but does not mention that the Equal Treatment Law protects against discrimination based on sexual orientation. It would be illegal to forcibly remove a student because of a homosexual relationship.

2. **Freedom of self expression:** The most recent research on sexuality among Dutch young people under 25 years of age was published in December 2017. One in twelve of Dutch boys and one in eight

Dutch girls do not feel only attracted to the other sex. 3% of the boys label themselves gay, 1% of the girls calls themselves lesbian, while 2% of the boys call and 3% of the girl label themselves bisexual. For 40% the Dutch LGB young there is an overlap between sexual attraction, sexual behavior and self-labeling as LGB (De Graaf et al, 2017, p. 35-39). In a previous research youth indicated that newer terms like queer or pansexual are not used very much (Kuyper, 2015). In total, 6% of all youth is only, mostly of equally attracted to the same sex (De Graaf et al, 2017, p. 35-39). 89-94% is open about their sexual attraction to at least one person. This is more difficult for boys and religious youth (De Graaf et al, 2017, p. 39-40). Researchers found little difference between statistics about sexual attraction between 2012 and 2017, except that it looks like girls find it more difficult in 2017 to tell others they are fee same-sex attracted (ibid, p. 55).

1.7% of the boys and 2.9% of the girls feel not entirely boy or girl compared to their to their biological sex (it was not asked whether they were transgender or experienced gender dysphoria) (ibid, p. 50)

3. **Protection against bullying:** Several researches have shown the extent of bullying in Dutch schools. In secondary education, LBG the students are bullied four times as much as heterosexual students (16% against 4%) (Kuyper, 2015). In 2017, 25% of the LGB boys and 11% of the LGB girls indicated they were bullied (De Graaf et al, 2017, p. 41). Two in five gay boys has been called names in the past year, one in six was threatened and one in nine was kicked and hit because they were gay (ibid, p. 57).

Bullying seems to be related to gender, mostly expressed through the derogative name-calling (homo, mietje [=little sodomite, effeminate]). Many students don't experience this as discriminatory and sometimes teachers and principals agree with this heterosexist perspective. The law Safety in School covers all students, but does not make specific references to sexual diversity. It is unclear to what extent schools include bullying based on sexual diversity in their mandatory safety plans and to which extent these policies are effective.

4. **Policy against DESPOGI drop-out:** LGB students have 2 times (21%) as much truancy as heterosexual classmates (9%) in the past four weeks (Kuyper, 2015). There are no specific policies in this area.

5. **Equal academic performance:** We found no information on this topic related to DESPOGI students.

### **An appropriate curriculum**

6. **Availability of public information:** There is no impediment on sharing information publicly in the Netherlands and the Internet is full of resources and opinions. There are regular programs on TV about LGBTI issues and coming-out. Information websites are supported by the government.

7. **Relevant and supportive attention in school resources:** In 2012 the core educational objectives of primary or secondary education were updated to include mandatory attention for sexuality and sexual diversity. Objective 38 primary education: The students learn key issues about the religious and

philosophical ideologies that play an important role in Dutch multicultural society, and they learn to deal with sexuality and diversity within society, including sexual diversity. Objective 43 secondary education: The student learns about similarities, differences and changes in culture and philosophy of life in the Netherlands, learning how to associate one's and others' lifestyle with it, learning to understand the meaning of society for respect for each other's views and ways of life, and learns to deal with sexuality and diversity within society, including sexual diversity. (Van Bijsterveldt Vliegthart, 2012).

However, the implementation of this mandatory attention remained limited in the following years. In 2014, it became clear that the commercial educational publishers still spends little attention to sexual diversity in their textbooks (Bron et al, 2014). The School Inspectorate concluded that the number of schools doing something had dramatically increased to about 80-90%, but they called the attention "shredded" and without coordination by the school management. They recommended more coherent school policies to realize the core objective "respect for sexual diversity" (Onderwijsinspectie, (2016). The grassroots organization COC and the gay and lesbian youth magazine *Expreszo* opened a complaint website and reported after one year that LGBT youth hardly noticed any attention to sexual diversity in lessons, and sometimes even negative and prejudiced attention (COC Youth Council & *Expreszo*, 2016).

If teachers offer education about sexual diversity they usually rely on self-made material (Redde et al, 2009)

The Dutch government supports several projects to stimulate education as was mentioned earlier. In addition, there is a project that developed a strategy to integrate sexual diversity in vocational training courses through theater, teacher training, coaching for development of a spiral curriculum and the creation of student gay/straight alliances. Vocational schools have to volunteer to take part in the project and then receive for about €10,000 in free support (Elfering et al 2016). About 20 vocational training courses will have been supported this way by June 2018. Even when the support is free, it remains a challenge to engage vocational schools. Reasons for not engaging are lack of time or budget, other priorities. Heteronormativity often plays a role but the project partners do not perceive explicit LGBTI phobia on the conscious level among staff and manager of vocational schools feedback. Explicit homophobia among some groups of students may elicit a priority to engage in diversity policy (feedback EduDivers, 2017).

8. Resources for LGBT students: There are several online support sources for LGBT students. Some specifically target Christian or Muslim youth or youth that is insecure about their sexual orientation. In 2014, MOVISIE and partners developed the website "Everybody is Different" and with information, experiences, guidelines and references to support for (closeted and out) LGBT youth, but also for teachers and parents. There are a few resources on this for counselors, there are not yet systematic attempts to mainstream awareness and competences in this area. Another website, "Not Alone being Different", offers an overview of all activities by and for LGBTI young people.

9. Support services open to LGBT like counseling: LGBT students report double as much emotional problems as heterosexual teenagers (44% against 18%) (Kuiper, 2015). The psychological support system is in principle open to questions of DESPOGI. The national organization Transvisie is supported by the government to support trans people including youth and parents. The Transvisie division "Gender Child and Parents" also offers peer education to schools.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Recent research proved again that few LGB opportunities to talk with friends about sex and a lower level of psychological health, have higher levels of internalized homophobia (De Graaf et al, 2017, p. 57).

COC Netherlands organizes informal online and real life meeting Jong & Out groups, and supports the founding of gay straight/alliances in schools. These interventions are financially structurally supported by the government. One of the most popular activities of gay/straight alliances is celebrating Purple Friday in December. By wearing a purple shirt or wristband, students and teachers can express their solidarity against homophobia and support for sexual diversity. Although there are no data to be exact, the impression is that many schools have adopted celebrating Purple Friday even when they don't have a gay/straight alliance (feedback EduDivers, 2107). In 2017, COC Netherlands distributed 900 "Purple Friday" support packages to secondary and vocational schools (COC, 2017).

### **Good teachers**

11. Supportive staff: LGBT students feel less supported by teachers than heterosexual students: 76% accept them the way they are, against 89% of the heterosexual students; 46% of the LGBT students feel that teachers care about them, against 59% of the heterosexual students; 50% trusts their teachers against 68% of the heterosexual students (Kuyper, 2015).

12. Staff competent to teach: Research on the competence of teachers shows that a combination of lack of awareness, personal resistance, lack of support in the environment, and a general lack of competence to discuss "controversial" issues are reasons for teachers not to teach about sexual diversity, or alternatively only show a film or invite peer educators (Redde et al, 2009). An exploration among teacher training institutions showed that such institutions hardly give any attention to sexuality or sexual diversity, and that it is difficult to influence these autonomous institutions to do so (Stichting School en Veiligheid, 2014).

Teacher training institutions are autonomous and the government has no influence on their curricula. The School Inspectorate only checks the general quality of management, but not the content of offered training. The more detailed guidelines for teacher quality are made explicit in the so-called "Knowledge Basis" documents, which are developed by teacher training institutions themselves. Sexuality and sexual diversity get very limited attention in the "Generic Knowledge Basis" which encompasses horizontal skills. In 2016, the foundation for School Safety developed a database for social safety competences in teacher training, but it does not contain references to sexuality of sexual diversity.

13. **Staff competent to support:** A research in 2014 found that "ambassadors for sexual diversity" supported by the Education Alliance for Sexual Diversity are very willing to support LGBTI students and to promote a safe and supportive school climate. In addition, they did not experience any structural factors against supporting LGBT students or advocating for a LGBTI safe school environment, but they still did not do this. These "ambassadors" were mostly teachers from schools who wanted to be supported in raising the issue of sexual diversity in their school. The Alliance initiated the research to find out how to better support them. The researcher concluded that the ambassadors may not have enough insight in the situation and the possible interventions and that they are not stimulated enough in concrete ways to take action (Enzerink, 2014).

In 1994, Anne Kersten found that mentors and school counselors were often not aware of the challenges DESPOGI youth is facing or how to respond. Expertise centre EduDivers notes that the question how to support LGBTI teenagers in schools is still the most asked question by teachers and mentors (feedback EduDivers, 2017).

14. **Supportive school environment:** 31% of the LGBT students does not like the school so much against 16% of heterosexual students (Kuyper, 2015). The school environment in the schools can substantially different quality, but generally speaking it is not very supportive for DESPOGI students. 32% of secondary school students does not want to sit next to a homosexual classmate during lunch break, 67% is keeping a distance to homosexual classmate or feels insecure about being near to them (Dankmeijer & Schouten, 2013)

15. **Employment protection for staff:** The Equal Treatment Law protects gay, lesbian, bisexual and transsexual teachers against discrimination. The Dutch Human Rights Council will actively convict schools when they discriminate.

## Recommendations

1. Make attention for DESPOGI issues a priority for each department in the Ministry of Education
2. Stimulate and support educational publishers to develop DESPOGI inclusive curricula for each education sector
3. Stimulate more strongly that attention to pro-social policies and DESPOGI is integrated in teacher training institutes by integrating it more clearly into the "Generic Knowledge Basis" and in the database <http://www.tosv.nl/>, and initiate projects to develop good practices in teacher training institutions
4. Devote a chapter in the new National Register for Teachers (lerarenregister) to social safety and make sure DESPOGI are part of this chapter, monitor to what extent educational staff is trained to be DESPOGI inclusive and take measures if this does not increase sufficiently
5. Do research on effect of interventions and systematically improve impact
6. Monitor the progress of the government strategy
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Norway

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives. Six local expert respondents scored Norway in 2014 as 18% no policy, 82% encouraged/supportive, with average 1.3 items scored as unknown. We adapted the score slightly to 14% no policy and 86% encouraged/supportive. We score Norway as supportive. On the total scale, the score comes down to 84%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	0	0	6	0
2. Freedom of self expression for DESPOGI?	0	0	0	1	5	0
3. Protection against DESPOGI bullying?	0	0	0	2	4	0
4. No drop-out of DESPOGI?	0	0	6	0	0	0
5. Equal school performance of DESPOGI?	0	0	1	2	2	1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	0	0	0	6	0
7. Attention in resources about sexual diversity?	0	0	0	6	0	0
8. Resources for DESPOGI students?	0	0	1	4	0	1
9. Support services open to DESPOGI students?	0	0	0	2	4	0
10. Peer-learning opportunities for DESPOGI?	0	0	1	1	0	4
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	0	0	2	4	0
12. Staff competent to teach about sexual diversity?	0	0	2	2	0	2
13. Is staff competent to support DESPOGI?	0	0	4	2	0	0
14. Supportive school environment for DESPOGI?	0	0	0	6	0	0
15. Employment protection for DESPOGI staff?	0	0	0	0	6	0

Numbers show the number of respondents scoring an item.

## General assessment

Norway has a quite detailed central curriculum but the implementation is decentralized and with different textbooks. The government controls the quality of education but it is not clear if (the few) private (religious) schools are checked on sexual education and their sexual diversity policies.

The attitudes towards DESPOGI are very tolerant, but there are indications this is within a heteronormative context.

Specific research on sexual diversity in education is scarce.



## Legal context

### Laws

“Indecent intercourse” between men was decriminalized in Norway’s Penal Code of 1972. In 1982 Penal Code specified that a discriminatory or hateful expression means threatening or insulting anyone, or inciting hatred or persecution of or contempt for anyone because of his or her (inter alia) homosexuality, lifestyle or orientation. The 1994 revision of the Penal Code states that a six month sentence may be given for discrimination in goods and services” because of his homosexual inclination, lifestyle or orientation”. The Working Environment Act of 2005 consolidated various labor laws and protected SOGI from direct and indirect discrimination. In 2009 marriage was opened for same-sex couples and joined adoption was made possible. The 2013 Act prohibiting discrimination based on sexual orientation, gender identity and gender expression specifically focuses on employment and education (section 14). Article 117(a) Penal Code specifies hatred and violence motivated by sexual orientation (ILGA, 2017).

In 2016, a law was adopted to allow legal gender change without any form of psychiatric or psychological evaluation, diagnosis or any kind of medical intervention, by people aged at least 16. Minors aged between 6 and 16 also could have that possibility with parental consent ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Norway](https://en.wikipedia.org/wiki/LGBT_rights_in_Norway)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1963)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1972)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1981)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Elementary and lower secondary school are mandatory for all children aged 6–16. Most schools are public ([https://en.wikipedia.org/wiki/Education\\_in\\_Norway](https://en.wikipedia.org/wiki/Education_in_Norway)); less than 100 of the more than 32 schools are private. Both public and private schools are government funded (public 100%, private/Lutheran 85%) (<http://folk.uio.no/cbeck/EDUCATION%20OTHERWISE%20IN%20NORWAY.htm>).

In Norway the responsibility for education is delegated to school owners in parallel with national guidelines in the form of laws, curricula and regulations. The emphasis given to schools can vary depending on local priorities and organization (Norwegian Directorate for Education and Training, 2007).



The Norwegian school system is dominated by the Norwegian concept: "enhetsskole tanken" or the idea of comprehensive school for all. A school ideology built on equal rights for education, education as an important institution for national cultural integration and education as a tool in a welfare-state program for more equality between social groups. In 1997 Norway got a new national curriculum plan for the primary school and lower secondary school It contains 343 pages (Læreplanen, 1997). The plan is ideological based on nationalism, child-orientation and community-orientation, with much effort to project methods and integrative strategies for teaching. But the plan also stress subject-knowledge and detail demands and information for: "what should be learned". (Lauglo, 1998; quoted in <http://folk.uio.no/cbeck/EDUCATION%20OTHERWISE%20IN%20NORWAY.htm>).

Norway is generally LGBT-friendly. Five different polls conducted by Gallup Europe, Sentio, Synovate MMI, Norstat and YouGov in 2003, 2005, 2007, 2008, 2012 and 2013 concluded that 61%, 63%, 66%, 58%, 70% and 78%, respectively, of the Norwegian population support gender-neutral marriage laws. In May 2015, PlanetRomeo, a LGBT social network, published its first Gay Happiness Index (GHI). Gay men from over 120 countries were asked about how they feel about society's view on homosexuality, how do they experience the way they are treated by other people and how satisfied are they with their lives. Norway was ranked second, just above Denmark and below Iceland, with a GHI score of 77. On 1 September 2016, King Harald V of Norway delivered an impassioned speech in favor of LGBT rights and refugees, which got a lot of likes on social media ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Norway](https://en.wikipedia.org/wiki/LGBT_rights_in_Norway)).

Even though the public debate about LGBT issues is generally positive and pro-LGBT, negative opinions are expressed about LGBT without further implications to the person expressing the negative views, as these views are claimed to be based on religion. An example of this is the so-called 'Moral-police' 'patrolling' in a part of Oslo. The 'Moral Police' consists of various religious believers - but particularly Muslims, who, on some occasions, have harassed LGBT persons on the street.<sup>9</sup> The perception of the Norwegian LGBT organization is that especially Christian groups, but also some Muslim groups, are very involved in the debate on LGBT issues and most often with a rather negative approach.

Another issue on LGBT and religion is that a qualitative study<sup>10</sup> of the minority group of Sami Christians in Norway has shown that young LGBT Sami people face large difficulties in 'coming out' in their own society/small cities, as the Sami society is, to a large extent, conservative Christian<sup>12</sup>. 'Coming out' leads to many problems of discrimination and negative reactions (COWI, 2010 Norway-sociological study, p. 7).

Intersex children receive gender reassignment surgery at the age of as little as six to nine months based on studies of which kind of toys the child wants to play with and the biological factors. The doctors argue that there are chromosomal and hormone levels that can decide the final sex of the child even if the child is no older than six months. The argument behind the early gender reassignment

surgery is that it is otherwise too hard for the parents and the child to live and grow up without belonging to a certain gender (COWI, 2010 Norway sociological study, p. 18).

Sexual orientation and gender identity are part of the curriculum in public schools, but little is done to ensure that teachers have the necessary knowledge for teaching about these subjects, or to ensure that these subjects are actually taught. The system for enforcement of such issues does not function very well (COWI, 2010 Norway-legal study, p. 4).

As part of ambitions to "safeguard social diversity and to strengthen efforts to combat discrimination" the Norwegian government has issued an LGBT action plan (2009-2012) to promote the mainstreaming of LGBT perspectives in various policy areas including education (Norwegian Ministry of Children and Equality, 2008).

### **Access to schools**

1. **Access to schools:** The right to education is secured for everybody from the age of 6 to 19 in the Education Act of 1998. The Human Rights Act also ensures this right (COWI, 2010 Norway-legal study, p. 11).

2. **Freedom of self expression:** We did not find statistics about coming-out at school, but several indications this is not so easy despite the supposedly supportive policies. Åse Røthing and Stine Helena Bang Svendsen think coming-out in Norwegian schools is still difficult because of double messages of homo-tolerance, the self-evidence of heterosexuality and the absence of non-heterosexual images of the future (Røthing & Bang Svendsen, 2010). In contrast, a GALE respondent who is an activist in an LGBT youth organization and who offers peer education sessions to schools, attributed this to bullying (2016, GALE Checklist respondent).

3. **Protection against bullying:** A GALE respondent says there are clear policies to protect all students from bullying by law. "However, teachers and schools often lack the tools needed to handle bullying and harassment" (2016, GALE Checklist respondent).

It is unclear to what extent private schools are under the obligation to take action against discrimination or harassment of pupils (COWI, 2010 Norway-legal study, p. 11). An awareness-raising campaign about discrimination and the rights carried out by the Equality and Anti-Discrimination Ombudsman in 2007 inquired into the use of derogatory language at schools. The answers showed that "whore" and "homo" were the most commonly used words (Grønningsæter & Nuland, 2008). Moreover, a study in Stavanger published in 2009 on harassment in schools showed that a large number of LG people in schools have been subjects of harassment (link to interview about the report was irretrievable) (sources mentioned in COWI, 2010 Norway-sociological study, p. 14).

4. **Policy against DESPOGI drop-out:** We found no information on this topic.

5. Equal academic performance: There is no comparison between straight and LGBT students' school results (Sears, 2005)

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech or expression has a very strong position in Norwegian society, and it is not very difficult for NGOs working for LGBT rights to be heard in media. But this will of course depend on each person or NGOs skills in how to deal with the media. Transgender persons are still fairly invisible (2010), although this seems to be changing lately. During spring 2010 a documentary series about a group of transgender women, mainly transsexual persons, was sent on the main national TV channel, with astonishing popularity. Through this and other media events, transgender issues has become part of the public debate, with several transgender persons as active participants (COWI, 2010 Norway-legal study, p. 8).

7. Relevant and supportive attention in school resources: Learning about sexual orientation and gender identity for instance is part of the curriculum. However, it differs greatly from textbook to textbook and teacher to teacher the quality and quantity of the resources provided. This varies greatly from school to school. A few schools arrange "queer week", some schools have gay/straight alliances, some schools invite LLH Youth for peer education sessions. Many schools only briefly touch upon these issues, if at all (Sears, 2005). The assessment of Sears is dated, but in 2016 a GALE respondent used very much the same wordings.

A research in 2007 showed that the education in practice often depicts homosexuals as "the others" entailing that homosexuality is represented as 'problematic and different', whereas heterosexuality is depicted as 'normal and natural' - regardless of the good intentions of the teachers (Røthing, 2007a and 2007b). The sexual education curriculum was updated in 2011, we found no sources about more recent updates. Sexual orientation and gender identity are part of this curriculum for public schools (*Utdanningsdirektoratet*, 2011). In 2017, a public series of very open and explicit TV programs about puberty created some international surprise. The video's are mostly about biological aspects of the body. The last episode (<http://videoblog.com/en/sex-education-for-children-norways-tv-8/>) is about how you can feel during puberty; it is shortly mentions that there are female-male couples, male-male and female-female couples and that you can love both males and females (and that you have to find out what you want yourself), but the imaginary in the video's remains heterosexual. Åse Røthing and Stine Helena Bang Svendsen claim education resources give double messages of homo tolerance, depict self-evidence of heterosexuality and do not offer non-heterosexual images of the future (Røthing & Bang Svendsen, 2010).

Little is done to ensure that the more sensitive subjects are actually taught. It is unclear to what extent private schools are under the obligation to teach about these subjects, and there is no functioning system of sanctions against public or private schools that do not (COWI, 2010 Norway-legal study, p. 11). Private schools have no clear rules on teaching sexual orientation or anti-discrimination. Religion is often prevalent in these schools and the Norwegian LGBT organization see cases on this issue - primarily on remarks uttered by teachers in these schools that, for example, "LGBT people go to hell"

or offers of "direction through guidance". The Norwegian LGBT organization LLH tries to dialogue with these schools (COWI, 2010 Norway sociological study, p. 13-14). In Trondheim (second biggest city), the city council and the Norwegian LGBT organization LLH works together on an sex education-project in all the Trondheim schools (2013, GALE Checklist respondent).

8. Resources for LGBT students: A GALE respondent says: not in schools, but through organizations (2013, GALE Checklist respondent).

9. Support services open to LGBT like counseling: A report from 2007 shows that young people who are attracted to persons of the same sex often experience loneliness, have small social networks, and are over-represented among the youth who use illegal drugs. Another report from 2007 shows that the relatively high level of bullying, harassment and violence to which LGB youth are exposed is "associated with high levels of health risk behaviors and contact with the child welfare system. LGB teenagers who have been exposed to severe physical maltreatment reported higher levels of sexual-risk behaviors, substance abuse, suicide ideation, and loitering about in the city". Even though discrimination within health care is not much reported in existing studies there are indications of invisibility of LGB patients and a lack of competences among health service staff regarding issues of particular relevance to LGB persons (COWI, 2010 Norway sociological study, p. 15-16).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: A few schools have gay/straight alliances (Sears, 2005). A GALE respondent says: "It is self organized, and mostly supported by the school, I think, if someone is open. I was open when I worked as a teacher and started a group with a fellow gay teacher for gay students. This was supported by the schools leaders. I have heard about a principal/head teacher who arranged a one day gay pride in her school. She got a lot of negative reactions from the parents, though. I have also heard about schools cancelling a theatre performance because of gay content (in Oslo), but when this was reported to the city's head school politician at a meeting about LGBTI Oslo schools, he said he would have a talk with the school (2013, GALE Checklist respondent).

### **Good teachers**

Staff is bound by the law to provide a safe learning environment for *all* students. Teachers are supposed to provide unbiased information about norms, gender identity, sexual orientation and diverse families. However, many students report not experiencing staff as supportive.

This is not a mandatory theme in the curriculum for teacher students. When LLHs school program Pink Competency visits schools to educate the staff, almost every teacher report to never have received education about gender identity and sexual orientation.

There is a law protecting against discrimination based on gender identity, gender expression or sexual orientation (Sears, 2005).

11. Supportive staff: We found no specific information on this, but in line with other impressions it seems staff in general will be supportive, though maybe somewhat ambiguously "homo-tolerant but heteronormative". However, one GALE respondent said: "They are bound by the curriculum to be supportive. However, some students report that their teacher or principal carried prejudice" (2016, GALE Checklist respondent).

*12. Staff competent to teach: Little is done to ensure that teachers have the necessary knowledge for teaching about these subjects (COWI, 2010 Norway-legal study, p. 11). As a consequence of the little knowledge among teachers on how to address LGBT issues, a study was made by the Ministry of Education on the school curriculum in the schools with regards to gender identity and sexual orientation, ethics etc. in 4th, 7th and 10th grades, which resulted in guidelines (Røthing & Bang Svendsen, 2009) designed to help the teachers in teaching sexual orientation and gender identity. The study also showed the reluctance among teachers to teach the topics of sexual educations - they would rather leave it to the school nurse (COWI, 2010 Norway- sociological study, p. 13).*

A GALE activist respondent mentions that "Pink Competency" (training for teachers by the LGBT organization LLH) is supported financially by the state (2013, GALE Checklist respondent). "This is not a mandatory theme in the curriculum for teacher students. When Pink Competency visits schools, almost every teacher report to never have received education about lhbt issues" (2016, GALE Checklist respondent).

13. Staff competent to support: Schools have a school nurse that all students can talk to if needed. However, many school nurses have very limited hours available at the different schools (Sears, 2005). A GALE respondent says school nurses are open to all and are competent to support. "I think and hope many public school nurses tell LGBT students about LGBT organizations, that is IF the students tell them. I think Norwegian teachers are mostly good supporters all though they may not know to much about LGBT (2013, GALE Checklist respondent).

14. Supportive school environment: A GALE respondent states: " schools lack the tools needed to provide inclusive learning environments for DESPOGI students" (2016, GALE Checklist respondent).

15. Employment protection for staff: Discrimination on the basis of sexual orientation is forbidden in the workplace. The relevant rules in the Working Environment Act are meant to be an implementation of EU law. No research has been done on LGBT issues in work since 2005 (COWI, 2010 Norway-legal study, p. 11-12) and we did not find case studies or legal complaints about LGBTI education staff. The Ombudsman for Equality and Anti-Discrimination has made a handbook with guidance and checklists for the employers to use on LGBT issues when drawing up employment policies (COWI, 2010 Norway-sociological study, p. 3). A GALE respondent notes there is more protection when it comes to sexual orientation than when it comes to gender identity (2016, GALE Checklist respondent).

## Recommendations

1. Create a National Strategic Committee on Sexual Diversity in Education
2. Check curricula for ambiguous "homo-tolerance" and heteronormativity and if necessary, enhance
3. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
4. Do research on effect of interventions and systematically improve impact
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Poland

The reliability of this assessment is scored as 1 star for reliability and 1 star for multiple perspectives. The assessment is based on scores from 5 expert/activist respondents in 2014. They scored Poland at average as 39% denying/discouraged, 48% ambiguous and 13% encouraging/supportive, with no item scored as unknown. After review and discounting legal measures that are not implemented, we had to rescore Poland as 53% discouraged and 47% ambiguous. We assess Poland to be denying, with a total score of 37%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	3	0	2	0
2. Freedom of self expression for DESPOGI?	1	2	2	0	0	0
3. Protection against DESPOGI bullying?	0	1	3	1	0	0
4. No drop-out of DESPOGI?	0	1	4	0	0	0
5. Equal school performance of DESPOGI?	0	0	4	1	0	0
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	4	0	0	1	0
7. Attention in resources about sexual diversity?	2	2	1	0	0	0
8. Resources for DESPOGI students?	2	1	2	0	0	0
9. Support services open to DESPOGI students?	0	1	4	0	0	0
10. Peer-learning opportunities for DESPOGI?	0	3	2	0	0	0
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	2	3	0	0	0
12. Staff competent to teach about sexual diversity?	3	0	2	0	0	0
13. Is staff competent to support DESPOGI?	1	2	2	0	0	0
14. Supportive school environment for DESPOGI?	0	1	3	0	1	0
15. Employment protection for DESPOGI staff?	0	0	1	0	4	0

Numbers show the number of respondents scoring an item.

## General assessment

The attitude of the Polish population and especially the government is very negative. Polish politicians do not hesitate to support and promote hatred towards DESPOGI and have attempted several times to adopt a censorship law - but failed until now.

There are a few small scale studies (from 10 years ago) about the situation of LGBT students. These show that they don't come out and suffer from bullying. Now and again, small scale projects, trainings and meetings on LGBT education take place, sometimes even initiated by the government, but mostly by NGOs. The government in general takes a negative view and actively forbids neutral or positive attention to sexual diversity in schools.

## Legal context

## Laws

The 1932 Penal Code contains no criminalizing provisions regarding consensual same-sex sexual relations amongst adults. The Labor Code of 1999 prohibits direct or indirect discrimination on the basis of sexual orientation, puts a responsibility on employers to act against such discrimination. The 2010 Act on equal treatment enumerates employment and education. The age of consent is equal at 15. (ILGA, 2017). The Sejm (parliament) voted several times (2013, 2014, 2015) against same-sex partnership proposals. The High Court issued an opinion stating that the bills proposed by the Alliance of the Democratic Left, Palikot's Movement and Civic Platform were all unconstitutional, as Article 18 of the Constitution protects marriage ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Poland](https://en.wikipedia.org/wiki/LGBT_rights_in_Poland)).

## Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1964)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1977)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1980)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

## International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

Treatment Bodies have urged Poland to adopt hate crimes legislation mentioning homophobic motivation of violence as an aggravating circumstance (ILGA, 2017, p. 19).

## More information

Compulsory education in Poland starts at the age of six from the mandatory "0" class kindergarten (Polish *przedszkole*, literally pre-school). At the age of seven kids start the 1st grade of primary school (Polish *szkoła podstawowa*) lasting for 6 years and finished with an exam. Afterwards pupils join the mandatory junior high school for three years (lower secondary education) and at the end, take another compulsory exam. Polish education has a high standard. The system of education in Poland allows for 22 years of continuous, uninterrupted schooling.

In 2006, in response to the suicide of a girl after she was sexually molested in school, the Polish Minister of Education, Roman Giertych, launched a "zero tolerance" school reform. Under this plan, teachers would have the legal status of civil servants, making violent crimes against them punishable by higher penalties. Head teachers (equivalent to principals in the US) will be, in theory, able to send aggressive pupils to perform community service and these students' parents may also be fined.



Teachers who fail to report violent acts in school could face a prison sentence ([https://en.wikipedia.org/wiki/Education\\_in\\_Poland](https://en.wikipedia.org/wiki/Education_in_Poland)).

The law prohibits discrimination based on race, gender, disability, language or social status, but incidents still occur and some groups are subject to violence and social discrimination. The Criminal Code lacks a clear legal definition of torture, which is not considered to be a criminal offence on its own. In June 2010, a revised Criminal Code came into force allowing the forced chemical castration of convicted paedophiles. According to the law, the courts can decide whether the offender must undergo this treatment six months before being released on parole. In the case of the rape of a person under 15 years of age or of incest, chemical castration will be mandatory. There are no reports of the application of this punishment by judges during the year.

Organizations representing LGBT persons report that discrimination is common in schools, at the workplace and in hospitals and clinics. In 2010 there were some reports of violence by "skinheads" and social discrimination against LGBT persons. LGBT Prides are regularly interrupted and attacked. There are several LGBT organizations operating in the country, with the focus on the prevention of discrimination against LGBT persons and the promotion of respect and tolerance.

Sex education has disappeared from schools and been replaced by religious classes. The debate on sexuality and maternity is being led by the Catholic Church, calling into question sexual and reproductive rights. The country has received various observations from international bodies on this. The Committee on the Elimination of Discrimination against Women urged Poland to introduce measures to widen access for women to health care and called for research on the extent, causes and consequences of illegal abortions and their impact on women's health. On 4 June, the UN Special Rapporteur on health matters, Anand Grover, presented a report to the Human Rights Council on his visit to the country in 2009 to assess the situation as regards sexual rights and reproductive health. In his conclusions he mentioned serious obstacles to access to reproductive health services such as contraception and prenatal tests. Grover issued a call for impartial sex education and better financing for contraceptives ([https://www.ei-ie.org/barometer/en/home/profile\\_details/160](https://www.ei-ie.org/barometer/en/home/profile_details/160)).

In 2007, the government prepared an amendment to the *Ustawa o systemie oswiaty* [Law on the Education System] to include that any school or educational unit would be obliged to protect pupils from content threatening to their proper psychological and moral development, in particular content 'promoting brutality, violence, hatred and discrimination; pornography; promoting conduct contrary to moral standards; and incompatibility with the principle of the protection of marriage and family, including the promotion of homosexuality'. In its justification the draft explained that it "does not aim to discriminate against homosexuals and does not prohibit describing this phenomenon in school (i.e. in biology classes)". The atmosphere in which the draft law was presented was full of rhetoric hostile to homosexual people (in particular in the public speeches of Minister of National Education Roman Giertych and the Secretary of State at this Ministry, Mirosław Orzechowski<sup>145</sup>). Finally, the

amendments to the Law on the Education System were never passed due to the collapse of the former government. (COWI, Poland legal study, 2010, p. 67-68).

In September 2015, Amnesty International concluded that "the LGBTI community in Poland faces widespread and ingrained discrimination across the country" and that "Poland's legal system falls dangerously short when it comes to protecting lesbian, gay, bisexual, transgender and intersex (LGBTI) people and other minority groups from hate crimes"

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Poland](https://en.wikipedia.org/wiki/LGBT_rights_in_Poland)).

## Access to schools

1. Access to schools: In principle, all students have access because education is compulsory. We found no cases of refusal to go to school or to get internships, but most students do not come out.

2. Freedom of self expression: Research by Campaign Against Homophobia and Lambda Warsaw (2006) revealed that almost 80% of LGBT students (partially) hide their sexual orientation at school / university (M. Abramowicz 2007, cited in COWI, 2009, Poland sociological study, p. 9).

The Minister of National Education declared the school year 2015/16 as the Year of the Open School. The Open school is understood as open to culture, art, sport and local community

(<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>). Whether this campaign has had a supportive effect on the openness of DESPOGI students is unknown, but doubtful.

3. Protection against bullying: In older research by Campaign Against Homophobia in 2005-2006, almost 42% had experienced physical violence three or more times. LGBT youth report more frequent assaults than average, particularly from family members (COWI, 2009, Poland sociological research, p. 5). Research by Campaign Against Homophobia and Lambda Warsaw (2006) shows that of those respondents that had experienced physical violence, around 25% had experienced this at school. In about 30% of the cases the perpetrators were reported to be classmates. According to other research 11% of LGB male pupils/students have experienced physical abuse at school or college. Regarding verbal and psychological abuse the figures are 23% for men and 19% for women (Krzeminski, 2008). The EU LGBT Survey says that 21% of the respondents feel discriminated by education personnel and 93% think that measures in school would make them more comfortable. For trans people this last number is 83%. (FRA, 2014).

"The governmental program for the years 2008-2013 (adopted by the Council of Ministers by Resolution No 172/2008 of 19 August 2008) "Safe and Friendly School" was aimed at building a school is supportive of pupils and at the same time demanding. It retains the measures of the "Zero Tolerance to Violence in Schools" program, which have yielded positive results and are appreciated by schools and teachers. Those measures will be continued. The aim of the program "Safe and Friendly School" is to create an air of co-operation, mutual respect and dialogue."

(<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>). However, also here, we found no information on this topic related to DESPOGI students.

4. **Policy against DESPOGI drop-out:** A GALE respondent notes that in the Polish educational system "there is no such thing as drop-out". The Constitution states that education is obligatory up to 18, and a student has to be accepted to the school in the closest location. They formally cannot drop out before turning 18 (GALE respondent, 2014). However, a chapter in a book of Piotr Mikiewicz analyzes drop-out in Polish schools, which was 5.5% in 2008. Mikiewicz shows that reforms in Polish education do lead to both drop-out and non-effective learning and this can be linked to social inequalities (Mikiewicz, 2010; [https://link.springer.com/chapter/10.1007%2F978-90-481-9763-7\\_9](https://link.springer.com/chapter/10.1007%2F978-90-481-9763-7_9)). The article does not mention DESPOGI.

A study "Transgender youth in Polish schools" was released in December 2016. The NGO Foundation Trans-Fuzja conducted interviews with directors of schools across Poland and the study revealed that while there are general systematic problems for trans students, that there are also good practice examples of schools that are supportive and understanding (<https://www.ilga-europe.org/sites/default/files/2017/poland.pdf>).

5. **Equal academic performance:** In 2016, NGO Foundation Trans-Fuzja wrote to the Ministry of Science and Higher Learning to express concern at proposed changes to the Regulation on the documentation of the course of study. Under the proposal, after going through the legal gender recognition process, trans students would have to give diplomas and materials back to their education institution in order for them to be reissued in their name. At the end of 2016, Trans-Fuzja has received no response from the ministry (<https://www.ilga-europe.org/sites/default/files/2017/poland.pdf>).

### **An appropriate curriculum**

6. **Availability of public information:** Poland is an open and free country with no borders for the internet and press. Access to television services by satellite and cable is easy. The law prohibits the media to promote activities "contrary to government policy, morality or the common good" and demands that broadcasting bodies "respect the religious sentiments of the audience and particularly the Christian system of values." ([https://www.ei-ie.org/barometer/en/home/profile\\_details/160](https://www.ei-ie.org/barometer/en/home/profile_details/160)). However, the social pressure to limit public information about sexual diversity is strong. In a 2014 survey conducted by CBOS for Dr. Natalia Zimniewicz, 30% of Poles wanted a ban on public promotion of gay content, and 17.3% would not support that ban, but would want another form of limiting the freedom of promotion of such information. 52.5% thought that the current scale of promotion of gay content is excessive, 27.9% thought that pictures of gay parades or practices disgust them, 22.3% think that the media blur the true image of homosexuality and 29.3% thought that gay content is not a private matter of the homosexual community, but affect children and other citizens ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Poland](https://en.wikipedia.org/wiki/LGBT_rights_in_Poland)). There are some influential catholic media outlets (TV and radio stations, as well as newspapers) that are openly homophobic, and present homosexuality as an illness and a sin. Otherwise, *Campaign Against Homophobia* had good contacts

with some of the media, and there are some media that present a neutral picture of LGBT persons/issues (COWI, 2009, Poland sociological study, p. 11).

7. Relevant and supportive attention in school resources: In 2006 the Polish version of *Compass*, the guide for teachers on methods of educating young people about human rights, published by the Council of Europe, was withdrawn from circulation by the Ministry of Education. In June, the Minister of National Education dismissed the director of the National In-Service Teacher Training Centre (NTTC), Mirosław Sielatycki, for publishing the guide. The grounds for dismissal were the content of the chapter on homosexuality contrary to the general program of education, as well as the charge that the publication promoted homosexuality in schools. The officially accepted manual entitled *Wygrajmy Młodość [Let's win youth]* defined homosexuality as an unnatural tendency and homosexual people as people who require special care and help to fight this shameful deviation. The authors associate homosexuality with fear of responsibility, improper hierarchy of values, lack of an appropriate ideal of love and a hedonistic attitude, as well as prostitution (COWI, Poland legal study, 2010, p. 67).

Sexuality education in Poland was established by law in 1969. Its aim was to educate young people about the anatomical and biological concepts of sexual life, as well as issues related to parenthood and family. In 1973 it became obligatory under the title of "preparation for life in a socialist family" (pol. przysposobienie do życia w rodzinie socjalistycznej) (Wejbert-Wąsiewicz 2009). After numerous changes in the following years, 1999 brought about a shift in the title and curricular content, applying preparation for family life to Polish schools. Nevertheless, since 2009 it is a non-mandatory subject, which starts in fifth grade of elementary school, takes 14 hours per year (including 5 hours separately for boys and girls) and is taught by a pedagogue who completed a supplementary course (a university-based postgraduate course or one of the courses organized by the Ministry of Education). The official core curriculum of "preparation for family life" can be classified according to the WHO as type "A" (WHO BZgA 2012: 5), otherwise known as "chastity education" or "abstinence education". It provides information based on cultural scenarios which represent a restrictive model towards sexual ethics. In terms of moral reasoning, the core curriculum – and so the available scripts – focus on the negative effects of having sex before marriage. It also supports traditional gender roles and portrays starting a family as the most important role one can have in society. This also applies to the content of the official textbooks. All of the textbooks which currently are recommended by the Ministry of Education fail to present up-to-date, scientific knowledge regarding human sexuality, but often are based on heteronormative and patriarchal standards. The "preparation for family life" curriculum fails to keep up with social and cultural changes regarding sexuality, and in consequence, with young people's needs and actual behaviors, which present increasingly permissive attitudes towards (premarital) sex (Woźniak, 2015).

Around 2010, "Queer studies", an initiative of the Campaign Against Homophobia, offered a possibility of the interdisciplinary studies in the research areas of sexual orientation and identity, sexual prejudice and stereotypes, social perception of LGBT people (COWI, Poland legal study, 2010, p. 85).

In 2015-2016, a project "The others is us" as developed by Fundacja Instytut Działań Twórczych. It focused on raising the level of social acceptance for LGBT+ youngsters, part of the educational system and on creating a safe non-discriminatory school environment for them. Our actions were focused on developing a methodology of work for addressing the topic of gender identity, sexual orientation and homophobia in schools with the help of school psychologists and pedagogues (Participants in the "Inni to My" project, 2016, p. 21).

8. Resources for LGBT students: A GALE respondent from Lambda Warsaw says that the common stories they get from young people are that they ask help from friends who are already out (GALE respondent, 2014). Another respondent notes that such informational resources are offered by NGOs, such as Campaign Against Homophobia or Lambda Warsaw, but they aren't available in schools, they may be even forbidden, depending on the school administration (GALE respondent, 2014). Campaign Against Homophobia in Gdansk published in 2009 a promotion of a book for children entitled "*Z Tango jest nas troje*" ("And Tango Makes Three"), written by Peter Parnell and Justin Richardson to help parents teach children about same-sex parents families. Local politicians of the Law and Justice party organized a Campaign Against Demoralization and were joined by the activists of the fascistic organization *Młodzie\_ Wszechpolska* (All-Poland Youth). In 2010 Campaign Against Homophobia published a translation of "King and King", another children's book (COWI, Poland legal study, 2010, p. 69).

9. Support services open to LGBT like counseling: According to one GALE respondent, all schools have counselors - but not always with sufficient skills. Another says: "The issue here is access to services (since some schools may not necessarily have guidance counseling) or the quality of services (i.e. gender sensitivity of the counselors)" (GALE respondent, 2014).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: A GALE respondent says no such structures and/or policies exist (GALE respondent, 2014).

### **Good teachers**

11. Supportive staff: In Poland, school is taking the second place, after public places, in the top of the spaces where homophobia takes place and where physical violence most often occurred for LGBT youngsters (quote from a report by Lekcja Równości from 2012 in (Participants in the "Inni to My" project, 2016, p. 8). 82,6 % teachers agree that the topic of homosexuality and homophobia should be discussed in school and pedagogues and psychologists admit that they do not have enough tools and knowledge to fight homophobia and to support LGBT+ youngsters (ibid, p. 21).

"There is no policy on the issue. Usually finding a supportive teacher is difficult and requires much work" (GALE respondent Trans-Fuzja Foundation, 2014).

12. Staff competent to teach: Teachers are very reluctant to talk about homosexuality for fear of

losing their jobs (COWI, 2009, Poland sociological study, p. 9). The first handbook for teachers, management and psychologists on the needs of trans students was published in September 2016 by NGO Foundation Trans-Fuzja (<https://www.ilga-europe.org/sites/default/files/2017/poland.pdf>). According to the 2016 submission of Poland on the implementation of the Recommendation for International Understanding (etc.), it is stressed that many teacher have been trained in human rights education, but DESPOGI issues are not mentioned.

13. *Staff competent to support*: Around 2010, special, free of charge courses were (are?) offered by the Polish Ministry of Labor and Social Policy to the employees of the public sector (policemen, teachers, administrative officers). The courses are devoted to the problem of countering discrimination, i. a. discrimination of sexual minorities (COWI, Poland legal study, 2010, p. 85).

14. *Supportive school environment*: "It really depends on school authorities, but in most schools the SOGI topics are discouraged, if not forbidden. There is no sexual education offered to students and teachers are in no way prepared to contribute to supportive environment for sexual diversity" (GALE respondent, 2014).

Schools in Poland celebrated "Rainbow Friday" for the first time in 2016 so that students, regardless of their sexual orientation, feel accepted and respected. But leaders of the governing Law and Justice party were protesting against the celebration, and are urging parents to sign declarations against it. Campaign Against Homophobia, an LGBT advocacy group, had invited teachers to participate in "Rainbow Friday" after many school officials inquired how they could counter discrimination in classrooms and support LGBT students. School officials said that violence, including verbal abuse, has had tragic consequences as seen in the case of 14-year-old Dominik who hanged himself after he was called a derogatory term for gay. Although many lawmakers are opposed to the celebration, 75 schools from around the country are participating. The Ordo Iuris Institute for Legal Culture, an independent organization, is planning to sue these schools (<https://www.worldcrunch.com/culture-society/polish-schools-celebrate-lgbt-students-despite-backlash>).

15. *Employment protection for staff*: There is formal legal protection from discrimination based on sexual orientation as well as on other grounds, some of them named by the Labor Code and some left unspecified (with gender identity as well as gender expression among those unspecified) (GALE respondent, 2014). However, in 2006, the Minister of National Education dismissed the director of the National In-Service Teacher Training Centre for publishing the European COMPASS guide on tolerance because it includes homosexuality (COWI, Poland legal study, 2010, p. 67). Mirosław Sielatycki, with the support of the Ombudsman, decided to appeal to the District Court in Warsaw for unfair dismissal and discriminatory treatment in employment on the grounds of his political opinions. The District Court in Warsaw found in Mr Sielatycki's favor and decided to award him approximately 20,000 PLN (5,700 Euro) in damages (COWI, 2009, Poland legal study, p. 8).

Krzeminski found that about three quarters of the population disagree that gays and lesbians should be allowed to be teachers (Krzeminski, 2008). This does not give a good impression of the

employment safety of LGBT teachers. There seem to be no legal cases to support that the non-discrimination clauses of Labor Law are properly implemented for LGBT teachers.

## **Recommendations**

1. Protect DESPOGI teachers more actively against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Support peer education, Gay/Straight Alliances and other grass roots interventions
5. Develop training en offer educational resources about sexual diversity for interested teachers
6. Create a National Strategic Committee on Sexual Diversity in Education
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4



## Portugal

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives. Two local expert respondents scored Portugal in 2014 *at average* as 3% discouraged, 43% no policy, 53% encouraged/supportive, with no items scored as unknown. The respondents sometimes differ in opinion, especially when there is legislation but the law is not a lived reality in schools. This creates an *average* impression of Portugal being a supportive State with a relatively low score for a supportive State. Looking at the data we had to rescore Portugal 53% no policy and 47% encouraging. We therefore label Portugal as ambiguous. On the total scale, the score comes down to 62%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	0	1	1	0
2. Freedom of self expression for DESPOGI?	0	0	1	1	0	0
3. Protection against DESPOGI bullying?	0	0	0	1	1	0
4. No drop-out of DESPOGI?	0	0	1	1	0	0
5. Equal school performance of DESPOGI?	0	0	2	0	0	0
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	0	0	2	0	0
7. Attention in resources about sexual diversity?	0	0	1	1	0	0
8. Resources for DESPOGI students?	0	0	0	0	2	0
9. Support services open to DESPOGI students?	0	0	0	1	1	0
10. Peer-learning opportunities for DESPOGI?	0	0	1	0	1	0
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	0	2	0	0	0
12. Staff competent to teach about sexual diversity?	0	1	1	0	0	0
13. Is staff competent to support DESPOGI?	0	0	1	1	0	0
14. Supportive school environment for DESPOGI?	0	0	2	0	0	0
15. Employment protection for DESPOGI staff?	0	0	1	0	1	0

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is free and relatively centralized. There is compulsory sex education focused family planning and preventing STD's but it is unclear whether this includes sexual diversity. The attitudes towards LGBT have drastically improved over the last decade. This seems not to have much impact on the openness of LGBT students in schools. Schools ignore homophobic bullying and there does not seem to be a national policy on this, attention to sexual diversity in the curriculum seems limited and dependent on interested teachers or provided by LGBT NGOs. Specific research on sexual diversity in education is available to a limited extent.



## Legal context

### Laws

Under the reign of Louis I from 1886 on, Portugal criminalized consensual same-sex sexual relations between men, but that law was repealed in the 1983 Penal Code. The age of consent is equal at 14. The 2005 Constitution of Portugal states that “[n]o one shall be privileged, favored, prejudiced, deprived of any right or exempted from any duty on the basis of... sexual orientation”. The 2007 Penal Code considers sexual orientation an aggravating factor for homicide and assault, and address homophobic incitation to hatred. The 2009 Labor Code explicitly protect the status of sexual orientation and gender identity. In 2010, marriage was opened for same-sex couples, in 2016 joint adoption was allowed (ILGA, 2017).

In 2011 the Law of Gender Identity simplified the process of sex and name change for transgender people. In 2015 gender identity was added as a protected ground into the labor code. In 2016 a law was adopted to allow a trans person from age 16 on to change legal gender solely based on self-determination, and under 16 with parental consent ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Portugal](https://en.wikipedia.org/wiki/LGBT_rights_in_Portugal)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession **(1981)**

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1978)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1980)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

Education in Portugal is free and compulsory until the age of 18, when students complete the 12th grade. The education is regulated by the State through the Ministry of Education. There is a system of public education and also many private schools at all levels of education

([https://en.wikipedia.org/wiki/Education\\_in\\_Portugal](https://en.wikipedia.org/wiki/Education_in_Portugal)).

Discrimination against persons with disabilities is illegal in education and in other state services, and the law is enforced ([https://www.ei-ie.org/barometer/en/home/profile\\_details/161](https://www.ei-ie.org/barometer/en/home/profile_details/161)).

Public opinion on sexual diversity has changed rapidly since 2006. In 2006 only 26% of the population supported same-sex marriage, in 2009 polls found percentages of 42% and 52%. In 2015 this had risen to 61% ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Portugal](https://en.wikipedia.org/wiki/LGBT_rights_in_Portugal)).

The government supports LGBT initiatives for mainstreaming. In 2009 a two day International Conference on “Mainstreaming LGBT antidiscrimination policies” took place in Lisbon. It was organized by Associação ILGA-Portugal – Lesbian, Gay, Bisexual and Transgender Intervention, sponsored by the Embassy of The Netherlands in Lisbon and institutionally sponsored by the Commission for Citizenship and Gender Equality. The Opening Session was chaired by the Secretary of State of the Presidency of the Council of Ministers, former member of the Government responsible for citizenship and equality issues. Some LGBT associations receive subsidies from State or local authorities. (COWI, 2010 Portugal-legal study, p. 39-40).

### **Access to schools**

1. **Access to schools:** Education in Portugal is free and compulsory until the age of 18 ([https://en.wikipedia.org/wiki/Education\\_in\\_Portugal](https://en.wikipedia.org/wiki/Education_in_Portugal)). There are no indications that LGBT students can be refused for schools or internships, but this may have to do with the fact that very few students dare to come out.

2. **Freedom of self expression:** According to the COWI sociological study, there were a few small studies on education before 2009. According to one 2006 study, the revelation of sexual orientation to others was generally highly restricted, selective and reserved for homosexual friends (COWI, 2009 Portugal-sociological study, p. 7). This study dates from before the substantial change of attitudes in Portuguese society in the 2010's, but in 2015, Rodrigues et al found that most victims of homophobic bullying still would not report such incidents to family out of fear that their sexual orientation would become known (Rodrigues et al, 2015b). A GALE respondent mentions that the European Agency Fundamental Rights Agency survey on LGBT issues has revealed that up to 60% of LGBT people have hidden their sexual orientation or gender identity and that 94% have been targeted or witnessed negative attitudes. Another respondent says although more and more young people are coming out in schools and at a very young age, displays of affection and conversations on sexuality are discouraged.

3. **Protection against bullying:** Even though corporal punishment is prohibited by the law, the use of corporal punishment of children within the family and in schools is a cause for concern ([https://www.ei-ie.org/barometer/en/home/profile\\_details/161](https://www.ei-ie.org/barometer/en/home/profile_details/161)).

The PISA study found a low national percentage of 5,7% of frequently bullied students and 11,8% for any bullying act (PISA, 2015, p. 138).

Rodriguez et al found in 2015 that homophobic bullying in Portugal follows international patterns, with boys mostly bullying boys between 5 and 14 based on homophobia. The researchers state that peer

violence against young LGBT people, or to those perceived as such, remains significantly silenced throughout the Portuguese school system. (Rodrigues et al, 2015b, p. 192).

The EU LGBT Survey says that 29% of the respondents feel discriminated by education personnel and 95% think that measures in school would make them more comfortable. For trans people this last number is 82% (FRA, 2014). In line with the results of Rodrigues (2015b), a GALE respondent notes that according to the European Agency Fundamental Rights Agency survey on LGBT issues, less than 10% of incidents are reported. Another GALE respondent notes there is more and more an awareness and several attempts to deal with the issue of bullying but not in particular do DESPOGI youth and students.

4. Policy against DESPOGI drop-out: Portugal has explicit policies against early school leaving, and drop-out has strongly diminished in the last decade ([https://www.ei-ie.org/barometer/en/home/profile\\_details/161](https://www.ei-ie.org/barometer/en/home/profile_details/161)). We found no statistics on drop-out of DESPOGI or indications that this is a concern in generic policies.

5. Equal academic performance: Both GALE respondents note that although there are support mechanisms for students in general dealing with academic issues, there are no specific policies regarding DESPOGI students.

### **An appropriate curriculum**

6. Availability of public information: Freedom of speech and of the press are guaranteed in law and respected in practice. Internet access is unrestricted. The law criminalizes the denigration of minorities and incitement to hatred ([https://www.ei-ie.org/barometer/en/home/profile\\_details/161](https://www.ei-ie.org/barometer/en/home/profile_details/161)). In 2009, it was reported that lesbians and bisexuals are practically invisible in media representations, and are therefore under-represented, when compared to representations of gay men (COWI, 2009 Portugal-sociological study, p. 9). This may have changed since.

A GALE respondent says 2013 was the year of the first public campaign from the Ministry of Education dealing with homophobic bullying. Another respondent said that organizations that work with LGBTIQ people are supported by the government and many times they are the ones providing this information throughout the country. But this is not a clear concern of the government.

7. Relevant and supportive attention in school resources: In 2009, sex education became mandatory in Portuguese schools. In 2014, the implementation of the Law is, overall, ranked as good/very good (83.7%). However, during parallel qualitative study, school principals and teachers emphasize that "Schools Organic Units" are making a huge effort to implement the Law, some of them questioning their ability to continue this process due to the present conditions. Principals and teachers reported the need to "revitalize" this area, underlining the need to maintain the Law and one annual "Call" from which the Ministry of Education and Science receives proposals for funding schools for projects in the area of health promotion, and teacher training. (De Matos et al, 2014, p. 1353). The majority (65.9%)

of the students reported in 2015 having had sex education classes in the last school years; it is not reported if this includes sexual diversity (Ramiro et al, 2015).

The LGBT organization Rede Ex Aequo regularly offers programs in the field of education, participates in debates and presents discussions at schools ) (COWI, 2010 Portugal-legal study, p. 39). The Rede Ex Aequo respondent says there used to be a class in secondary schools that promoted the discussion around sexuality in general. According to her, this was canceled by the current (2014) government.

The COWI legal study mentions a few university courses on sexual diversity: a subject "Law of Social Equality" with section on homophobia at the Universidade Nova de Lisboa, Faculty of Law (since 2005-2006), At the Instituto Superior do Trabalho e da Empresa (ISCTE) (Institute for Labor and Company) same sex studies were made under conducted on issues related to LGBTs (mainly in the Department of Anthropology) (COWI, 2010 Portugal-legal study, p. 37).

A GALE respondent characterizes the Portuguese policy as follows: "We believe there is more and more awareness of this group of students in schools nonetheless, not much is done in the sense this question describes. Support may be given in particular cases but there isn't an overall policy on the issue and many times relevant attention is not given to DESPOGI students."

8. Resources for LGBT students: In 2007, two children's books were published that showed for the first time in Portuguese that there is more than one possible family model (COWI, 2010 Portugal-legal study, p. 38). GALE respondents note that it is mainly LGBT NGOs providing resources (with government support): "Both ILGA Portugal and Rede Ex Aequo (an LGBT youth association) have produced in 2012-2014 different resources dealing with coming-out, empowerment, sexuality and tackling bullying" and "both conduct specific projects in schools that target students and teachers". Both respondents score this item therefore as supportive.

9. Support services open to LGBT like counseling: In principle, every school has a "Schools Organic Unit" which takes care of students support and of sexual education. However, it was found that most students don't use these units because they don't know where they are, that they are there for students as well as for teacher, and that they are private and anonymous (De Matos et al, 2014, p.1358). A GALE respondent said: "Portuguese public schools are provided with counselors and counseling offices. Its aim is to support students in their obstacles for academic performance, but there is no indication that this specific support is being carried out or that the professionals involved are informed and aware of these issues (plus, specific training initiatives in this field are not available). The other respondent says the support is given by the LGBT youth organization Rede Ex Aequo and ILGA Portugal, because school counselors are not trained.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: The GALE respondents disagree on this item. One judges - without explanation - that there is no policy. The other respondent from Rede Ex Aequo says: "although there aren't gay/straight alliances in Portuguese schools, Rede

Ex Aequo promotes a project of local groups in different cities in the country that allows for peer to peer learning and support opportunities. The project does not covers the whole country but it encourages young people to run the project anywhere." The Rede Ex Aequo scores this item as supportive, but because the government only supports Rede Ex Aequo to do it, we score this item as "encouraged".

### **Good teachers**

11. *Supportive staff*: There is no reliable information available on this. A GALE respondent notes: "There might be, but it is still very personal. If a teacher or a member of staff is personally supportive of human rights for DESPOGI students and staff he or she will be supportive but, there is no policy that requires this and many times teachers and staff are the ones who discriminate against the students."

12. *Staff competent to teach*: In a 2015 study, 25.8% of the teachers reported to have had training on sexual education; it is unclear if this includes sexual diversity (Ramiro et al, 2015).

Another 2015 study - on lesbian students - concluded that teachers have a small amount of knowledge about lesbian women's sexuality. The researchers claim that despite the legislative progress concerning LGBT's rights in Portugal, teachers are not prepared to deal with this issue both inside and outside the school environment (Rodrigues et al, 2015a).

Sexual diversity often seems to lack in vocational education. Ilga-Portugal has taken steps to ensure that police officers receive adequate training while at the academy on how to deal with LGBT in a nondiscriminatory way. The government has approved this initiative and its implementation (COWI, 2010 Portugal-legal study, p. 38).

13. *Staff competent to support*: Student support is delegated to a "Schools Organic Unit". Teachers appear to not being prepared to support DESPOGI students (Rodriguez, 2015a). A GALE respondent notes there are specific measures regarding sexual orientation and gender identity on the national equality plans (from the public equality body) as well as in the law on sex education, but there are no clear guidelines aiming at the development of competences in this field.

14. *Supportive school environment*: A GALE respondent says: "although there are laws condemning violence and discrimination on grounds of sexual orientation and gender identity, there is no evidence that school administrations have included this topic in their guidelines". The other frames it in a more negative way: "although there might be some cases where it is true, most schools not only discourage sexual diversity but any type of conversation/discussion around sexuality."

15. *Employment protection for staff*: The CGTP trade union approved a manifesto entitled 'Equal Opportunities for All' and sub-headed 'For diversity! Against the discrimination in the workplace and in society'. The trade union states that rules against direct or indirect discrimination, particularly on the grounds of sexual orientation, are not respected very often in spite of the absence of formal

complaints. The trade union advocates for campaigns against xenophobia, homophobia and transphobia (COWI, 2010 Portugal-legal study, p. 38-39).

The two GALE respondents score this item differently: "no policy" and "supportive". It appears to be "supportive in the sense that there is legislation, but "no policy" because not anything is done to make equal treatment a living reality. We therefore choose the midway assessment of "encouraged".

## **Recommendations**

1. Secure that schools have a safe school climate which includes DESPOGI students
2. Include DESPOGI students in your implementation of the right to education monitoring
3. Develop DESPOGI inclusive curricula for each education sector
4. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
5. Train all educational staff to be DESPOGI inclusive
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Romania

The reliability of this assessment is scored as 3 stars on reliability of data (but very limited research) and 1 star on different perspectives.

Four local expert respondents scored Romania in 2013-14 as 58% discouraged, 37% no policy, 5% encouraged/supportive, with average 0,5 items scored as unknown. After review of the data, GALE reviewed the score to 73% discouraged and 27% no policy, We score Romania as denying (discouraging). On the total scale, the score comes down to 32%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?		1	2		1	
2. Freedom of self expression for DESPOGI?		3	1			
3. Protection against DESPOGI bullying?		2	1			1
4. No drop-out of DESPOGI?			4			
5. Equal school performance of DESPOGI?			4			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		3	1			
7. Attention in resources about sexual diversity?	1	2	1			
8. Resources for DESPOGI students?	1	2	1			
9. Support services open to DESPOGI students?	1		3			
10. Peer-learning opportunities for DESPOGI?	1	2	1			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	1	3				
12. Staff competent to teach about sexual diversity?	1	2				1
13. Is staff competent to support DESPOGI?	1	2	1			
14. Supportive school environment for DESPOGI?	3	1				
15. Employment protection for DESPOGI staff?		1	1		2	

## General assessment

The countries education system is centralized. It has attention for cultural diversity, but sex education is a contentious issues already for years (despite the high level of teenage pregnancies in Romania) and it is out of the question that sexual diversity could be discussed. The attitudes towards DESPOGI are quite negative. There is a good anti-discrimination law which covers both education and employment, but it is not implemented in the area of DESPOGI. Proposal for a censorship law on sexual diversity information have been rejected until now.

## Legal context

### Laws

Prior to 1996, the Penal Code had penalized “sexual relations between persons of the same-sex” with 1-5 years imprisonment. This was then repealed, but replaced with a clause “committed in public or producing a public scandal”, which was in turn removed in 2001 (with the accession to the European Union). The age of consent is equal at 15. In 2000 the Anti-Discrimination Law was adopted, which states that discrimination on the grounds of sexual orientation in employment, education, provision of services and healthcare is forbidden. Since 2006 the Penal Code recognizes a homophobic motive as an aggravating factor in criminal offences of violence or hatred (ILGA, 2017). There is no recognition of same-sex relations.

Since 1996, it has been possible for someone who has gone through sex reassignment surgery to legally change their sex in their official documents. However, the law governing the ability of transgender persons to change their identity is vague and incomplete, resulting in inconsistency in judicial practice concerning legal recognition of gender identity ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1964)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1974)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1982)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Recent monitoring report for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

Education in Romania is based on a free-tuition, egalitarian system. Access to free education is guaranteed by Article 32 in the Constitution of Romania. Education is regulated and enforced by the Ministry of National Education. Each step has its own form of organization and is subject to different laws and directives. Since the downfall of the communist regime, the Romanian educational system has been through several reforms.

Kindergarten is optional under the age of six. Compulsory schooling usually starts at age 6, with the “preparatory school year” (*clasa pregătitoare*), which is mandatory in order to enter the first grade.

Schooling is compulsory until the tenth grade (which corresponds with the age of sixteen or



seventeen). The school educational cycle ends in the twelfth grade, when students graduate the baccalaureate. Higher education is aligned onto the European Higher Education Area. In addition to the formal system of education, to which was recently added the equivalent private system, there is also a system of tutoring, semi-legal and informal ([https://en.wikipedia.org/wiki/Education\\_in\\_Romania](https://en.wikipedia.org/wiki/Education_in_Romania)).

### **Legal developments**

In 2007, the far-right Greater Romania Party proposed a law in the Senate that would ban the "propagation of ideas and manifestations by homosexuals and lesbians", designed primarily to prevent Bucharest's annual GayFest pride parade from taking place. In 2008, the proposal was rejected by the Senate. A proposal to establish a same-sex partnership law in 2013 was rejected with 4 votes in favor and 298 against. In 2015, an alliance was formed between over 30 Romanian NGOs under the name of *Coalition for Family*. The coalition's main activity consisted in promoting and collecting signatures for a citizen's initiative aiming to revise the Constitution and prevent interpretations that would permit gay marriage. By May 2016 the coalition had gathered over 3 million signatures. The proposal is actively supported by the Romanian Orthodox Church ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

The LGBT NGO ACCEPT received numerous complaints from LGBT students following the commencement of the signature collection campaign to restrictively amend Article 48.1 of the Constitution. Students reported that signatures were being collected in high schools, during classes, by a variety of teachers, including religion teachers. Supported by the Anti-Discrimination Coalition and the Gender Equality Coalition, ACCEPT launched a public appeal against this practice on 14 January and brought the anonymous complaints to the Ministry of Education's attention. After the appeal, the Ministry issued a public statement to confirm that signature collection in schools to modify any article of the Romanian Constitution is a political activity and illegal, under Article 3 of the National Education Law (ILGA-Europe, 2017).

### **Attitudes**

In September 2006, the British Council conducted a survey in various Romanian cities which, among other things, sought to ascertain the beliefs of Romanian young people (aged between 15 and 25) regarding LGBT rights. Of those surveyed, 39.1% believed that LGBT rights should be extended, 35.9% believed that the LGBT rights situation is satisfactory in Romania, while 15.6% of people stated that LGBT people have too many rights. 9.4% were undecided. Additionally, 71.9% of the young people surveyed stated that LGBT rights should be protected, indicating relatively high levels of acceptance among this demographic. A Eurobarometer survey on discrimination in the European Union, conducted in late 2006, revealed that attitudes towards discrimination on the basis of sexual orientation were similar with those of other EU countries. 47% of Romanians believed that discrimination on the basis of sexual orientation was "widespread," slightly less than the EU average of 50%. Additionally, 55% of Romanians were in favor of specific measures to provide equal opportunity in employment despite sexual orientation, notably lower than the EU average figure of

66%. 67% of Romanians would agree to anonymously reveal their sexual orientation in the census, "if that could help combat discrimination in Romania," while only 16% would be totally opposed (lower than the EU average of 28%). 58% of Romanians believe that homosexuality was still a taboo in Romania, higher than the EU average of 48%, but lower than for countries such as Italy, Greece, Ireland, Austria and Sweden.

In 2012, the Romanian Institute for Evaluation and Strategy released a study which found that 79.7% would not want a homosexual neighbor and 53% preferred that homosexuality be outlawed (compared to 62% in 2006). Another 2012 study by the National Council for Combating Discrimination found that 61% would feel slightly or very uncomfortable around a homosexual person, that 48% would be very disturbed if they found out that a family member was gay and that 54% stated they would never have a meal with a homosexual ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

ACCEPT is a non-governmental organization that advocates for the rights of gay, lesbian, bisexual, and transgender (LGBT) people in Romania.

### **Access to schools**

1. *Access to schools:* Romania has an anti-discrimination law that explicitly mentions discrimination based on sexual orientation in education. Forbidding discrimination based on sexual orientation is mentioned in the Working Code, the Penal Code and several other important pieces of legislation (GALE respondent, 2014). However, there are no cases of students coming-out and getting these rights.

2. *Freedom of self expression:* In 2012 seven young persons were assaulted in Bucharest at the National School of Political Science and Public Administration after attending an academic debate about the history of homosexuality in Romania ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

Although the current legislation forbids discrimination based on sexual orientation, a lot of stigma and discrimination happens in the society, at individual level. As result it is hard to come out, the fear of subsequent discrimination by peers and teachers stops most students from coming out (GALE respondent, 2014).

3. *Protection against bullying:* Already in 2012, a USA Department Human Rights report on Romania from 2012 said human rights related bullying remained a problem in high schools due to the absence of real discussion about diversity, equality, sexual orientation, and gender identity. Comprehensive sexual education programs are also absent from the curriculum" (<https://www.state.gov/documents/organization/265676.pdf>). Bullying appears to be a problem in Romanian schools; degrading names for Roma, the disabled and LGBT persons are regularly used for bullying (COWI, 2010 Romania- sociological study, p. 7).

The EU LGBT Survey says that 30% of the respondents feel discriminated by education personnel and 89% think that measures in school would make them more comfortable. For trans people this last number is 77% (FRA, 2014).

A 2016 research conducted by ACCEPT shows that 61% of students who have a different sexual orientation and recognize this have been physically or verbally bullied by their peers.

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

The "Safe high school for all" (2016) report, showed that seven out of ten LGBT high school students think they are not safe at school. Six out of ten students were witnesses to or victims of an act of aggression; 5% said they would ask for help from a teacher or school headmaster if they saw someone being bullied because of their sexual orientation. Two out of five students interviewed believe that gay men or lesbian women should not teach in schools (ILGA-Europe, 2017).

A GALE respondent says that although the legislation is there, schools either do not have policies in this respect, or, if they have developed them there are not implemented consistently (GALE respondent, 2014).

According to a 2017 study, 82% of all bullying in Romania occurs in schools. One in three students feel humiliated by peers. Romania is ranked first in Europe in terms of harassment in schools, according to a study by Brandwatch. According to an article on this research, the Ministry of Youth and Sports (MTS) is working with the National Authority for the Protection of Children's Rights and Adoption (ANPDCA) to implement a "Prepare for Life" pilot which supposedly is aimed to promote personal development, self-esteem and social inclusion. Another initiative in this regard is that of GMP PR and Itsy Bitsy, which launches the "Secrets of Your Child" campaign, which focuses on safer use of internet ([http://adevarul.ro/educatie/scoala/studiu-82-situatiile-bullying-loc-scoli-In-romania-1-3-copii-fost-umilit-fata-colegilor-solutia-educatia-non-formala-1\\_591071a35ab6550cb8e7c1e9/index.html](http://adevarul.ro/educatie/scoala/studiu-82-situatiile-bullying-loc-scoli-In-romania-1-3-copii-fost-umilit-fata-colegilor-solutia-educatia-non-formala-1_591071a35ab6550cb8e7c1e9/index.html)). To what extent these campaigns include sexual diversity is unclear.

4. Policy against DESPOGI drop-out: A GALE respondent (2014) says there are no other policies than the generic policies.

5. Equal academic performance: A GALE respondent (2014) says there are no other policies than the generic policies. The Romanian government did have a 2007 – 2013 national strategy to prevent and fight discrimination, which focused on Roma and on gender equality but without mention of sexual diversity. Still, in 2016 there was still gender segregation in schools that had to be ruled against (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>).

### **An appropriate curriculum**

6. Availability of public information: The National Audiovisual Council is rigorous in her monitoring of homophobia in TV programs and have given fines several times for homophobic comments

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)). A GALE respondent (2014) says public information for students is not illegal but it is definitely not supported.

7. Relevant and supportive attention in school resources: Although the Romanian educational strategy includes explicit attention for cultural diversity

(<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>), the curriculum does not include any education on sexual orientation or gender identity (COWI, 2010 Romania- sociological study, p. 7).

A GALE respondent (2014) says sexuality education is not present in schools, and even in the few schools providing information related to sexuality, it is usually focused on contraception, STI and HIV infection; sexual orientation is not mentioned.

The legislation does forbid discrimination on sexual orientation. But in schools, although there are no legal documents forbidding, it is no way to address such topics specifically from the perspective of DESPOGI (GALE respondent, 2014).

After 1990, international agencies and NGO trained volunteers to do some sexual education, but this did not have a wide impact. In 2013 it was decided to make it a mandatory subject matter in school (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4085661/>, 2014). However, there seems to be an ongoing battle between a right-wing coalition of parents and the church, a left wing coalition of sexual health organizations, with the government shifting positions (<http://www.astra.org.pl/repronews/386-the-battle-of-ministries-romanian-sex-ed-is-vividly-debated.html>).

8. Resources for LGBT students: The only info resources available in Romanian are booklets produced by ACCEPT Association (GALE respondent, 2013). Another GALE respondent confirms this in 2014 for public schools.

9. Support services open to LGBT like counseling: A GALE respondent explains: "all high school and primary school students can approach the school counselor requesting assistance or support. However in Romanian faculties of medicine and psychology there are professors who continue to present homosexuality as an illness. The counselors have no training/education available to overcome their own prejudice (if any) against homosexuality and transgendum" (2013). Another says; "although it is not legally forbidden, there are no professional for the provision of such services" (2014).

The Education International Barometer even states that discrimination directed at homosexuals and lesbians is commonplace in the education and healthcare systems. Young homosexuals are sometimes committed to psychiatric hospitals by their parents ([https://www.ei-ie.org/barometer/en/home/profile\\_details/165](https://www.ei-ie.org/barometer/en/home/profile_details/165)).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: Two GALE respondents explains there are associations of DESPOGI, but they are not active in relation with schools or for under-age young people (2014).

## Good teachers

11. Supportive staff: One GALE respondent mentions that the anti-discrimination law is inclusive of sexual orientation, while he is not sure about gender identity. Another GALE respondent says the law does not forbid it, but by culture, teachers cannot support openly DESPOGI students (2014).

12. Staff competent to teach: The ILGA-Europe Rainbow Review of Romania in 2016 mentions an educational online platform with information on discrimination, sexual orientation and gender identity was launched in March by ACCEPT. The LGBT Learning Platform ([www.lgbtlearning.ro](http://www.lgbtlearning.ro)) is aimed at students and teachers. The website contains information on the history of the LGBTI community, advice on how to deal with bullying or harassment and the courses are available to be used by students, teachers, youth workers and the general public (ILGA-Europe, 2017).

13. Staff competent to support: We found no data on this. GALE respondents score this discouraged or even forbidden.

14. Supportive school environment: In February 2013, during the LGBT History Month, students at the George Coșbuc Bilingual High School were taught about LGBT issues and why they matter during an extracurricular seminar, they were told about gay pride demonstrations and encouraged to participate in the school's activities during LGBT History Month. A number of parents, right wing NGOs, and a judge publicly protested against this initiative, and have written to the government and to the parliament and asked for these activities to cease immediately. [Wikipedia](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania) says in the end of 2017 this protest is still pending, but this is probably outdated and we could find additional information.

15. Employment protection for staff: In 2003 the Ministry of Education and the Ministry of Health issued a Joint Order which required the psychological evaluation of teachers and stated that homosexuality was incompatible with teaching. ACCEPT appealed against this order and got the support of the National Council on Combating Discrimination (NCCD). The regulation was repealed, but in 2006, discrimination on the basis of sexual orientation and gender identity was again included in a joint order by the Ministries, which once again mentioned homosexuality on the lists of conditions triggering the prohibition to work as teacher. Following public positions by the NCCD, the two ministries agreed to clarify the meaning of the regulation to eliminate discrimination and created a working group which, however, was not convened (COWI, 2010 Romania-legal study, p. 18) A 2012 study by the National Council for Combating Discrimination found that 40% would feel disturbed if their children would learn from a gay teacher ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Romania](https://en.wikipedia.org/wiki/LGBT_rights_in_Romania)).

In 2016 ACCEPT conducted a small-scale research project to document policy, practice and attitudes regarding LGBTI workplace discrimination in Romania for the first time. The online survey received 180 responses. Less than half of the LGBT respondents said their current or past employer

appreciated diversity; 32% said they were sure it was not appreciated in their workplace. 64% of respondents said they are generally closeted at work or only open with very few colleagues. 44% reported an absence of internal policies to protect LGBTI individuals from abuse and almost a quarter of respondents saying they worried about their own personal safety (ILGA-Europe, 2017). There is no mention of DESPOGI teachers but this report shows the incomplete social implementation of the non-discrimination law.

## Recommendations

1. Actively protect DESPOGI teachers against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Support peer education, Gay/Straight Alliances and other grass roots interventions
5. Develop training en offer educational resources about sexual diversity for interested teachers
6. Create a National Strategic Committee on Sexual Diversity in Education
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Russian Federation

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

One local activist respondent scored the Russian Federation in 2015 as 93% forbidden/discouraged, 7% no policy, 0% encouraged/supportive, with no items scored as unknown. We score the Russian Federation as denying. On the total scale, the score comes down to 10%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?	1					
3. Protection against DESPOGI bullying?		1				
4. No drop-out of DESPOGI?		1				
5. Equal school performance of DESPOGI?		1				
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	1					
7. Attention in resources about sexual diversity?	1					
8. Resources for DESPOGI students?	1					
9. Support services open to DESPOGI students?		1				
10. Peer-learning opportunities for DESPOGI?	1					
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	1					
12. Staff competent to teach about sexual diversity?	1					
13. Is staff competent to support DESPOGI?	1					
14. Supportive school environment for DESPOGI?	1					
15. Employment protection for DESPOGI staff?	1					

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is largely centralized and increasingly influenced by the Russian Orthodox Church.

The attitudes towards DESPOGI are very negative. After the collapse of the Soviet Union in 1991, there seemed to be a short increase in tolerance, but in recent years the State-sponsored homophobic attitude that homosexuality is Western and immoral has fueled negative attitudes.

Since 2013, a censorship law prohibits supportive information about sexual diversity to under-age students. Both LGBT adults and DESPOGI young people are increasingly harassed in Russian society. Neo-Nazi's trick and terrorize and videotape LGBT youth and out teachers and get them fired.

## Legal context

### Laws

Article 121(1) of the 1934 Criminal Code of the Soviet Union stated “[s]exual relations of a man with a man (pederasty)” was punishable with up to five years imprisonment. This is the model language that was transposed into penal codes in States throughout the former-Soviet Union. The 1993 Criminal Code removed such provisions from the Russian law (ILGA, 2017).

The main norm establishing the non-discrimination principle is included in Art. 19 of the Constitution. It speaks about equality based on three aspects: a) equality before the law and court; b) equality of human and civil rights and freedoms regardless of “sex, race, nationality, language, origin, property and official status, place of residence, religion, convictions, membership of public associations, and also of other circumstances”; c) equality of the rights of men and women. But that human rights and freedoms may, according to the Constitution, be limited – in compliance with the federal law and in order to protect morals, health, etc. The Constitution of the Russian Federation prohibits propaganda or agitation inciting social, racial, national or religious hatred and enmity (Art. 29). However, homosexuality is legally not considered a social trait but a behavior that threatens morals. (COWI, 2010 Russian Federation-legal study, p. 9-10).

The 2012 Foreign Agents Law imposes severe limits on foreign funding of activities while requiring organizational accountability to the State.

In 2013, a censorship law was adopted (Promotion of Non-Traditional Sexual Relations Among Minors; article 6.21 of Federal Law No 135-FZ) (ILGA, 2017). The relevant text reads: "Propaganda of homosexuality. Propaganda of homosexuality contained in a public statement, publicly demonstrated works or in the mass media, including those expressed in the public display of homosexual lifestyle and homosexual orientation, shall be punished by deprivation of the right to occupy certain posts or practice certain activities for a period of two to five years" (COWI, 2010 Russian Federation-legal study, p. 20).

Transgender people are allowed to change their legal gender following sex reassignment surgery, however, there are currently no laws prohibiting discrimination regarding gender identity or expression

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)).

The age of consent is equal at 16. (ILGA, 2017)

### Conventions

Convention against Discrimination in Education: not signed | signed | ratified | succession (1962)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1973)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1981)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**



The Council of Europe Member States passed Resolution 1948 (2013) "Tackling discrimination on the grounds of sexual orientation and gender identity" clearly identifying the dangers of the State employing inherently discriminatory legal and policy instruments that target SOGI, citing recent examples in Russia (ILGA, 2017, p. 46). The United Nations Committee on the Rights of the Child has expressed concern that, although intended to protect children, the 2013 censorship law "encourages the stigmatization of and discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, including children, and children from LGBTI families". The Committee recommended that the law should be repealed ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)).

## More information

Education in Russia is provided predominantly by the state and is regulated by the Ministry of Education and Science. Regional authorities regulate education within their jurisdictions within the prevailing framework of federal laws ([https://en.wikipedia.org/wiki/Education\\_in\\_Russia](https://en.wikipedia.org/wiki/Education_in_Russia)). Enrolment is free up to the end of secondary school. Primary education is compulsory and universal.

The Russian Orthodox Church has significantly increased its intervention in education, having signed agreements with the government for public education, above all with the aim of changing specific contents of the curriculum. In June 2010, the Russian Orthodox Church called for an end to the monopoly of Darwinism in Russian schools, claiming that alongside the theory of evolution, children should be taught creationist theories.

Handicapped children are formally labeled as imbeciles, idiots or as having a mild mental retardation, which stigma remains with them after their (segregated) school time. Roma children are also often segregated and like handicapped children offered inferior education classes. There is no education for homeless children.

Sexual harassment is not illegal, allowing no recourse, and it is reported as widespread ([https://www.ei-ie.org/barometer/en/home/profile\\_details/166](https://www.ei-ie.org/barometer/en/home/profile_details/166)).

In the Soviet Union era, the attitudes towards homosexuals were very negative. Horne and Levitt cite a research from 1989 (just before the 1991 breakdown of the Soviet system) which concluded 33% of the population favored "liquidation", 30% endorsed "isolation", with only 10% favoring "leaving them alone" and 6% endorsed "helping them" (Horne & Levitt, 20015). These statistics improved significantly after 1991, but on the whole remained negative. In 2006, a poll found 47% of respondents who claimed to disapprove of LGBT persons and their lifestyle. In 2010, the same survey was repeated and the results showed that 43% of the respondents still had the same view (COWI, 2010 Russian Federation-sociological study, p. 6). A 2013 survey found that 74% of Russians said homosexuality should not be accepted by society (up from 60% in 2002), compared to 16% who said that homosexuality should be accepted by society ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)).

In addition, as has been widely reported over the past decade, a variety of repressive legal provisions on areas critical to SOGI-related advocacy (regarding expression, assembly and funding) have been implemented and societal stigmatization is high. The Russian LGBT Network reported on the severe

and State-led persecution of gay men in Chechnya in March 2017, which was widely reported by media but initially totally denied by Russian officials. Only later in 2017, The government said it was willing to investigate the complaints (ILGA, 2017).

By the present moment, the Constitutional Court has examined three complaints related to non-observance of human rights of homosexual persons. All were not admitted. In general it can be ascertained that policy of silencing the problems associated with sexual orientation and gender identity dominates in Russian legal and political discourse. (COWI, 2010 Russian Federation-legal study, p. 10)

The 2013 censorship law was used to prosecute the St Petersburg LGBT youth work organization Children 404 in 2015, and has emitted a strong "chill factor" across LGBT organizing, and has detrimental effects on children and society (ILGA, 2017, p. 42). The deviously nicknamed "anti-homosexualism propaganda law" became a model for several similar laws in the former Soviet Union countries and in some Eastern European countries.

In memorandums to an earlier (rejected) draft of the law from 2008, it is made clear the censorship law is specifically meant to silence teachers and pedagogues. "Propaganda of homosexuality is steadily growing in contemporary Russia. The propaganda is conducted both through the media, and through the active implementation of educational programs promoting homosexuality as a normal behavior in educational institutions. This propaganda is especially dangerous for children and youth, who are not yet capable of a critical attitude to the avalanche of propaganda, which falls on them every day. And such propaganda is more dangerous when it is led by the teachers themselves. In this connection it is necessary to protect society, especially the youngsters, from the impact of homosexual propaganda, and this draft pursues this objective. The draft provides for criminal liability not for the fact of homosexual orientation of a person, but for the active propaganda of homosexuality. (...) In this regard, the punishment does not propose deprivation of liberty or the imposition of the fine, but aims to deprive the convicted person the opportunity to continue their homosexual propaganda using his/her job position. (...) Those who propagate the homosexual lifestyle should not be admitted to certain activities or certain positions, which are understood to be teaching, mentoring and other activities among children and youth, as well as the occupation of the leading posts in the army and prisons (COWI, 2010 Russian Federation-legal study, p. 20).

The international activist and blogger Scott Long analyses the background of a 2013 demonstration against the firing of teachers and the censorship law as not only related to moral anger but also as a strategy to divert the population's attention from the economic crisis the government is responsible for (<https://paper-bird.net/2013/09/25/in-russia-they-resist-too/>).

### **Access to schools**

1. Access to schools: Art. 43 of the Constitution of the Russian Federation, "everyone shall have the right to education". Besides, "everyone shall be guaranteed the freedom of scientific activity and

teaching” (the first part of Art. 44). Legislation does not contain any specific provisions on the protection of the rights related to educational opportunities regardless of sexual orientation or gender identity (COWI, 2010 Russian Federation-legal study, p. 43).

2. *Freedom of self expression*: The social attitudes, political homophobia/transphobia and the censorship law make coming-out very difficult, especially for young people.

In 2005, Nikolay Alekseyev, a former postgraduate student of the Public Administration Faculty of the Moscow State University and famous Russian LGBT activist, claimed the recognition of the illegality of denial of approval as his dissertation topic “Legal Regulation of the Status of Sexual Minorities” in 2001, of discrimination based on sexual orientation. The claim was dismissed on the grounds that it was outside the university research agenda, as the Dean had claimed. (COWI, 2010 Russian Federation-legal study, p. 43-44).

3. *Protection against bullying*: Russian laws do not contain as a specific offence harassment or bullying, nor for cases of discrimination on the grounds of sexual orientation or gender identity (COWI, 2010 Russian Federation-legal study, p. 43). According to the MHG report 2009, young LGBT persons are often subject to bullying and harassment from their classmates and teachers at schools. Together with the (sometimes) present disapproval of their coming out on behalf of the parents, this reduces LGBT youngsters’ capacity and motivation to attend school, participate in social life together with their peers and leads to high levels of depression and isolation (COWI, 2010 Russian Federation-sociological study, p. 29).

The PISA study found a national percentage of 9.5% of frequently bullied students and 27.5% for any bullying act (PISA, 2015, p. 138). This is near the world average. But according to a 2009 study, Russia is in the top the of the countries with the highest level of bullying, with 74% of youth in 2012 reporting they were bullied offline and 49% online. The 2013 censorship law encouraged a level of bigotry that caused an explosion of hate crimes against Russian LGBT people. The violence against LGBT youth increased dramatically and against other Russian youth if they simply appeared to be LGBT, even if they were not. Young Russian men now routinely attack an LGBT person in the street, or anyone who looks like they may be one, just to prove that they are not gay. A Russian study (no date or source provided) of LGBT people in urban areas reports that 56% suffered attacks of verbal bullying, 16% suffered a physical assault, and 7% suffered rape. These attacks occurred because of the way they were dressed, their mannerisms, and/or appearance. For some time, neo-Nazi's have tricked LGBT youth into meeting up and then tortured them, and uploading video's of the event <https://nobullying.com/bullying-in-russia/>). In 2016 some of these neo-Nazi's have been apprehended and convicted.

4. *Policy against DESPOGI drop-out*: We found no scientific information on this topic, but there are indications that students (and teachers) who come out are bullied out of school and even out of their town.

5. Equal academic performance: We found no information on this topic, but it is expected the negative atmosphere has significant negative consequences for the academic results of young people being harassed or suppressing their emotions.

### **An appropriate curriculum**

6. Availability of public information: Freedom of expression is guaranteed according to Art. 29 of the Constitution of the Russian Federation. It states: "everyone shall be guaranteed the freedom of ideas and speech"; "the propaganda or agitation instigating social, racial, national or religious hatred and strife shall not be allowed; the propaganda of social, racial, national, religious or linguistic supremacy shall be banned"; "everyone shall have the right to freely look for, receive, transmit, produce and distribute information by any legal way"; and "the freedom of mass communication shall be guaranteed" (COWI, 2010 Russian Federation-legal study, p. 18). However, the 2013 censorship law infringes on this constitutional right specifically to block information to LGBT youth.

7. Relevant and supportive attention in school resources: The 2015 UNESCO review of sex education claims that Russia does have sex education, but that it is not comprehensive (UNESCO, 2015, 243106e, p. 42). The 2013 censorship law expressly forbids positive information about sexual diversity. The 2017 preliminary factsheet on sexuality education says there is no policies or laws regulating sexual education, only "education for preventive and healthy life skills" (Law on Education, 2012 and the Law on Fundamental Healthcare Principles 2011). NGOs are not much involved any more (BZgA & IPPF, 2017).

Although homosexuality was declassified as a disease in 1991, many text books of universities still describe homosexuality as curable disease (COWI, 2010 Russian Federation-sociological study, p. 30).

8. Resources for LGBT students: The law 2013 censorship law led to the closure of the Children 404 website – the only public source of counseling and support for LGBT children in the country ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)).

Sometimes LGBT organization attempt to disseminate supportive materials. In 2013, the LGBT organization "Coming Out" released a book for children entitled "(Un)usual Families around Me". The promo-video for the book can be viewed here: <http://vimeo.com/56469664>. Later that year, the censorship law was adopted.

9. Support services open to LGBT like counseling: A senior teacher of the Department of Psychology of the Omsk Humanitarian University notes: "The overall situation in higher education leads to the fact that graduates psychologists have no notion about the features of psychological assistance for representatives of the LGBT community... The policy of silence prevails, and it is not accepted to talk a lot, long and seriously about homosexuality. As a rule, jokes about homosexuality are sounded." (COWI, 2010 Russian Federation-sociological study, p. 30). There are numerous cases of harassment of LGBT in health care (COWI, 2010 Russian Federation-sociological study, p. 34-36). Although

Russia followed the declassification of homosexuality as a mental disorder by the WHO in 1990, in 2016 it published a draft order according to which “gender identity disorders” and “psychological disturbance and behavioral disorder associated with sexual development and orientation” are equated with diseases which should be treated. Nominally this document isn’t contrary to the WHO definition. But it does create conditions to pathologize homosexuality and for a forced “treatment of gender identity disorders”, for example, of teenagers, who during puberty start to understand their attraction to the same-sex people ([http://upogau.org/eng/inform/ourview/ourview\\_3599.html](http://upogau.org/eng/inform/ourview/ourview_3599.html)).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: There is a series of LGBT organizations, which are mainly to be found in larger cities. Their spaces are usually for young adults, not for under-age youth. The law 2013 censorship law led to the closure of the Children 404 website – the only public source of counseling and support for LGBT children in the country ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)).

### **Good teachers**

11. Supportive staff: We found no information on this topic, but teachers are not trained in this and not expected to be supportive.

12. Staff competent to teach: Teachers are not trained in comprehensive sexual education (BZgA & IPPF, 2017) and being supportive to LGBT youth is forbidden since 2013 (ILGA, 2017).

13. Staff competent to support: A 2009 report by the Moscow Helsinki Group on the situation of LGBT reported a case of a lesbian student in a teacher training institution, who were forced to come out, and then by the Dean referred to a psychologist who hospitalized her and prescribed neurological medication. After missing almost a year of her studies due to the hospitalization. When the internship began, she was once more asked to choose: She could “act normal” and “love men” or drop out of school. The teaching methodology specialists would not let her, or her girlfriend, attend the internship, due to the fact that they did not correspond to the “moral image of a Russian teacher” (COWI, 2010 Russian Federation-sociological study, p. 29). See also checkpoint 9.

14. Supportive school environment: We found no information on this topic, but the general attitudes and the many examples of principals firing gay and lesbian teachers and the context of the 2013 censorship law make it unlikely that any school dares to be supportive.

15. Employment protection for staff: No labor discrimination is allowed according to art. 37 of the Constitution (COWI, 2010 Russian Federation-legal study, p. 10). However, labor legislation does not contain any specific provisions explicitly prohibiting discrimination on ground of sexual orientation (ibid, p. 46).

Teachers, who choose to come out or are assumed to be homosexual, are also subjected to bullying and harassment on the side of their colleagues and students. Apart from being forced to resign or

being fired, they may even be compelled to leave town (COWI, 2010 Russian Federation-sociological study, p. 29-30).

In September 2013, a Khabarovsk teacher and gay rights activist, Alexandr Yermoshkin, was fired from his two jobs as school teacher and university researcher. A week earlier, he had been attacked by members of a local neo-Nazi group "Shtolz Khabarovsk". A homophobic activist group called "Movement against the propaganda of sexual perversions" had campaigned for his dismissal ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Russia](https://en.wikipedia.org/wiki/LGBT_rights_in_Russia)). In 2014, a St. Petersburg music teacher was fired after a hate campaign by the notorious Timur "Isayev" Bulatov, an anti-gay activist who claims to have gotten 29 LGBT school teachers fired ([https://www.gale.info/en/news/local\\_news/news883](https://www.gale.info/en/news/local_news/news883)).

## Recommendations

1. Withdraw article 6.21 of Federal Law No 135-FZ) because it hinders adequate implementation of the right to education for DEPOGI students
2. Protect DESPOGI teachers against employment discrimination
3. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
4. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
5. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## San Marino

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

There were no GALE Checklist respondents from San Marino. Based on the limited data, GALE scores San Marino as 38% discouraging, 46% no policy, 15% encouraging with 2 item unknown. This lead to an average score of 44%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?				Encouraged		
2. Freedom of self expression for DESPOGI?		Discouraged				
3. Protection against DESPOGI bullying?		Discouraged				
4. No drop-out of DESPOGI?						No data
5. Equal school performance of DESPOGI?						No data
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			No policy			
7. Attention in resources about sexual diversity?				Encouraged		
8. Resources for DESPOGI students?			No policy			
9. Support services open to DESPOGI students?			No policy			
10. Peer-learning opportunities for DESPOGI?		Discouraged				
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			No policy			
12. Staff competent to teach about sexual diversity?			No policy			
13. Is staff competent to support DESPOGI?			No policy			
14. Supportive school environment for DESPOGI?		Discouraged				
15. Employment protection for DESPOGI staff?		Discouraged				

## General assessment

San Marino is a very small country landlocked by Italy. In many respects, it resembles the surrounding Italian region. The countries education system is centralized and patterned on the Italian model.

The attitudes towards DESPOGI are quite negative. There is no research on LGBTI issues in schools.

## Legal context

### Laws

San Marino repealed her sodomy law in 2004. In 2008 San Marino includes sexual orientation as an aggravating factor regarding hate crimes. ILGA, 2017). The age of consent is equally set at 14 (Art. 173 CP; the same as in Italy). Additionally (unlike in Italy) it is an offence to "incite a minor under 18 years to sexual corruption" (Art. 177 CC). Since 2012, there is a registered partnership possibility, but with unequal rights. Sexual orientation and gender identity aren't included as grounds in the country's non-discrimination law ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_San\\_Marino](https://en.wikipedia.org/wiki/LGBT_rights_in_San_Marino)). Discrimination on the basis of race, gender, disability, language or social status is prohibited, and the law is enforced ([https://www.ei-ie.org/barometer/en/home/profile\\_details/169](https://www.ei-ie.org/barometer/en/home/profile_details/169)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1985)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (2003)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes/no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

San Marino is very small, with about 33,500 inhabitants

([https://en.wikipedia.org/wiki/San\\_Marino](https://en.wikipedia.org/wiki/San_Marino)). San Marinense preschools accept all children between the ages of three and six. Attendance is free. Primary school attendance is compulsory for children ages 6 to 11. Students are given yearly, state-required final exams to determine whether or not they may continue onto the next level (European Education 1999). Lower secondary education is compulsory for children between the ages of 11 and 14. After completing lower secondary education, students may leave school or continue for another three years in upper secondary education after which they can go onto higher education. Higher education is offered at San Marino's one major university, L'Universita di San Marino. It offers four different types of degrees (European Education 1999). San Marino also offers several types of non-formal education such as classical, scientific, artistic, technical, and vocational schools and adult education programs. The Ministry of Education has the responsibility of supervising all educational institutions. The Ministry also plans and promotes



educational research. The schools are funded by the state, and money is distributed to schools depending on their needs. Teachers in San Marino attend teacher training schools, and they must take general culture and psychology classes. Specialization classes can be taken after graduation (<http://education.stateuniversity.com/pages/1298/San-Marino.html>).

Public opinion and attitudes towards LGBT persons are predominantly negative according to the few surveys conducted on the matter. Moreover, the Sammarinese society is perceived as based on traditional family values with a strong influence of the Catholic Church (COWI, 2010 San Marino-sociological study, p. 3). Basically, the social-cultural context of San Marino is characterized by a strong attachment to the notion of the traditional family and to heteronormativity. The Associazione Culturale LGBT San Marino says: "People are scared. They think if they do come out they will probably lose their job. There are many lesbians and gay men that live in San Marino, but they have a sort of double life. When they are in San Marino they are not gay, but in the evening they go to Rimini and there they can be their real selves." The Minister of Foreign Affairs stated with regards to the alleged fear of coming out: "this could be because people are afraid due to the fact that we are a small community. We do not have the feeling that they are discriminated against. They are protected." (ibid, p. 5).

inquiry carried out by the Sammarinese press "San Marino Notizie" on 2 March 2007 asked its readers about their attitudes towards different kinds of family constellations. Only 6% had a favorable view of granting civil union rights to same-sex couples (ibid, p. 6).

A different inquiry investigated morality of teenagers of San Marino aged 14-18. It was submitted between December 2007 and January 2008 to a sample of 77.6 % of adolescent students of San Marino frequenting secondary schools. The theme investigated gendered choices and normative character of youth. The theme of homosexuality was intentionally placed among a repertory of deviant and criminal behaviors, asking the respondents for an assessment of their opinion on the seriousness (meaning negatively) on homosexuality. 45.9% considered homosexual behavior as "serious/very serious", 40.5% held it as "not at all serious/not very serious" and, among these, 28% did not consider homosexuality a great sin (ibid, p. 6).

There have never been public debates or conventions concerning LGBT rights by political figures or by the media. Additionally, there are no reports of violence and hate crimes directed at the LGBT community ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_San\\_Marino](https://en.wikipedia.org/wiki/LGBT_rights_in_San_Marino)).

when LGBT San Marino proposed for the government to recognise the 17th of May as IDAHO (International Day Against Homophobia and Transphobia), the government rejected the proposition, therefore showing lack of commitment to this area of work (COWI, 2010 San Marino-legal study, p. 7)

### **Access to schools**

San Marino does not have reports on the diffusion of harassment and bullying in the school environment. Nor are data available on the sense of isolation and vulnerability felt by LGBT

adolescents consequently to homophobia, biphobia, or transphobia and/or hate speech. No cases of San Marino's people emerges on hostility to have an LGBT teacher for their child . (COWI, 2010 San Marino-legal study, p. 17). The words "frocio" and "finocchio" are still used as derogative terms for gay men in schools. A shift in derogative terms has been detected and the word "gay" is now in some way replacing the Italian equivalent. The Minister of Foreign Affairs and the Minister of Health and Social Security did not think there was any problem with name-calling, but that could be due to the failure of the NGO to reports about those problems. The San Marino LGBT Association has asked the government to draft a strategy to fight bullying in 2008, but the petition was rejected. The application then develop its own anti-bullying curriculum that was offered to schools (COWI, 2010 San Marino-sociological study, p. 12).

### **An appropriate curriculum**

Freedom of speech and of the press are guaranteed, and Internet access is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/169](https://www.ei-ie.org/barometer/en/home/profile_details/169)).But LGBT representation on public Sammarinese radio and television is rare. Seldom does television offer coverage on significant political and social LGBT events. When it does it is normal in a neutral way (COWI, 2010 San Marino-sociological study, p. 3).

The curriculum "Nuovi Saperi Sammarinesi" includes sex education. This is a spiral curriculum from early childhood to secondary education. questions of gender, sexual orientation and discrimination are talked about already from junior secondary school when the student starts to define his/her gender roles or sexual preferences. But these arguments are not reinforced by a vocabulary to name and discuss sexual difference, non-traditional family arrangements or relationships and the discussion of sexual orientation in class that may raise awareness and combat homophobia, even if it lacks a specific discipline on LGBT issues (COWI, 2010 San Marino-legal study, p. 17-18). The San Marino LGBT Association has peer education in schools (COWI, 2010 San Marino-sociological study, p. 12).

### **Good teachers**

There are no data about the competence of teachers to deal with sexual diversity in classes. From an interview with Association LGBT San Marino, anecdotal evidence shows that there have been cases of lesbian and gay employees in public employment who have been forced to transfer their workplace for harassment reasons on the grounds of their sexual orientation. One type of case most heard about is teachers who are afraid of disclosing their sexual orientation (COWI, 2010 San Marino-sociological study, p. 12).

## **Recommendations**

1. Ratify the Convention against Discrimination in Education
2. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
3. Protect DESPOGI teachers against employment discrimination

4. Combat social prejudice against DESPOGI or support initiatives in this area
5. Secure that schools have a safe school climate which includes DESPOGI students

## Serbia

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives.

One local respondent scored Serbia in 2014 as 33% forbidden or discouraged, 53% no policy, 13% encouraged/supportive, with no items scored as unknown. After review of the data, we assessed Serbia a bit more negative with 62% discouraged, 23% no policy and 15% encouraged. We score Serbia as denying (discouraging). On the total scale, the score comes down to 38%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	1					
2. Freedom of self expression for DESPOGI?					1	
3. Protection against DESPOGI bullying?	1					
4. No drop-out of DESPOGI?			1			
5. Equal school performance of DESPOGI?			1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			1			
7. Attention in resources about sexual diversity?		1				
8. Resources for DESPOGI students?			1			
9. Support services open to DESPOGI students?			1			
10. Peer-learning opportunities for DESPOGI?		1				
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			1			
12. Staff competent to teach about sexual diversity?			1			
13. Is staff competent to support DESPOGI?			1			
14. Supportive school environment for DESPOGI?		1				
15. Employment protection for DESPOGI staff?					1	

Numbers show the number of respondents scoring an item.

## General assessment

The country's education system is centralized. There is anti-bullying policy, but it is not inclusive of DESPOGI. Sex education is absent from textbooks and is only given through limited peer education.

The government says discriminatory comments on homosexuality have been removed from textbooks, but old textbooks are still used and more neutral or positive information is not yet offered.

The attitudes towards DESPOGI are quite negative. Several LGBT NGOs are very active in combating homophobia and transphobia.

## Legal context

### Laws

In its modern history, and as part of the Kingdom of Yugoslavia in 1918, “lewdness against the order of nature” in Serbia was banned. The 1994 Criminal Code removed that prohibition. The age of consent is equal at 14. The 2010 Law on the Prohibition of Discrimination is a comprehensive anti-discrimination act that applies to SOGI in employment, education, social welfare and all other “public administration organs”. In 2012, the Criminal Code was amended to include that s sexual orientation and gender identity are aggravating circumstances for hate crime (ILGA, 2017). In 2005, Parliament approved the *Law on Higher Education*, which guarantees equal rights regardless of sexual orientation in those institutions (among other categories). In 2011, the Parliament approved a youth law, prohibiting discrimination on the ground of sexual orientation. The same year, the Parliament approved a change in the *Health Insurance Law*, based on which sex change surgeries became fully covered by the state-wide basic medical insurance plan, beginning in 2012 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Serbia](https://en.wikipedia.org/wiki/LGBT_rights_in_Serbia)). In 2016 anti-discrimination protection on the ground of gender identity was included in a new police act, but sexual orientation was omitted (ILGA-Europe, 2017).

### Conventions

Convention against Discrimination in Education: not signed | signed | ratified | **succession** (2001)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (2001)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (2001)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (2001)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **no**

## More information

Education in Serbia is divided into preschool (*predškolsko*), primary school (*osnovna škola*), secondary school (*srednja škola*) and higher education (*visoko obrazovanje*) levels. It is regulated by the Ministry of Education and Science of Republic of Serbia.

([https://en.wikipedia.org/wiki/Education\\_in\\_Serbia](https://en.wikipedia.org/wiki/Education_in_Serbia)). The Ministry is responsible for whether a subject is approved and taught, but provincial, regional and local authorities can approve and implement educational programs (BZgA/IPPF 2017 - Preliminary version of the Fact Sheet Sexuality Education in the WHO European Region: Serbia)

Students are organized into classes (*odeljenje*) of at least 5 for preschools and at least 15 for primary and high schools. Most primary and high schools have a student council (*đački savet/parlament*) and a peer team (*vršnjački tim*). Student councils propose events and improvements and give their opinion

about particular subjects to school principals, while peer teams deal with students' problems (helping lower ability students learn or helping someone integrate into peer groups) with the help of professional psychologist. In schools without peer teams, its actions are all on the psychologist. Parents are organized into parent councils (*savet roditelja*). Parent councils propose excursions, watch over actions involving students' money and debate about events happening in school. In schools without a student council, the parent council solely practices all aforementioned actions ([https://en.wikipedia.org/wiki/Education\\_in\\_Serbia](https://en.wikipedia.org/wiki/Education_in_Serbia)).

### **Attitudes**

Research shows that prejudice against LGBT persons is widespread: 80% of the total population would not want to have an LGBT person as neighbor and only 18% state that they know and interact with an LGBTI person. 26% say that they would, upon discovering a friend or neighbor to be LGBTI, stop communicating with him/her; 24% would try to find a cure for him/her. 72% of Serbian LGBTI persons said that they have been psychologically abused, 51% have been discriminated and 23% have suffered physical violence. Security is a daily concern for LGBT persons and has a strong impact on their lives. Against this background, 63% of Serbian gay men talked about suicidal thoughts in the past (23.9% of the total population) and 9% are currently thinking about suicide ECRI 2017, (p. 34).

The negative attitudes towards LGBT persons are reflected by aggressive anti-LGBT discourse by different Orthodox, fascist and ultra-nationalist groups - often organized in relation to hooligan football fan clubs. The aggressive anti-LGBT practice of such groups has only been countered by leading politicians with reference to violence being unacceptable, not because they are homophobic and transphobic as such (COWI, 2010 Serbia-sociological study, p. 6).

### **Discrimination**

Discrimination on the basis of race, gender, disability, language or social status is prohibited, but discrimination occurs against some groups, especially Roma ([https://www.ei-ie.org/barometer/en/home/profile\\_details/173](https://www.ei-ie.org/barometer/en/home/profile_details/173)). In 2014, Serbia got recommendations to correct this situation (UNESCO Right to Education database).

The 2017 ECRI report shows how xenophobia is prevalent in Serbia: a survey carried out by the CPE in 2012 and 2013 indicated considerable levels of underlying social distance affecting a number of vulnerable groups. Among the surveyed persons, 80% would not like to have a LGBT person in their family, 57% responded so for people of Albanian origin, 53% for Roma, 45% for asylum seekers, 41% for people of Croat and 40.9% for people of Bosnian origin. Among the small number of surveyed persons belonging to ethnic minorities, two thirds of Bosnians and one third of Roma responded that they would not marry members of the Serbian population (ECRI 2017, p. 17).

A Council of Europe report states that statistics show that a considerable proportion of discrimination against LGBT persons is committed by civil servants belonging to the police, the military, health

services and the judiciary; discrimination at school is also frequent. This kind of intolerance is particularly harmful, as it often deeply interferes with LGBT persons' personal and family life; it is also considered a severe form of discrimination under Article 13.2 LPD. Against this background, ECRI takes positive note of a considerable number of training measures for police and social welfare staff on LGBT issues. At the same time, it considers that such training needs to be continued and expanded to other sectors such as health services and the military. The authorities should also introduce LGBT issues into mandatory school programs, remove homo- and transphobic content from schoolbooks and ensure that teachers and social workers in schools be sensitized to and trained in LGBT matters (ECRI report 2017 on Serbia, p. 35, <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Serbia/SRB-CbC-V-2017-021-ENG.pdf>).

In May 2014, Amnesty International identified Serbia as one of a number of countries where there is a marked lack of will to tackle homophobia and transphobia, noting that since 2011 public authorities have banned pride marches on the basis of violent threats from homophobic groups. Since then, a pride parade successfully took place in September 2014 in Belgrade ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Serbia](https://en.wikipedia.org/wiki/LGBT_rights_in_Serbia)).

### **Access to schools**

1. **Access to schools:** According to the Constitution of the Republic of Serbia, everyone shall have the right to education; still prejudice and violence against LGBT children in school are widespread. The important fact is that the Law on basis of the educational system says that it is forbidden to discriminate based on all grounds (COWI, 2010 Serbia-legal study, p. 4-5). The Anti-Discrimination Law (article 3, 4 and 19) prescribes prohibition of discrimination in the sphere of education and professional training (COWI, 2010 Serbia-legal study, p. 15). The Law on Higher Education guarantees equal rights, inter alia, specifically regardless of sexual orientation in those institutions ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Serbia](https://en.wikipedia.org/wiki/LGBT_rights_in_Serbia); COWI, 2010 Serbia-legal study, p. 15). There was a case around 2007 of a high school institution forbidding access to school of a publicly declared gay pupil, which left his abusive parents, but was 18yo. Case went to court, but was irrelevant as student moved to another city before its conclusion. Eventually, years later, court decided that school discriminated unlawfully. So, such discrimination is forbidden, by both anti-discrimination and education law (feedback Vlatko Salaj, 2017).

2. **Freedom of self expression:** We found no statistical data about coming-out and self-expression. The general social attitudes make it unlikely that many students come out and there is no policy to correct this. As part of their work to monitor the implementation of the strategy and action plan to prevent discrimination, NGO Labris wrote in 2016 to the Ministry of Education. Labris contacted the ministry in relation to the activities they are due to implement to prevent institutional discrimination, including the development of a rulebook for changing names in school transcripts and diplomas. The ministry

confirmed that they had not adopted such a rulebook for high schools and universities, a move that was criticized by LGBTI NGOs (ILGA-Europe, 2017, p. 206).

Self expression is specifically guaranteed by anti-discrimination law. So, there is a strong legal protection, meaning this should also be legally encouraged, but with no specific policy per school (feedback Vlatko Salaj, 2017).

3. *Protection against bullying*: The PISA study on school achievement and bullying and the EU LGBT Survey were not done in Serbia. A 2009 research by CARE International shows that over 60% of respondents think that violence against homosexuals is always justified. Over 70% justify violence in defense of honor and would not be friends with homosexuals. Furthermore, this research has shown that 21% of respondents in Belgrade have verbally attacked or threatened somebody they thought was "gay or overly feminine", while 13% have participated in the beating of such a person. The situation is a little better in Prokuplje, where 11% of respondents answered affirmatively to both of these questions (COWI, 2010 Serbia-sociological study, p. 12-13).

In 2016, NGO Labris did research on bullying based on sexual orientation and/or gender identity in high schools. Asked about the specific situation in their schools, 72% of students stated that the violence in their schools had been happening every day or often (including mocking, exclusion, teasing and similar acts of violence). 37% of interviewees think that violence against LGBTI children can be justified. 66% of male high school students agree with the statement that "the boys who are in love with other boys should be beaten". 43% of the students who participated in the survey stated that they would avoid another student because of her/his sexual orientation or gender identity taught (Sarajevski Otvoreni Centar, 2017).

Respondent Vlatko Salaj notes LGBT bullying is forbidden by law, both anti-discrimination, and education law. So, there is legal protection, but no individual policy per school.

In 2010, fighting discrimination in schools was not among the strategic goals of the Ministry of Education or in the goals of the Framework Action plan for the Prevention of Violence in educational facilities. Although there are numerous cases of violence in schools, educational authorities are rejecting the possibility that the violence could be discriminatory or directed towards LGBT persons (COWI, 2010 Serbia-sociological study, p. 12). We found no updates on this.

In 2014, the UN Committee of Economic, Social and Cultural Rights expressed concern about the violence against, inter alia, LGBT in Serbian schools, but did only make specific recommendations related to Roma and to address sexual education (OHCHR, 2014).

4. *Policy against DESPOGI drop-out*: We found no information on this topic.

5. *Equal academic performance*: We found no information on this topic.



## An appropriate curriculum

6. Availability of public information: In 2002, the National Assembly approved the *Broadcasting Law* which permits the Broadcasting Agency to prevent the spreading of information encouraging discrimination, hate and violence based on sexual orientation (among other categories) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Serbia](https://en.wikipedia.org/wiki/LGBT_rights_in_Serbia)). Freedom of speech and of the press are guaranteed, but persons who criticize the government have suffered reprisals. Independent media are active despite threats. Libel is a criminal offence, though Parliament has replaced imprisonment with fines as punishment for libel, and some journalists practice self-censorship. Internet access is not restricted, but electronic communications are monitored ([https://www.ei-ie.org/barometer/en/home/profile\\_details/173](https://www.ei-ie.org/barometer/en/home/profile_details/173)).

ECRI is highly concerned about a continued rise in hate speech in Serbian public discourse, which is amplified by wide media coverage. The system of (self) regulation of the media is not working properly: the Press Council is too weak and social media operators do not prevent and remove hate speech. Many offences are not reported to the police and the police are not always open to receiving complaints, in particular from LGBT persons and Roma (ECRI, 2017, <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Serbia/SRB-CbC-V-2017-021-ENG.pdf>).

Still, complaints against defamatory speech may be followed up on the social and legal level. In 2008, The newspaper "Blic" published an article which linked a lecture by Ian McKellen to homosexual perversion and to pedophilia. After questions by Labris, the newspaper apologized. (COWI, 2010 Serbia-legal study, p. 25). The Court of Appeal in Belgrade dismissed the appeal of a high school professor in 2016, confirming the earlier Higher Court ruling that the professor had incited hatred and discrimination against members of the LGBTI community. She was given a suspended three-month prison sentence for posting discriminatory comments about LGBTI people on Facebook (ILGA-Europe, 2017, p. 206).

7. Relevant and supportive attention in school resources: Gayten LGBT, Center for Promotion of Lesbian, Gay, Bisexual and Transgender Human Rights, conducted an analysis of secondary school textbooks related to the treatment homosexuality "Towards non-homophobic high schools" in 2008. This research showed that homosexuality is not mentioned in textbooks (COWI, 2010 Serbia-sociological study, p. 12).

A new Strategy for Gender Equality 2016-2020 sets gender sensitive formal education as one of specific objectives, with sets of measures, including introduction of gender sensitive and anti-discrimination educational content at all levels of formal education; revision of handbooks for the purpose of elimination of gender stereotypes; improvement of capacities and competences of teaching staff, introduction of gender sensitive language, etc. These measures are meant to introduce changes that will enable change of gender paradigms during socialization and education and open the space

for other measures aimed at decreasing segregation in later stages of education (<http://www.unesco.org/education/edurights/index.php?action=countries&lng=en>).

In 2010 it was reported that medical studies textbooks discuss same-sex orientation almost negligibly and mostly in negative context (COWI, 2010 Serbia-legal study, p. 5). For example, a Biology textbook labeled homosexuality a deviation comparable with a tendency towards criminal behavior and the use of alcohol and drugs (COWI, 2010 Serbia-sociological study, p. 14).

Following the 2015 introduction of the Law on Textbooks which prohibits discrimination in textbooks, a 2016 analysis by NGO Labris discovered that nine high school texts still contained negative content about LGBT people, portraying them in a discriminatory manner (Labris, 2014; ILGA-Europe, 2017, p. 206). The government said discriminatory texts would be removed from textbooks (Labris, 2017), but since many schools still use 30-year old textbooks, outdated and harmful information is still taught (Sarajevski Otvoreni Centar, 2017).

The government does not have a policy on sex education. There are a few elements of sex education in Biology classes, but they are strictly limited to body awareness and reproductive functions. A few NGOs developed their own sex education curricula and offer them, usually through peer education. There is significant opposition to sex education by the Ministry, teachers and parents, commonly with the argument that it is inappropriate for young people (BZgA/IPPF 2017 - Preliminary version of the Fact Sheet Sexuality Education in the WHO European Region: Serbia).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: There are no data on discrimination within health care. However, homosexuality was still officially considered as an illness in Serbia until recently. In 2008, the Serbian Health Society, replying to a request from Labris, finally confirmed its agreement with WHO that homosexuality should not be considered an illness.<sup>47</sup> Nevertheless, medical staff and professionals do not equally follow this change of policy. According to the Ministry of Human and Minority Rights, consultative support (as well as other supporting infrastructure) in health institutions is missing. In 2010, there was only one public health institution, Student's Polyclinic in Belgrade, which provides psychological consultations to LGBT persons (COWI, 2010 Serbia-sociological study, p. 14). We found no update for this situation.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: We found no information on this topic related to DESPOGI students.

12. Staff competent to teach: We found no information on this topic.

13. **Staff competent to support:** In a 2016-2017 research by Labris on bullying, respondents identified school pedagogues and psychologists as the change agents and potential support to the LGBTI children in need. Actually, pedagogues and psychologists from the schools which participated in this research presented several positive examples of their personal involvement in supporting LGBTI children, including their referral to adequate services and programs. In addition, local services aiming at providing direct support to LGBTI children – counseling, psychotherapy, peer support groups, etc. (recommended also in the Protector of Citizens report), including the services and programs for youth provided by civil society organizations (evaluated as the most important by the representatives of LGBTI community) are crucial for full exercise of rights of LGBTI youth in Serbia (Sarajevski Otvoreni Centar, 2017).

14. **Supportive school environment:** We found no information on this topic.

15. **Employment protection for staff:** There is legal protection against discrimination. One respondent thinks there was a case of a gay declared teacher winning a case against a school that retired him on grounds of his sexual orientation (feedback Salaj, 2017).

## Recommendations

ECRI recommends that the authorities... ECRI report 2017 on Serbia, recommendation 21, p. 41)

1. Create a safe environment for LGBT persons
2. Continue and expand training of public servants on LGBT issues
3. Introduce LGBT issues into mandatory school program
4. Become role models for improving attitudes towards LGBT persons

Labris recommends:

5. Include objective information about sexual diversity in text books
6. Develop training and offer educational resources about sexual diversity for teachers

GALE recommends in addition:

7. Secure that schools have a safe school climate which includes DESPOGI students
8. Support peer education, Gay/Straight Alliances and other grass roots interventions
9. Create a National Strategic Committee on Sexual Diversity in Education
10. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Slovakia

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

One respondent scored Slovakia in 2014 as 87% no policy, 13% encouraged/supportive, with 1 item scored as unknown. We regret that the online checklist broke of some of the textual explanations answers this respondent gave.

We score Slovakia as ambiguous. On the total scale, the score comes down to 55%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			Blue			
2. Freedom of self expression for DESPOGI?			Blue			
3. Protection against DESPOGI bullying?			Blue			
4. No drop-out of DESPOGI?			Blue			
5. Equal school performance of DESPOGI?			Blue			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?			Blue			
7. Attention in resources about sexual diversity?			Blue			
8. Resources for DESPOGI students?			Blue			
9. Support services open to DESPOGI students?			Blue			
10. Peer-learning opportunities for DESPOGI?			Blue			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?			Blue			
12. Staff competent to teach about sexual diversity?				Green		
13. Is staff competent to support DESPOGI?			Blue			
14. Supportive school environment for DESPOGI?			Blue			
15. Employment protection for DESPOGI staff?					Green	

## General assessment

The countries education system is centralized. Although “tolerance towards minorities”, “homosexual relations” and sexuality are formally included in the curriculum, this does not seem to be well implemented. The European Parliament labelled Slovakia’s sex education is insufficient or deficient.

The attitudes towards DESPOGI are ambiguous: the population is not for open discrimination, but also not for equal rights like same-sex marriage. The Catholic Church has substantial influence on people, politics and school content.

Specific research on sexual diversity in education is not available.

## Legal context

### Laws

The current Criminal Code came into force in 1962, and removed sodomy provisions from previous ruling codes (Slovakia relied on the Hungarian law that had previously referred to “crimes against nature”). The age of consent is equal at 15. The Act on Equal Treatment in Certain Areas and Protection against Discrimination of 2008 protects sexual orientation in, inter alia, employment and education. The Criminal Code was updated in 2013 to include sexual orientation as an aggravating factor (ILGA, 2017).

There is no legal recognition of same-sex unions in Slovakia. In 2014, the Slovak parliament approved a constitutional amendment to ban same-sex marriage, with 102 deputies for and 18 deputies against the legislation ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Slovakia](https://en.wikipedia.org/wiki/LGBT_rights_in_Slovakia)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession** (1993)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | **succession** (1993)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | ratified | **succession** (1993)

Convention on the Rights of the Child: **not signed** | signed | ratified | **succession** (1993)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**

Submission 9th consultation for the Convention against Discrimination in Education: *not in UNESCO database, although Slovakia says they submitted it*, including references to discrimination on SOGIESC: **unknown**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **yes**, including references to discrimination on SOGIESC: **yes**, it mentions the establishment of the Committee for the rights of lesbians, gays, bisexuals, transgender and intersexual people in 2012.

## More information

Education is universal and tuition-free through the postsecondary level and is compulsory to age 16. A 2004 law requires primary students to receive classes in either ethics or religion. Critics raise concern that some students in rural schools may be pressured to attend religious classes. Government-funded religious schools can remove material inconsistent with Catholic beliefs from the curricula.

There are problems with the integration of Roma in society and in schools ([https://www.ei-ie.org/barometer/en/home/profile\\_details/177](https://www.ei-ie.org/barometer/en/home/profile_details/177)).

Most schools, especially universities, are owned by the state, though since the 1990s there are also church-owned and private schools. All state-run educational institutions have suffered from a lack of funding since the fall of communism, i.e. from the early 1990s onward.

([https://en.wikipedia.org/wiki/Education\\_in\\_Slovakia](https://en.wikipedia.org/wiki/Education_in_Slovakia)).

The *Ministerstvo školstva, vedy, výskumu a športu SR* (Ministry of Education, Science, Research and Sport of the Slovak Republic) is responsible for the strategy and policy with regard to the education system. The ministry defines the content of the educational program and is responsible for financial policies (<http://www.nuffic.nl/en/publications/find-a-publication/education-system-slovakia.pdf>).

About 70% of the population consider themselves Catholic, and Prime Minister Robert Fico has stated that the relationship with the church is more important than introducing same-sex partnership. The church is influential in the sense that politicians will often consider the opinion of the church before they submit policy proposals. This is believed to affect majority attitudes and opinions on LGBT persons (COWI, 2009 Slovakia-sociological study, p. 8).

Slovakia, unlike its neighbor, the Czech Republic, is more conservative on issues dealing with lesbian, gay, bisexual, transgender (LGBT) rights ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Slovakia](https://en.wikipedia.org/wiki/LGBT_rights_in_Slovakia)).

A 2007 Pew Global Attitudes Project survey recorded that 66% of Slovaks believe that homosexuality should be accepted by society. A 2007 European Union poll shows 19% of Slovaks support same-sex marriage (<http://eu-digest.blogspot.nl/2007/01/angus-reid-global-monitor-eight-eu.html>), however, a survey from 2015 (<https://domov.sme.sk/c/8029654/alternativu-k-manzelstvu-podporuje-vacsina-spolocnosti.html>) shows that more than 50.4% of Slovaks would vote in favor of registered partnerships ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Slovakia](https://en.wikipedia.org/wiki/LGBT_rights_in_Slovakia)).

The 2008 *Eurobarometer* asked, "How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbor?" (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Slovakia was 6.5, with an EU average of 7.9. Romania was the lowest with 4.8 (COWI, 2009 Slovakia-sociological study, p. 4).

Surveys of primary school teachers showed that teenagers are aware of and curious about homosexuality, but often hold prejudiced attitudes (Lukšík and L. Lukšíková [2002], cited in COWI, 2009 Slovakia-sociological study, p. 8).

Apart from general authorities protecting legality (general courts, constitutional court, prosecutors offices), there is also an Ombudsman office called *Verejný ochranca práv* [Public Defender of Rights] dealing with breaches of law conducted by the public authorities. The only body which is considered as equality body dealing with all kinds and forms of discrimination is *Slovenské národné stredisko pre ľudské práva* (SNSLP) [the Slovak National Centre for Human Rights (SNCHR)]. SNCHR was founded by an agreement between the United Nations and the government of the Slovak Republic. It has no arbitrament competencies. It is a supervising authority with advisory competence (COWI, 2010 Slovakia-legal study, p. 11).

The 2016 submission of Slovakia to UNESCO on the consultation of the Recommendation on International Understanding (etc.) mentions the establishment of a Committee for the rights of

lesbians, gays, bisexuals, transgender and intersexual people in 2012 (UNESCO, [2017 Global database on the Right to Education](#) > Country Profiles > Europe > Slovakia > Monitoring > Reports submitted to UNESCO). We could not find references to the activities or impact of this committee.

### **Access to schools**

1. **Access to schools:** Education is mandatory until age 16. In principle, there is protection against discrimination in education. A GALE respondent (2014) says: “there is no specific provision dealing with the either LGBT or DESPOGI students. The Act No.245/2008 Coll. on Education in its Paragraph 144 (reads) that ...” (broken off).

2. **Freedom of self expression:** According Slovakian research within the gay and lesbian community in 2002, 60% of respondents hide their sexual orientation from one or both of their parents; 50% of respondents would not reveal their sexual orientation in public; 52% of respondents concealed their sexual orientation at work and 15% of respondents suffered aggravated assault due to their sexual orientation (COWI, 2009 Slovakia-sociological study, p. 4-5).

3. **Protection against bullying:** There is no policy against bullying in Slovakia. A GALE respondent says: The abovementioned Act No.245/2008 on Education in the same paragraph 144 sets forth that... (broken off) (2014).

The PISA study found a national percentage of 11.5% of frequently bullied students and 22.5% for any bullying act (PISA, 2015, p. 138). The level of bullying is slightly above average. There is no research on homophobic bullying.

The EU LGBT Survey says that 23% of the respondents feel discriminated by education personnel and 84% think that measures in school would make them more comfortable. For trans people this last number is 85%. (FRA, 2014)

4. **Policy against DESPOGI drop-out:** A GALE respondent stated in 2014: “They might be supported by the individual teachers and social workers based in school, but there's no clear policy on that.”

5. **Equal academic performance:** We found no information on this topic.

### **An appropriate curriculum**

6. **Availability of public information:** Freedom of speech and of the press are guaranteed in law and fulfilled in practice. An active media report on a variety of views ([https://www.ei-ie.org/barometer/en/home/profile\\_details/177](https://www.ei-ie.org/barometer/en/home/profile_details/177)). Since the beginning of 1990's, media representation of homosexuals has shifted from images of “wicked queers” or persons with mental problems toward more positive images, including depictions of LGBT activists lobbying for equal rights. The media has become more differentiated and nuanced in its portrayal (COWI, 2009 Slovakia-sociological study, p. 9-10).



A GALE respondent says: “There is no clear document, no policy yet. But the National Strategy on human rights in Slovakia, is the document which is still under preparation would include some positive rising awareness provisions for the LGBT and sexual diversity. The Action plan on Rights of LGBTI should follow the strategy. Some NGOs are being pretty active within the field of promotion and rising awareness of the Rights of LGBTI groups and therefore supporting sexual diversity publically.” (2014)

7. *Relevant and supportive attention in school resources:* There is very little attention paid to LGBT issues in schools. Though secondary school sex education touches upon homosexuality, lessons on homosexual relationships in one school book were located next to the section on “sexual perversions and promiscuity” (Jojart and Kollárik [2008], cited in COWI, 2009 Slovakia-sociological study, p. 7).

A separate agency working with the Ministry of Education, the C SPRVR (Czechoslovak Family Planning Association) is in charge of establishing the guidelines in the field of school-based sexuality education. It was created in 1979 and is still operating today. In 1987, sexuality education became a separate subject taught in secondary school and integrated in other subjects. The official and current sexuality education curriculum is called “Education for Marriage and Parenthood”. It is mandatory since 1996. It starts from age 13-14 and is given by Biology, Ethics or Religion teachers (nuns or priests). Sometimes, external experts such as nurses or gynecologists intervene. Concretely, from grade 1 to grade 4, sexuality education covers topics concerning family life, healthy lifestyle and puberty. From grade 5 to grade 9, the topics covered are puberty and growing up, the body, sexuality, relationships, love, drug and alcohol use, STIs prevention and family planning. In middle schools are covered family, parenthood and intimate relationships. It is to observe that themes such as homosexuality or sexual abuse are almost never discussed. Parents and pupils have the right to choose between two subjects of topics for sexuality education: Religion and Ethics. However, it seems that Religion is chosen most of the time because the Ethics subject, which is more secular, is not always provided because of a lack of financial and human resources. These quotes are from a study by the European Parliament, where it was also observed that sexuality education and prevention campaigns in Slovakia are insufficient or deficient (European Parliament, 2013).

In 2009, a review of educational material was taking place at the time of writing this report. This development has placed the LGBT issues on the agenda. A new Act on Education was passed in the beginning of 2009, and new educational material is designed by relevant authorities. There was a dialogue between the authorities and some NGOs, such as the Slovak Association for Planned Parenthood (a family planning association), distribute educational materials that attempt to mainstream equality (COWI, 2009 Slovakia-sociological study, p. 8).

A GALE respondents offers an elaborate description:

“School curricula, approved by MSVVaS SR in 2010, state the content of Education to Marriage and Parenthood. The curriculum of Education to Marriage and Parenthood has its basis in the Conception of education to marriage and parenthood, which responds to the need to address actual issues in a current society. The Conception was prepared under the resolution of the Slovak Government No.



389/1996, by which the government approved the Conception of state family policy, as well as under the Complex program for the prevention of HIV/AIDS contagion in the Slovak Republic adopted by the resolution of the Slovak Government No. 390/1996 and under the National program of health promotion adopted by the resolution of the Slovak Government No. 659/1991. The document has a multidisciplinary nature and in its content it integrates philosophical, sociological and biological knowledge concerning marriage, family life and intimate relationships. Sexual education is implicitly included in Curriculum of Education to Marriage and Parenthood and a substantive part of it is, thus, such a mastering of one's own sexuality so that it would, in terms of sexual health, to enrich a personality, improve relationships with people and develop an ability to love (WHO Copenhagen, 1974).

School curricula are categorized into 3 groups: 1. primary education, 2. lower secondary education and 3. upper secondary education. In group 1, issues of non-heterosexual relations are not included in primary education curricula, i.e. for the first stage of elementary schools. In group 2 it is also not included in curricula of education to marriage and parenthood for lower secondary education, i.e. for the second stage of elementary schools. In group 3, school curricula for upper secondary education, i.e. for secondary schools, consist of three thematic units. These are Marriage and family, Parenthood, Intimate relationship between a man and a woman. Despite the name of the third thematic unit, according to school curricula, it includes also "homosexual relations" and "lesbian relations" School curricula do not closer specify topics forming the content of the material thematic unit. The curriculum of Education to Marriage and Parenthood has its basis in the "Conception of Education to Marriage and Parenthood", which responds to the need to address actual issues in a current society. The Conception was prepared under the resolution of the Slovak Government No. 389/1996, by which the government approved the Conception of state family policy, as well as under the Complex program for the prevention of HIV/AIDS contagion in the Slovak Republic, adopted by the resolution of the Slovak Government No. 390/1996 and under the National program of health promotion adopted by the resolution of the Slovak Government No. 659/1991. The document has a multidisciplinary nature and in its content it integrates philosophical, sociological and biological knowledge concerning marriage, family life and intimate relationships. Sexual education is implicitly included in Curriculum of Education to Marriage and Parenthood and a substantive part of it is, thus, such a mastering of one's own sexuality so that it would, in terms of sexual health, "enrich a personality, improve relationships with people and develop an ability to love" (WHO Copenhagen, 1974)."

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: Community research on discrimination from 2002 showed that 5% of respondents experienced direct discrimination in health service. Most respondents chose to hide their sexual orientation from doctors and other medical personnel (50% always concealed, 22% occasionally concealed). Medical personnel as well as experts in the field of mental health lack information on LGBT issues. Gays and lesbians have been objects of harassment and verbal attacks from medical personnel (COWI, 2009 Slovakia-sociological study, p. 8).

A GALE respondent: “The same applies as for another abovementioned questions. The DESPOGI students can enjoy the help and assistance from the teachers but concrete policy on that is simply non- existing.” (2014)

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: A GALE respondent highly doubt that Gay/Straight Alliances or similar groups for under-age students exist in any public school in Slovakia (2014).

### **Good teachers**

11. Supportive staff: A GALE respondent notes it is individual and it differs from case to case and also from the town to town. The Western part of Slovakia is traditionally more tolerant and the teachers are more open minded comparing to still conservative, catholic south, north and east (2014).

12. Staff competent to teach: According to the Education International Barometer ([https://www.ei-ie.org/barometer/en/home/profile\\_details/177](https://www.ei-ie.org/barometer/en/home/profile_details/177)), teacher training in Slovakia gives attention to tolerance towards minorities, but the Slovakia section of the Barometer is out of date (last change 2007) and references to minorities in the section are only to Roma and handicapped students, so it is doubtful whether teacher training have attention to sexual diversity.

In the 2016 submission to UNESCO on the consultation of the Recommendation on International Understanding (etc.) it is mentioned that in the beginning of 2016, there has been an accreditation for a learning program of prevention towards homophobia and transphobia issued. The learning program is targeted towards the persons interested in facilitating further education in the field of human rights, tolerance and antidiscrimination with specification for the LGBTI area. This program is available in further education and its participants are adults (UNESCO, [2017 Global database on the Right to Education](#) > Country Profiles > Europe > Slovakia > Monitoring > Reports submitted to UNESCO).

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: The Anti-Discrimination Law contains a prohibition on discrimination on grounds of sexual orientation in employment. In research conducted in 2002, more than half of the respondents had completely concealed their sexual orientation throughout their careers, and one-third concealed their sexual orientation at some jobs but not all. Twenty-six per cent did not feel the need to hide their sexual orientation at work. In spite of the high percentage of LGB respondents concealing their status, more than 25% had experienced sexual orientation harassment. In the same research, 7% of respondents said they were warned or threatened about losing their job due to sexual orientation. 6% were fired on sexual orientation grounds. Despite this, there was - at

least until 2010 - no available case law concerning LGBT discrimination in the labor market (COWI, 2009 Slovakia-sociological study, p. 7).

## **Recommendations**

1. Combat social prejudice against DESPOGI or support initiatives in this area
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Include DESPOGI students in your implementation of the right to education monitoring
4. Support peer education, Gay/Straight Alliances and other grass roots interventions
5. Develop training en offer educational resources about sexual diversity for interested teachers
6. Create a National Strategic Committee on Sexual Diversity in Education
7. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Slovenia

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives. Thirteen mostly activist respondents scored Slovenia in 2014 as *at average* 12% forbidden/discouraged, 50% no policy, 38% encouraged/supportive, with 0,2 items scored as unknown. A somewhat more consolidated assessment sets Slovenia at 7% discouraged, 80% no policy and 13% encouraged. We score Slovenia as ambiguous. On the total scale, the score comes down to 52%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	2	5	6	0
2. Freedom of self expression for DESPOGI?	0	3	6	3	1	0
3. Protection against DESPOGI bullying?	0	0	8	5	0	0
4. No drop-out of DESPOGI?	0	0	10	1	1	1
5. Equal school performance of DESPOGI?	0	0	8	3	2	0
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	1	3	5	4	0
7. Attention in resources about sexual diversity?	0	1	8	3	1	0
8. Resources for DESPOGI students?	0	1	7	4	0	1
9. Support services open to DESPOGI students?	0	1	7	1	4	0
10. Peer-learning opportunities for DESPOGI?	0	1	8	2	1	1
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	2	5	3	3	0
12. Staff competent to teach about sexual diversity?	0	5	5	2	1	0
13. Is staff competent to support DESPOGI?	0	3	10	0	0	0
14. Supportive school environment for DESPOGI?	0	4	4	5	0	0
15. Employment protection for DESPOGI staff?	0	1	5	3	4	0

Numbers show the number of respondents scoring an item.

## General assessment

The government sets key objectives, but the actual content of the curriculum and school management is up to the schools. Although teaching diversity is mandatory, this is not implemented very well. Sex education is not mandatory and depends on individual teachers. There is no national anti-bullying strategy.

The attitudes towards DESPOGI were relatively positive and a small majority of teachers is for more attention to sexual diversity in schools. But negative media attention for two failed referenda about marriage equality may have turned public attitudes to be more negative and fellow students to be more discriminatory. The LGBT organization Legebitra has done some research among teachers but research on LGBT students or the attitudes of students in general about sexual diversity is lacking.

## Legal context

### Laws

When Slovenia was still a part of Yugoslavia in 1976, work on the Criminal Code to remove provisions penalizing consensual same-sex sexual relationships commenced, and the resultant law came into force in 1977. The age of consent is equal at 15. Since 1995 the Law on Protection against Discrimination (most recent update in 2016) includes protection from discrimination in housing, social benefit, social protection, education, employment, goods and services, and involvement in organizations. Article 131 (Violation of Right to Equality) of the 2008 Penal Code provides a wide ranging non-discrimination provision on grounds of sexual orientation. Article 10(1) of the 2016 Law on Protection against Discrimination (unofficial translation) enumerates incitement to hatred. Since 2017 a partnership registration act improves rights for same-sex couples that were already there since 2006; joint adoption is still not possible . (ILGA, 2017)

Article 63 of the Constitution prohibits "any incitement to national, racial, religious or other discrimination, and the inflaming of national, racial, religious or other hatred and intolerance". The discrimination of transgender people is encompassed by a constitutional prohibition of discrimination on the basis of "any other personal circumstance". However, there are no specific laws explicitly addressing the status and position of transgender people in Slovenia. (COWI, 2010 Slovenia-legal study, p. 5, 27).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | **succession (1992)**

Convention on Technical and Vocational Education: **not signed** | signed | ratified | **succession**

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | ratified | **succession (1992)**

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | ratified | **succession (1992)**

Convention on the Rights of the Child: **not signed** | signed | ratified | **succession (1992)**

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

Slovenia regularly makes recommendations during UPR cycles to improve the situation of LGBT people.

## More information

Compulsory, free and universal education is provided for ages 6 to 14. An additional 4 years of free secondary education are available and not compulsory. The Basic School Act defines general basic education objectives, which include to develop respect for human rights, tolerance and acceptance of diversity. In public schools, it is not permitted to teach religion (or provide confessional religious lessons with an intention to teach religion) and perform religious ceremonies, because the Constitution stipulates separation of religion from the state

([https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Slovenia:Single\\_Structure\\_Education\\_%28Integrated\\_Primary\\_and\\_Lower\\_Secondary\\_Education%29](https://webgate.ec.europa.eu/fpfis/mwikis/eurydice/index.php/Slovenia:Single_Structure_Education_%28Integrated_Primary_and_Lower_Secondary_Education%29)).

A 2004 amendment to the Constitution prohibits discrimination on the basis of disability in education or in other state services. Minimum quotas have been established for hiring disabled employees in both public and private sectors. In 2007, Roma children are reported to be in segregated classes in some places and disproportionately attending classes for students with special needs, but the government had started projects to amend this ([https://www.ei-ie.org/barometer/en/home/profile\\_details/178](https://www.ei-ie.org/barometer/en/home/profile_details/178)).

A Eurobarometer survey published in 2006 showed that 31% of Slovenians surveyed support same-sex marriage and 17% think homosexuals should be allowed to adopt children (EU-wide average 44% and 33%). A poll conducted by Delo Stik in 2015 showed that 59% of Slovenians surveyed supported same-sex marriage, while 38% supported adoptions by same-sex couples. The poll also gauged support for the same-sex marriage bill, which was debated in the National Assembly at the time. The results showed that a narrow majority (51%) of Slovenians surveyed supported the bill ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Slovenia](https://en.wikipedia.org/wiki/LGBT_rights_in_Slovenia)).

There is a constant lack of public funding for LGBT social and political activities. In 2007 Legebitra sued the Ministry for Work, Family and Social Affairs, claiming that their application for tender on preventive programs for children and youth was rejected for homophobic reasons. The court ruled in favor of Legebitra COWI, 2010 Slovenia-sociological study, p.11).

A 2005 study by Kuhar & Švab has been replicated in 2014 and Legebitra has now comparative data. It is striking that violence in school has increased significantly - from over 20% in 2005 to 43% in 2014. 43% of those who have been victim of violence due to sexual orientation, report that the perpetrators were schoolmates. Kuhar hypothesizes this increase could be related to the fact that Slovenia had two public referendums on marriage equality which led to a lot of hate speech in public. It could also be related to the fact that gays and lesbians are now much more visible and out in schools as they were 10 or 15 years ago (comment Roman Kuhar, 2017).

### **Access to schools**

1. **Access to schools:** Primary education is mandatory up to age 14. The Law on Protection against Discrimination includes protection from discrimination education and employment. We found no indications that DESPOGI students were denied access to schools or to internships.

2. **Freedom of self expression:** Coming-out remains contentious. In spite of the fact that coming out is a process, which importantly influences an individual's perception of him or herself and relationships with others, almost half (49.2%) of the teachers and counselors a 2012 survey believed that coming out of students in the school is not necessary (Magić, 2012, p. 15).

3. Protection against bullying: Neža Kogovšek Šalamon in the article "Šola, homofobija in pravo" (School, homophobia and law) (Obrazi homofobije, 2011) in a review of the existing legislation of the Republic of Slovenia, pertaining to the education system, establishes that none of the reviewed policies contain provisions that prohibit discrimination in schools. Discrimination is mentioned only in the "Rules on the Code of Conduct in Secondary Schools" (Official Gazette of RS, no. 43/2007), where the second article says that every secondary school student has the right to safety and protection against all forms of violence in schools, and to equal treatment regardless of their gender, race and ethnical background, religion, family's social status and other circumstances (ibid., 2011:21) (Magić, 2012, p. 11).

The PISA study found a national percentage of 7.3% of frequently bullied students and 16.4% for any bullying act (PISA, 2015, p. 138). According to survey research in 2005 by Švab, R. Kuhar, 53.3% of LGBT people surveyed who reported experiencing violence due to their sexual orientation, in 22.5% of cases the perpetrators were schoolmates (COWI, 2010 Slovenia-sociological study, p. 7).

The EU LGBT Survey says that 13% of the respondents feel discriminated by education personnel and 94% think that measures in school would make them more comfortable. For trans people this last number is 59%. (FRA, 2014).

In 2012, 35.5 % of surveyed teachers and counselors noticed verbal homophobic violence. Physical homophobic violence was being perceived by almost 5 % of the respondents (Magić, 2012, p. 21). A great majority of the respondents would address the homophobic violence if they witnessed it (ibid, p. 29).

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: A study on print media coverage of homosexuality in Slovenia from 1970 to 2000 indicated that coverage was favorable or at least neutral toward LGBT persons.<sup>27</sup> Other media representation of homosexuality was marked by discourse that reproduced stereotyped, medicalized, secretive and sexualized images of gays and lesbians. During the 1990s, normalized images of homosexuality increasingly began to enter the media. This qualitative shift was not unproblematic, however, as homosexuality was often seen as acceptable only if it was depoliticized and entertaining (COWI, 2010 Slovenia-sociological study, p. 9).

7. Relevant and supportive attention in school resources: Anti-bias and tolerance education is taught in primary and secondary schools, and the study of the Holocaust is a mandatory topic in the curriculum ([https://www.ei-ie.org/barometer/en/home/profile\\_details/178](https://www.ei-ie.org/barometer/en/home/profile_details/178)). The official curriculum for the 9-year primary school system in Slovenia explicitly mentions sexual orientation once. In fifth grade,

pupils are expected to learn about diversity, including different sexual orientations. However, textbooks used for courses do not always mention sexual orientation or same-sex families (COWI, 2010 Slovenia-sociological study, p. 7).

Representatives from LGBT NGOs are occasionally invited to discuss homosexuality in schools. Such invitations are rare, however, as discussion about homosexuality in education is often considered "promoting homosexuality" (Kuhar, 2008, cited in COWI, 2010 Slovenia-sociological study, p. 7).

The authors of articles in the special edition of the "Journal of Contemporary Educational Studies: Homosexuality and School" (2009), pointed out, without hesitation, that the educational system in Slovenia is heteronormative and not in accordance with the European Convention on Human Rights. They also pointed out that relating to the approved policies, explicit objectives and standards of knowledge about homosexuality should have been included already in the curriculum of primary schools, the university programs for teachers-to-be should train undergraduates on how to address these issues, while those who are already teaching should undergo additional training about the subject (Komidar, Mandeljc in the Journal of Contemporary Educational Studies, 2009:178, cited in Magić, 2012, p. 4).

In order to address the topic of violence, some schools are introducing mainly preventive approaches, for example organization of educational workshops and such, where the school cooperates with local and nongovernmental organizations. As shown in Table 6, the majority of respondents are not familiar with any events being organized in their school that would address discrimination and violence on the basis of a specific personal circumstance. Violence and discrimination are generally not popular subjects in school discourse, as is also stated by the authors of a research titled: "Nasilje v šolah: konceptualizacija, prepoznavanje in modeli preprečevanja" (Violence in Schools: Conceptualisation, Recognition and Prevention Models) (2008). The research also shows that almost half of the Slovene secondary schools (42 %) do not engage with external actors in prevention of peer violence (Magić, 2012, p. 13).

Sexual education is not mandatory in Slovenian schools and inadequate. A review of sexual education in all Slovenian schools in 2015 showed that sex education depends on the skills and attitudes on individual teachers and lack any attention to emotions or sexual rights. In 2015, SNIPH introduced a program "The Care for Health" for primary schools, with a two-hour program for 9th graders (13-14 years of age), which should be offered by community health centers. This program focuses on biology, pregnancy and STD's, with the ABC strategy (in order or preference: Abstinence, Faithful, Condom use) (Simetinger & Rahne Otorepec, 2017).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: Research on sexual orientation discrimination in Slovenia showed that 7% of respondents had been advised to undergo psychiatric treatment because of their homosexuality. Almost 8% of respondents experienced discrimination in healthcare services (COWI, 2010 Slovenia-sociological study, p. 8). Legebitra offers individual counseling, field work, peer to peer support group, support group for parents of LGBT+ persons. This program follows/supports



around 100 persons who are included in Legebitras programs on a weekly basis. Legebitra attempts to reach pedagogical personnel and professional counselors in secondary schools, counselors at centres for social work as well as all other experts working in the fields of youth work.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic.

### **Good teachers**

11. Supportive staff: A majority of teachers is supportive towards including sexual diversity in the curriculum. More than 60 % of the teacher respondent believed (in 2012) that the discussion about homosexuality should be an integral part of the curriculum at least in some subjects; 12 % of respondents believe that the discussion should be a part of the educational process, but within the compulsory electives, while 4 % believe that it does not belong within the regular classes (Magić, 2012, p. 16).

12. Staff competent to teach: According to survey research in 2005 by Švab, R. Kuhar, 79% of LGB Slovenians do not recall homosexuality being discussed in school (COWI, 2010 Slovenia-sociological study, p. 7). In a 2012 survey 6.8 % of (teacher) respondents reported that within class they often discuss about homosexuality, 35 % discuss about the topic sometimes, 24.9 % discuss it rarely, and 12 % believe the discussion is not within the scope of the subject they teach. Only a few believe that the topic should generally not be addressed at any school lessons (1.6 %). 29.4 % of those, who discuss homosexuality with their students, believe that the discussion in class is most often initiated by the teacher, 33.5 % that the discussion is opened by students, 35.5 % that it is brought up equally by both. (Magić, 2012, p. 15). Almost half (48.9 %) of the teachers who do not discuss homosexuality (N=92) believe that it is because they do not know enough about the topic, and 19.6 % believe that the discussion is not within the scope of their subject. The presence of the discussion is influenced also by the absence of the issue from the school curriculum and lesson plans. 73.1 % of the teacher respondents believe the discussion about the issue is not present enough in the secondary schools (Magić, 2012, p. 16, 18).

In a 2008 survey among the students of the Gay and Lesbian Studies at the Faculty of Social Sciences in Ljubljana by Renner, 60% of respondents believed that teachers should be additionally trained to address homosexuality and connected topics, 40% believed that additional training would be a good thing, while not necessary (Magić, 2012, p. 16, 24).

13. Staff competent to support: The results of the survey by the School Student organization of Slovenia (DOS) about violence in the Slovene secondary schools (2008) show that, in the opinion and experiences of students, teachers never or very rarely help stop the violence (Magić, 2012, p. 20). Coming out was a confusing topic for many teachers in 2012 focus groups: most of school staff wouldn't know how to react if a student chose them as a confidant in the process of coming out (ibid, p.27). In addition, in 2012, 42% of surveyed teachers and counselors believe that they do not have the

appropriate knowledge and skills to tackle verbal homophobic violence, while 60% do not feel competent to tackle physical homophobic violence (ibid, p. 29).

14. Supportive school environment: In a 2012 research on teachers and counselors, 53.1% thought challenging homophobia and overcoming it requires an anti-violence strategy on a national level. This strategy should explicitly include approaches against homophobia. 47.2% believe that they would get the most support from trainings on how to tackle homophobic violence and discrimination, while 32% of respondents believe support would already be in the form of the inclusion of the issue in the curriculum and lesson plans (Magić, 2012, p. 31).

15. Employment protection for staff: There is employment protection. However, the results of a Research Report on the Situation of LGBT Educational Workers in the School System in Slovenia showed almost 40% reported that they were out to the majority of people around them; almost 40% were out only to some people. Most of them worked at university level (Magić & Janjevak, 2011, p. 10).

## Recommendations

1. Combat social prejudice against DESPOGI or support initiatives in this area
2. Secure that schools have a safe school climate which includes DESPOGI students
3. Include DESPOGI students in your implementation of the right to education monitoring
4. Support peer education, Gay/Straight Alliances and other grass roots interventions
5. Develop a national anti-bullying strategy in the field of education.
6. Develop DESPOGI inclusive curricula for each education sector
7. Create a National Strategic Committee on Sexual Diversity in Education with inclusion of LGBT+ organizations or individuals
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Spain

The reliability of this assessment is scored as 3 stars on reliability of data and 0 stars on different perspectives. One local (non-expert) activist scored Spain in 2014 as quite denying. This was contradicted by research we found, and we had to decide to rescore most of the checkpoints. The current assessment is therefore mostly based on our analysis of the literature. GALE assesses Spain as discouraged, 62% no policy, 38% encouraged/supportive, with 2 items scored as unknown. We score Spain as ambiguous. On the total scale, the score comes down to 63%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?			1			
3. Protection against DESPOGI bullying?				1		
4. No drop-out of DESPOGI?						1
5. Equal school performance of DESPOGI?						1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		1				
7. Attention in resources about sexual diversity?		1				
8. Resources for DESPOGI students?		1				
9. Support services open to DESPOGI students?	1		1			
10. Peer-learning opportunities for DESPOGI?			1			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	1					
12. Staff competent to teach about sexual diversity?	1					
13. Is staff competent to support DESPOGI?		1				
14. Supportive school environment for DESPOGI?			1			
15. Employment protection for DESPOGI staff?						1

## General assessment

The countries education system has quality guidelines on the national level but is also managed by the regional autonomic "communities". On the central level there are law that

The attitudes towards LGBT are quite positive. There is some specific research on sexual diversity in education among students, all of them based on convenience samples but with sufficient statistical power and a reasonable regional distribution of respondents. Research among teachers and on the school level is lacking.

## Legal context

### Laws

Following the re-establishment of constitutional democracy in Spain after Franco, consensual same-sex sexual intercourse amongst males was removed as an offence in the Penal Code in 1979. The age of consent is equal at 16. The 1996/2003 Law 62/2003 is a comprehensive anti-discrimination measure that covers employment and education. The Penal Code penalizes “serious discrimination in public or private employment” with up to two years imprisonment. Sexual orientation is a ground for aggravated circumstance. In 2005, civil marriage was opened up to same-sex partners and joint adoption was allowed. (ILGA, 2017)

Since 2007, there is law that allows transgender persons to register under their preferred sex in public documents such as birth certificates, identity cards and passports without undergoing prior surgical change.

In 2013, discrimination in health services and education based on gender identity were banned in Spain in 2011 and 2013.

Because Spain is a federal country with regions that have different degrees of autonomy, non-discrimination policies may differ across regions. In 2014, Andalusia, the Canary Islands, Catalonia and Galicia also passed bills banning gender identity discrimination. Extremadura and Madrid did so in 2015. In May 2016, both Murcia and the Balearic Islands passed laws protecting transgender people from discrimination. Two autonomous communities also ban discrimination based on sex characteristics, thereby protecting intersex people from discrimination.

These two autonomous communities are Galicia and Catalonia (both since 2014).

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Spain](https://en.wikipedia.org/wiki/LGBT_rights_in_Spain))

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1969)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1977)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1984)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

Spain regularly makes UPR recommendations to other countries on decriminalization and improving the situation of LGBT.

## More information

Education in Spain is regulated by the *Ley Orgánica para la Mejora de la Calidad Educativa* (LOMCE, Organic Law of Education) that expands upon Article 27 of the Spanish Constitution of 1978.

Education is compulsory and free for all children aged between 6 and 16 years and also free up to 18

(Wikipedia, 2017). This law prohibits discrimination based on SOGI (LeGoP, 2016). The education sector is supported by the national government together with the governments of each of the country's 17 autonomous communities (Wikipedia, 2017).

The education enrolment rates are very high at all levels, with girls and boys treated equally in education.

The importance of education to produce the cultural changes that help eradicate gender-based violence (outwards women) is recognized by the government, which in 2006 has approved directives to improve the sexual and affective education provided by the schools ([https://www.ei-ie.org/barometer/en/home/profile\\_details/182](https://www.ei-ie.org/barometer/en/home/profile_details/182)). As part of the law, a new course was proposed, called "Education for Civic Behavior and Human Rights." It teaches rejection of homophobia and advocates for the recognition of different types of families (including those involving same-sex parents). In 2009, this course was expected to find a place in the official compulsory curriculum of primary and secondary schools (10- to 18-year-old students) (Galán et al, 2009, p. 273). This law is also mentioned in the 2010 COWI study.

In their discussion of discriminated minorities in education, the EI Barometer focuses on 'gypsies' (Roma) who often don't complete secondary education. ([https://www.ei-ie.org/barometer/en/home/profile\\_details/182](https://www.ei-ie.org/barometer/en/home/profile_details/182)).

The Catholic hierarchy still has a strong hold on Spain's educational system, where there are public and private schools. Most private schools are financed by the state and managed by the Catholic Church (Galán et al, 2009, p. 273). We know little of the situation in these schools because private schools refuse to part in research on LGBT issues (ibid, p. 278).

Homosexuality and bisexuality today are greatly accepted all around the country and intensely in larger and medium cities. That being said, a certain level of discrimination can still be encountered in small villages and among some parts of society. A Eurobarometer survey published December 2006 showed that 66% of Spanish surveyed support same-sex marriage and 43% recognize same-sex couple's right to adopt (EU-wide averages are 44% and 33%, respectively) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Spain](https://en.wikipedia.org/wiki/LGBT_rights_in_Spain)).

The Wiki pages on [LGBT Rights in Spain](#) and [LGBT History of Spain](#) contain elaborate information about the development of attitudes towards same-sex relations over time.

Although the Spanish government is sensitive to the situation of discrimination against LGBT youth and provides the guidelines for education, it is the autonomous regions that manage, interpret, and develop them. Many of these regional governments are conservative (Generelo, 2007, quoted in Galán et al, 2009, p. 274).

The 2005 Law on *Educación y Cultura de la Paz* [Education and Culture of Peace], Law 27/2005 establishes the government obligation, “To promote all necessary action to develop the contents of the international agreement on eliminating all kinds of racial discrimination, discrimination against women and discrimination derived from sexual orientation” (Article 4.1). The 2006 Organic Law on Educación [Education] 2/2006 has several articles directing schools to teach about citizenship and diversity, although it does not mention SOGO specifically. In Annex II of Royal Decree 1631/2006 one of the contents of the subject is established, “aspects relative to human relations from respect of personal dignity and equality of individual rights, the recognition of differences, the rejection of discrimination and the nurturing of solidarity.” Also “critical assessment of the social and sexual division of work and social, racist, xenophobic, anti-Semitic, sexist and homophobic prejudices” (COWI, 2010, Spain legal study, p. 53-54).

The proposed subject “Education for citizenship” received a contrary reaction from some parents, who considered that schools could indoctrinate their children. (COWI, 2010, Spain legal study, p. 54).

Following numerous contradictory jurisprudence from different Spanish jurisdictional bodies, a series of sentences from the Supreme Court in 2009 have clarified the question, rejecting the pretended objection by conscience of some citizens (ibid, p. 55).

### **Access to schools**

1. **Access to schools:** Education is compulsory and free. We found no proof of schools refusing DESPOGI students or refusals of internships. The central government adopted legal non-discrimination measures and some regional communities have strengthened these protections.

2. **Freedom of self expression:** In 2009 study found that 38% of the students in the school do not know their LGTB identity, compared to 62% who do know it (González, 2009, p. 42). The prospect of suffering and rejection prevails for most adolescents thinking about coming out at school. Most students are thus reluctant to report homophobic bullying (Galán et al, 2009. p. 275). We found no indication that coming-out is systematically discouraged, but also no indication that schools support it.

3. **Protection against bullying:** The PISA study found a national percentage of 6% of frequently bullied students and 14% for any bullying act (PISA, 2015, p. 138). The national federation of LGBT groups in Spain, FELGTB, did a survey among 700 youths which showed that 43% had thought about taking their own lives, 35% had made some preparations towards that end, and 17% had made an attempt ([https://elpais.com/elpais/2016/06/29/inenglish/1467211065\\_057444.html](https://elpais.com/elpais/2016/06/29/inenglish/1467211065_057444.html)).

In 2008, COGAM distributed a survey in 14 high schools in Madrid and the Canary Islands, in which 4,600 students took part. Sixty-five per cent of students who had come out publicly had experienced abuse. Thirty per cent of male youths said they were disgusted by homosexuality and 31 per cent said that they would not share a desk with a homosexual person (COWI, 2010, Spain sociological study, p. 7).

Galán et al, found in 2009 that 76.2% of the adolescents participating in a study observed that it is not easy for LGBT youth to come out at school. Participating students acknowledged that LGBT people are treated “unfairly” in the school (Galán et al, 2009, p. 278).

Youth LGTB surveyed in 2009 found 19% of their fellow students to have a very good attitude, 25% good, 16% average bad and 2% very bad. In sum, 44% had a positive attitude, compared to 18% negative and 38% ignorance (González, 2009, p. 42). 55.9% of the girls and 34.3% of the boys never encountered any kind of violence in their school (ibid, p. 52). Physical violence has been experienced by 50% of young people in schools in small cities, 47.3% in the medium-sized cities and 44% in big cities. The total violence experienced in schools was 65% in small cities, 52.8% in the medium-sized cities and 48% in large cities (ibid, p. 53).

A 2013 study by the Universidad Complutense found that LGBT students experience a range of physical and verbal/non-verbal harassment ((Galán et al, 2013, p. 34). They conclude students and teachers commonly think that physical violence is intolerable, but that name-calling and minor homophobic and transphobic abuses a a normal part of school life (Galán et al., 2013, p. 117).

A 2017 study by the University of St. Jean found that students who identified as non-heterosexual experienced a higher level of being targeted with bullying and cyber bullying, almost one half of them declaring that they had been victimized and more than 20% cyber victimized. Many stated they had suffered both kinds of harassment. In addition, the prevalence of all kinds of bullying was higher among non-heterosexual students. Regression analyses showed that sexual orientation could be considered a risk factor for suffering these aggressions (Elipe et al, 2017).

The EU LGBT Survey says that 13% of the LGB respondents feel discriminated by education personnel and 92% think that measures in school would make them more comfortable. For trans people this last number is 77%. (FRA, 2014).

In a small comparative study in 2014 Spanish teachers thought their students were quite homophobic, while Italians teachers thought a bit less their students are homophobic and Dutch teachers thought their students are hardly homophobic. However, the students disagreed with their teachers. For example, students from Donostia/San Sebastian (Basque Country/Spain) score highest on wanting to be being friends with a gay or lesbian fellow student (92%), followed by the students from Bari, Italy (77%) and from Amsterdam, Netherlands (61%) (Dankmeijer et al, 2015, p. 8).

We found no indication of national anti-homophobic bullying policies. There may be some regional or municipal anti-homophobic bullying policies and programs.

4. Policy against DESPOGI drop-out: We found no information on this topic.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of expression and the press is guaranteed and respected. The Spanish media is very active and expresses a wide variety of views. Internet access is not restricted ([https://www.ei-ie.org/barometer/en/home/profile\\_details/182](https://www.ei-ie.org/barometer/en/home/profile_details/182)). According to 37% of



LGBT students (in 2009), the media portrays gays in positive terms, while 62.8% think that the image is negative. 76% consider the image of lesbians to be negative and 80.6% think bisexuals are portrayed negative. The images of transsexuals is rated worst: 94.3% consider it negative, with 32.3% as very bad. Only 5.6% think the media are favorable about transsexuals (González, 2009, p. 56).

7. **Relevant and supportive attention in school resources:** In the preliminary version of the Factsheet on Sexuality Education in the WHO European Region, it is claimed that Spain does not have a national law or curriculum on sexuality, but that many school do offer it on their own accord or because of local community policies. NGO's play an important role in the implementation, which is usually done through short workshops. LGBT NGO's also offer such workshops specifically on sexual diversity (BzGA & IPPF, 2017). However, the mandatory course "Education for Civic Behavior and Human Rights" teaches rejection of homophobia and advocates for the recognition of different types of families (including those involving same-sex parents) (Galán et al, 2009, p. 273; COWI, 2010, Spain legal study, p. 53). It is unclear to what extent these formal courses are implemented. In a small comparative study, Basque and Italian students preferred to get more technical sexual information rather than attention to social and emotional issues like relationships, which topic was more popular in the Netherlands (Dankmeijer et al, 25, p. 7).

8. **Resources for LGBT students:** LGBT organizations like FELGTB (national), COGAM (Madrid) and other local organizations offer resources to LGBT young people, to schools and sometimes to parents. Such resources are often financed by local authorities.

9. **Support services open to LGBT like counseling:** LGBT organizations like FELGTB (national), COGAM (Madrid) and other local organizations offer support to LGBT young people. About 26% of LGBT youth meets other LGBT youth in LGBT associations (González, 2009, p. 27). Most LGBT young people would search for information by asking friends (74.8%) on internet (69.2) or by reading books or magazines (48.3%) (González, 2009, p. 63). Such support are often financed by local authorities.

10. **Peer-learning opportunities like LGBT youth groups of minors or GSA's:** LGBT young people seem to meet most through internet (67.6%) and in school (45.8%) and to a lesser extent in LGBT associations (26%) (González, 2009, p. 27). There does not seem to be policy on this.

## **Good teachers**

11. **Supportive staff:** A 2009 study found that 67% of teachers do not know the LGTB orientation / identity of students, compared to a 33% who do know it. The LGBT students said 8% of teachers have a very good attitude, a 15% good, 9% average bad and only a very bad 0.3%. It stood out that they think 68% of teacher is ignorant, against 23% who have a positive attitude, and 9% who are negative (González, 2009, p. 43).



In a small study comparing The Netherlands, Spain and Italy done in 2014, half of the Spanish teachers would also feel bothered by girlish behavior of gay boys or boyish behavior of lesbian girls (Dankmeijer et al, 2015. p. 8). Still, the same study found that teachers, particularly in Spain and Italy, showed a lot of interest to learn about LGBT issues and how they can address this in classes and their school. Most of the teachers from Bari (Italy) and Donostia (Basque Country) feel that the school should help LGBT students. However, the remarks made in the survey show that teachers differ in their focus. Some feel they need to acquire more knowledge about the concepts around sexual diversity, others want to know how to support LGBT students and again others want to know how to create an environment in which every student can meet respect and acceptance. Implementation of a joint school policy needs focus and commitment (ibid, p. 10).

12. *Staff competent to teach*: There is no official or compulsory training of teachers for sexuality education or LGBT education (BZgA & IPPF, 2017). According to a study of the University Complutense, all actors involved in education ask for training (Galán et al, 2013).

13. *Staff competent to support*: Only 2.8% of LGBT young people thought in 2009 they could ask questions to teachers (González, 2009, p. 63). There is a need for training (Galán et al, 2013).

14. *Supportive school environment*: Teachers, school boards, and politicians often cite parents as a reason not to talk about sex in the formal context of a lesson, assuming parents prefer to address these questions at home (Galán et al, 2009, p. 4). Of the LGBT students, 5.2% experience their schools as very bad, 43.6% as "average bad". In total about 48.8% thinks the attitude in their school is negative (González, 2009, p. 31).

15. *Employment protection for staff*: The law protects teachers against discrimination. We found few formal complaints. It is unclear to what extent LGBT teachers can come out and how well the legal protection is implemented in public and private (Catholic) schools.

## Recommendations

1. Secure that schools have a safe school climate which includes DESPOGI students
2. Support peer education, Gay/Straight Alliances and other grass roots interventions
3. Train all educational staff to be DESPOGI inclusive
4. Develop DESPOGI inclusive curricula for each education sector
5. Create a National Strategic Committee on Sexual Diversity in Education
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Sweden

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives.

Two respondents scored Sweden in 2014 as 100% encouraged or supportive, with no items scored as unknown. There were only nuances of different scoring on "encouraged" and "supportive". We score Sweden as supportive. On the total scale, the score comes down to 90%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?					2	
2. Freedom of self expression for DESPOGI?				2		
3. Protection against DESPOGI bullying?				2		
4. No drop-out of DESPOGI?					2	
5. Equal school performance of DESPOGI?					2	
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?				1	1	
7. Attention in resources about sexual diversity?					2	
8. Resources for DESPOGI students?					2	
9. Support services open to DESPOGI students?					2	
10. Peer-learning opportunities for DESPOGI?				2		
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?				1	1	
12. Staff competent to teach about sexual diversity?				2		
13. Is staff competent to support DESPOGI?				1	1	
14. Supportive school environment for DESPOGI?					2	
15. Employment protection for DESPOGI staff?					2	

## General assessment

The attitudes towards DESPOGI and the legal situation are positive and still getting better. The countries education system is centralized. It has a strong spiral curriculum for sex education which includes sexual diversity. There is also a strong gender movement to make schools more equitable and gender-neutral. We found limited research on sexual diversity in education, which makes it uncertain if policies have the desired impact. It may be that there is not yet enough attention for DESPOGI in drop-out, academic performance and teacher training policies.

## Legal context

### Laws

Sweden removed its 'sodomy' provisions from the Penal Code in 1944, specifying freedom for both men and women in the subsequent revision. The age of consent is equal at 15 since 1978. Discrimination on the basis of sexual orientation and gender identity and expression has been banned since 1987. In 1995 a same-sex partnership law was adopted. In 2003 the Constitution of Sweden mandates all organs of the State to exercise and promote equality and non-discrimination in health, employment, housing and education, and to promote social care and social security on the basis, *inter alia*, of sexual orientation. Due to the Constitutional protections afforded to sexual orientation, the text of the Penal Code is from this moment on to be taken to automatically read in sexual orientation. The Penal Code contains provisions regarding aggravated penalties regarding crime motivated by hate or bias, and "disseminating statements or communications that threaten or express contempt". Also in 2003, the Act on Parenting lay out the conditions for joint adoption for married couples, same-sex and different-sex.

Various employment acts were combined into the 2008 Discrimination Act which addresses sexual orientation discrimination in employment, social protection, social security and healthcare, education; access to and supply of goods and services including housing. In 2009 the 1987 Swedish Marriage Code was revised to be gender-neutral. (ILGA, 2017, [Wikipedia, 2017](#))

Sweden also became the first country in the world to allow transgender persons to change their legal gender post-sex reassignment surgery in 1972 whilst transvestism was declassified as an illness. In 2013, the requirement to be sterilized before one can legally correct one's gender was lifted. The Swedish government is considering to allow legal gender to be changed without any form of psychiatric or psychological evaluation as well as the need of a diagnosis or any kind of medical intervention ([Wikipedia, 2017](#))

### Conventions

Convention against Discrimination in Education: **not signed** | signed | **ratified** | succession (1968)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: **not signed** | signed | **ratified** | succession (1971)

Convention on the Elimination of Discrimination Against Women: **not signed** | signed | **ratified** | succession (1980)

Convention on the Rights of the Child: **not signed** | signed | **ratified** | succession (1990)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **signed**.

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

Sweden makes regular recommendations to other countries to improve human rights for DESPOGI.

## More information

Education in Sweden is mandatory for children between age 7 and age 16. Homeschooling is closely supervised by the government and very limited. From the age of one, children can be admitted to pre-school (*förskola*). During the year before children start compulsory school, all children are offered a place in a pre-school class (*förskoleklass*), which combines the pedagogical methods of the pre-school with those of compulsory school. Immersion methods amongst children aged four to seven is highly emphasized in compulsory school. Between ages 6/7 and 15/16, children attend compulsory comprehensive school (*grundskola*), divided in three stages. The vast majority of schools in Sweden are municipally run, but there are also autonomous and publicly funded schools, known as "independent schools". Women are more educated than men (26% of women vs. 19% of men have post-secondary education of three years or more). Both upper secondary school and university studies are financed by taxes. Swedish fifteen-years-old pupils have the 22nd highest average score in the PISA assessments, being about the OECD average ([Wikipedia, 2017](#)).

Discrimination is prohibited on the basis of race, gender, disability, language or social status although claims are made of discrimination against the Roma and homosexuals. Men and women have equal rights in terms of the family, property and the legal system. In the World Economic Forum's 2010 Global Gender Gap Index, Sweden was ranked 4th out of 134 countries. Inequalities have not disappeared altogether; Sweden dropped from first place in 2006 to its current 4th. Sexual harassment is prohibited, and the law is enforced, although violence against women continues to exist. Around 2,000 women, mostly immigrants, are reported to have suffered the impact of honor related violence. Shelters are available for young women at risk of suffering such violence from relatives ([El Barometer, 2017](#)).

Until 2009, the Swedish Ombudsman against Discrimination on Grounds of Sexual Orientation (*Ombudsmannen mot diskriminering på grund av sexuell läggning*), normally referred to as **HomO**, was the Swedish office of the ombudsman against discrimination on grounds of sexual orientation. In 2009 the Ombudsman was merged with the other Ombudsmen against discrimination into a new body: the Discrimination Ombudsman and the existing acts against discrimination were replaced with a new encompassing Discrimination Act ([Wikipedia, 2017](#)).

The Swedish Federation for Lesbian, Gay, Bisexual, Transgender and Queer Rights (RFSL, *Riksförbundet för homosexuellas, bisexuellas, transpersoners och queeras rättigheter*) is the largest Swedish organization working for LGBT rights. It has regional offices spread over the country. RFSL has official NGO status at the United Nations ECOSOC (United Nations Economic and Social Council). Website: <https://www.rfsl.se/en/certification-and-education/>

## Access to schools

1. Access to schools: The governing boards of the schools have been given the responsibility for compliance with the Equal Treatment Act which requires among other things that children and pupils are not subjected to discrimination on the grounds of ethnic background, religious or other beliefs,

sexual orientation, disability, gender, transgender or expression and age. In case of violations the governing boards will be liable to damages. In other words, children and pupils are now guaranteed financial compensation for violations of the statutory provisions. Moreover, the Discrimination Act requires schools to adopt equal treatment plans comprising specific measures for promoting the equal rights for children and pupils including LGBT persons. In addition, schools must prevent the exposure of children and pupils to harassment and other demeaning treatment (COWI, 2010 Sweden-legal study, p. 15).

The Equality Ombudsman monitors the obligation of university institutions to actively promote the equal rights and opportunities of all students and to prevent discrimination on the grounds of sexual orientation. In 2006 the Office of the Ombudsman against Discrimination based on sexual orientation (Homo) undertook a study related to seven Swedish universities' implementation of their equal treatment obligations. The result shows that four of the universities did not have equal treatment plans, or their plans were not updated as well as not being observed in practice. Only three university-level institutions could present plans of satisfactory quality. (COWI, 2010 Sweden-legal study, p. 16, quoting HomO, Rapport 2006, p. 97.)

2. **Freedom of self expression:** Legally, self-expression is allowed and encouraged. Still, especially gender norms are still prevalent, socially discouraging students to come out. In 2006, the Ombudsman (*HomO*) considered this to be "A sort of tyranny of invisibility and silence that still marks the daily lives of lesbian, gay and bisexual youth" (COWI, 2010 Sweden-legal study, p. 16). We did not find more recent data on coming-out in Swedish schools.

There is a movement in Sweden to avoid gender stereotyping. For example, at the "Egalia" preschool, staff avoid using words like "him" or "her" and address the kids as "friends" rather than girls and boys. From the color and placement of toys to the choice of books, every detail has been carefully planned to make sure the children don't fall into gender stereotypes ([BBC, 2011](#)).

3. **Protection against bullying:** A GALE respondent (2014) says the Swedish education act and the anti-discrimination law are the basis to fight discriminated or harassment. The students can make a complaint to the school board and the equality ombudsman. The school is obliged to investigate and make sure the bullying comes to an end. Otherwise the school can be brought to court and be fined. Universities, schools and preschools are also obliged to work pro actively to include LGBT students. The court follows up complaints. For example, In 2006 the Supreme Court found two young men guilty of disseminating right-wing leaflets at a school, which contained the statement that homosexuality is a disease (COWI, 2010 Sweden-legal study, p. 47).

Schools must explicitly prevent bullying and discrimination with a work plan that is re-evaluated annually (COWI, 2010 Sweden-sociological study, p. 8). Sweden has become famous as the starting ground of the Olweus anti-bullying program.

This does not mean there is no discrimination or bullying any more. The PISA study found a national percentage of 8.4% of frequently bullied students and 17.9% for any bullying act. On the PISA scale of

exposure to bullying is this slightly below the OECD average (PISA, 2015, p. 138). In a recent study, (Johansson, Flygare & Hellfeldt, 2017).

In 2008, more than 1 in 3 (36%) young homo- and bisexual men between 16 and 29 years of age and 20% of young men who are questioning their sexual orientation have been victims of violence. This can be compared to 9% of young heterosexual men (Statens folkhälsoinstitut, 2005, 2008, quoted in Swedish National Board for Youth Affairs, 2012, p. 12).

The EU LGBT Survey says that 15% of the respondents feel discriminated by education personnel and 89% think that measures in school would make them more comfortable. For trans people this last number is 88%. (FRA, 2014). UNESCO mentions that in Sweden, only 8% of teachers felt they had been adequately prepared to address homophobic bullying (UNESCO (2012, 216493e).

According to a 2006 report from the former Ombudsman (*HomO*) several sources indicated that homophobia and harassment related to sexual orientation are commonplace in Swedish schools. The Ombudsman (*HomO*) considered this to be "A sort of tyranny of invisibility and silence that still marks the daily lives of lesbian, gay and bisexual youth" (COWI, 2010 Sweden-legal study, p. 16).

The study *Intolerans (Intolerance)* (Brottsfö-rebyggande rådet & Forum för levande historia 2004) demonstrates that a mere 7% of the students had "a high degree of intolerance toward homosexual people". Eva Tiby concludes that it is no longer socially acceptable to make derogatory comments about someone's sexuality and that hate crimes cannot be explained by homophobia alone.

Preventative work related to hate crime issues should therefore be connected to a broader discussion on heteronormativity and the centrality of hegemonic masculinity to the overarching social order in schools (Swedish National Board for Youth Affairs, 2012, p. 17).

4. Policy against DESPOGI drop-out: Drop-out seems to be high in Sweden. In 2012, the Swedish Association of Local Authorities in Regions (SALAR), showed that 31% of students were unable to complete Swedish secondary education programs within the expected three years (The Local SE, 2012). But also a broad spectrum of personal and social circumstances are identified, and the fact that schools are not able to take all these factors into account. Truancy has not declined between 2012 and 2015 (PISA, 2015). To combat drop-out, several projects have been tried out, of which the "Plug-In" project is one of the most successful. The project experimented with five potential effective interventions: mentorship/coaching, identification and mapping of risk groups, outreach activities, transition from compulsory to upper secondary education, and pupil welfare measures (Nordic Welfare Centre, 2016). In the documentation there is no mention of sexual diversity, nor did we find data if the high level of drop-out also (or more) pertains to DESPOGI. A recent study show how bullying is related to drop-out (Johansson, Flygare & Hellfeldt, 2017).

A GALE respondent (2014) supposes schools are obliged to work proactively with all students, including LGBT, to prevent drop out.

5. Equal academic performance: The academic performance of Swedish schools has fallen steadily between 2000 and 2012, according to PISA research. The reasons given are are low morale among

teachers, concerns about unqualified teaching staff and poor discipline in some schools ([Guardian, 2015](#)). In 2015, *Sweden's* mean performance in shows a non-significant improvement of nine points since 2012 ([PISA, 2015](#)). A recent study show how bullying is related to low academic performance. Lack of friends (social relations) during break time is the factor with most negative impact on grades. Children who say they are being alone have three times higher risk of failing grades that same year, compared to children who have someone to be with. Children who are being alone risk not being able to continue their studies at high school (Johansson, Flygare & Hellfeldt, 2017). Lack of friends can well play a role among DESPOGI students.

A GALE respondent (2014) says schools are obliged to work proactively with all students, including LGBT, to have an equal level of academic performance. However, there are no data as to show this is the case.

### **An appropriate curriculum**

6. Availability of public information: Freedom of expression and of the press is guaranteed by law and is generally respected. The media are independent and express a wide variety of views. Access to the Internet is not restricted ([EI Barometer, 2017](#)). A GALE respondent (2014) says several governmental Agencies have the task to address LGBT issues and disseminate public information on these issues. Another respondent adds this is correct in general but that there still remain some Christian churches where offering positive information about sexual diversity is not accepted

7. Relevant and supportive attention in school resources: In 2003, the Centre for Studies in Values Education *Centrum för värdegrundsstudier* conducted a study, *Kränkningar i skolan – förekomst, former och sammanhang* (Harassments in school – frequency, types and contexts) that concluded that 82% of pupils did not hear homosexual relationships mentioned or mentioned very seldom in biology and other relevant classes. 20% of students who had heard homosexual relationships mentioned in class reported that they were not described as equal to heterosexual relationships (COWI, 2010 Sweden-sociological study, p. 9).

This is of course more than 20 years ago and may have changed. A GALE respondent (2014) says sexual diversity is now integrated in the curricula, it is an important part of sex education and in fundamental values and human rights education.

Although there is still much to be done when it comes to the quality of the sex education, it's been mandatory since 1955 in Swedish schools, but the quality varies between and within schools. The current curricula for "Compulsory School, Preschool and Recreation Centre" and for "Curriculum for Upper secondary School" are based on the Education Act of 2010. The Ministry is responsible for the curricula, but it they are developed in part by expert consultation groups from the education sector and authorities such as the Public Health Agency and Youth Agency. The curricula have a wide "comprehensive" focus including sexual orientation and gender identity and offer a spiral curriculum across age groups (BZgA/IPPF, 2017, preliminary Fact Sheet on Sexuality Education in the WHO



European Region on Sweden). Hans Olsson, of the Swedish Association for Sexuality Education (RFSU), says young people in Sweden are generally well prepared and teenage pregnancies are few ([The Guardian, 2015](#)).

In addition, local RFSL branches and the RFSL youth group offer LGBT peer education on the regional level. In 2016, the city of Stockholm has earmarked eight million kronor (\$950,000) to fund the special lessons in primary and high schools to promote and broaden the acceptance of lesbian, gay, bisexual and transgender pupils. The initiative came from Sweden's feminist party Feministiskt Initiativ and is developed in cooperation with RFSL and focuses on heteronormativity rather than just on combating "homophobia", or "transphobia" ([The Local, 2015](#)).

8. Resources for LGBT students: School sex education resources offer specific information for LGBT students (BZgA/IPPF, 2017, preliminary Fact Sheet on Sexuality Education in the WHO European Region on Sweden).

9. Support services open to LGBT like counseling: A GALE respondent (2014) says all students have the right to support by school nurses and school counselors. There are also specialized youth clinics with competence on LGBT issues. Sex education resources offer links to specialized services in the area of sexuality (BZgA/IPPF, 2017, preliminary Fact Sheet on Sexuality Education in the WHO European Region on Sweden).

An older investigation on health services (2004, G. Rödahl (2004), "Homosexuella patienter och närståendes upplevelser i vården" (University of Uppsala) showed that respondents thought most discriminatory treatment occurred toward the partner of the person receiving healthcare, rather than the patient himself. In general, respondents had positive experiences of health treatment, with the exceptions of the women's health sector and psychiatric care, both of which were described as homophobic (COWI, 2010 Sweden-sociological study, p. 9). In 2008, the non-discrimination act forbade discrimination in health care (ILGA, 2017).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: A GALE respondent (2014) says there are NGOs working with supporting groups and school information with government support.

### **Good teachers**

11. Supportive staff: A GALE respondent (2014) says it's stipulated in the education act and curricula. Another respondent says sexual rights are still not always seen as human rights. There is also a difference between someone's value and someone's rights; "everyone are valuable people but not everyone (LGBTI) have the same rights".

12. Staff competent to teach: There are specially trained "gender" educator teachers at some schools. Many teachers have participated in short in-service short trainings on sexuality education. Teachers



guidelines are available and these reflect comprehensive and participatory learning approaches (BZgA/IPPF, 2017, preliminary Fact Sheet on Sexuality Education in the WHO European Region on Sweden).

During 2004-2007, a large coalition of trade unions, municipalities (=school boards) and RFSL cooperated on a research and training project "Fritt Fram" (All Clear) to train teachers. The project trained many teachers and produced a manual and training video's that are still available (<http://www.frittfram.se/>). During 2004-2007 a follow-up project "Beneath the Surface" was done. This project focused on developing a common view on non-heteronormative teaching and training (Martinsson et al, 2007). In 2013, Vice-President Inger Maurin Maurin of the teacher Union Lärarförbundet claimed to have secured the inclusion of LGBT issues in the teacher curriculum in its discussions with the Swedish Government. According to him, materials have been developed to facilitate the discussion between teachers and students on this topic ([EI website, 2013](#)). However, a GALE respondent notes in 2014 It is still not mandatory to teach about DESPOGI issues in the teacher education system, although it's expected that teachers embrace fundamental values in schools as stated in the education act and curricula. In 2017, the need for compulsory training of teachers is also noted in the BZgA/IPPF preliminary Fact Sheet on Sexuality Education in the WHO European Region on Sweden, 2017).

13. **Staff competent to support:** A GALE respondent (2014) says the guidelines include LGBT issues in order to support LGBT (and all) students. But still some teachers may lack the right competence, information and experience to do so. In 2012, UNESCO mentions that in Sweden, only 8% of teachers felt they had been adequately prepared to address homophobic bullying (UNESCO (2012, 216493e).

14. **Supportive school environment:** Schools must explicitly prevent bullying and discrimination with a work plan that is re-evaluated annually (COWI, 2010 Sweden-sociological study, p. 8). The movement to avoid gender stereotyping supports a friendly equal environment ([BBC, 2011](#)). The Equality Ombudsman monitors the obligation of university institutions to actively promote the equal rights and opportunities of all students and to prevent discrimination on the grounds of sexual orientation (COWI, 2010 Sweden-legal study, p. 16). As far as we can see, there is no guidelines for a comprehensively safer and supportive school policy for DESPOGI or related support for principals.

15. **Employment protection for staff:** The Equal Treatment Act prohibits discrimination in employment and it is enforced. For example, in 2009 the Equality Ombudsman received 234 complaints in the field of education. The Ombudsman and the National Agency for Education are empowered to bring proceedings at court (COWI, 2010 Sweden-legal study, p. 16). The Swedish Teachers' Union Lärarförbundet has an accredited LGBT network ([EI website, 2013](#)).

In the 2010 Government inquiry "Active measures to promote equal rights and opportunities - a systematic targeted work in three areas of society" (SOU 2010:7) the investigator suggested that active measures should be conducted on all grounds of public areas employment, education and

defense training. Employers with at least 25 employees should report every three years on their equal treatment plans. A number of NGO's have pointed out that the Swedish state should require equal treatment plans each year, and that this should be required from employers with more than 10 employees (COWI, 2010 Sweden-legal study, p. 15)

## Recommendations

The rights of trans and intersex people are still lagging behind.

1. Introduce measures, which would facilitate access to schools by trans people as students or as staff. This includes ensuring that legal name and gender data on school certificates, diplomas and other relevant documents can be changed and correspond with one's preferred identity
2. Research the situation of DESPOGI students regarding bullying, drop-out and academic achievement to be able to ascertain if additional policies are necessary
3. Create a National Strategic Committee on Sexual Diversity in Education
4. Anchor attention to pro-social policies and DESPOGI in teacher training institutes, if this is not done already
5. Monitor the progress of the government strategy
6. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Switzerland

The reliability of this assessment is scored as 2 stars on reliability of data and 1 star on different perspectives.

Three local expert respondents scored Switzerland in 2014 as *at average* 23% no policy and 77% encouraged/supportive, with average 2.7 items scored as unknown. After review, GALE scored as 9% no policy and 91% encouraged/supportive with 4 items unknown. We label Switzerland as supportive. On the total scale, the score comes down to 84%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	0	0	2	1
2. Freedom of self expression for DESPOGI?	0	0	1	1	0	1
3. Protection against DESPOGI bullying?	0	0	0	1	1	1
4. No drop-out of DESPOGI?	0	0	0	1	1	1
5. Equal school performance of DESPOGI?	0	0	1	0	1	1
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	0	0	1	2	0
7. Attention in resources about sexual diversity?	0	0	1	1	0	1
8. Resources for DESPOGI students?	0	0	0	1	2	0
9. Support services open to DESPOGI students?	0	0	1	0	2	0
10. Peer-learning opportunities for DESPOGI?	0	0	0	1	2	0
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	0	1	2	0	0
12. Staff competent to teach about sexual diversity?	0	0	1	2	0	0
13. Is staff competent to support DESPOGI?	0	0	1	0	1	1
14. Supportive school environment for DESPOGI?	0	0	1	2	0	0
15. Employment protection for DESPOGI staff?	0	0	1	1	0	1

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is decentralized to the cantons. This leads to 26 different educational systems, 26 different school curricula. However, the main LGBT organizations are working with the federal government and the cantons to improve the curricula. In addition they offer peer education. However, there are indications that teachers still give limited attention to sexual diversity.

The attitudes towards DESPOGI are quite tolerant and the laws are supportive.

Regrettably specific research on sexual diversity in education does not seem to be available.

Three local expert respondents scored Switzerland in 2014 as 0% forbidden/discouraged, 23% no policy, 77% encouraged/supportive, with average 2,7 items scored as unknown. We score Switzerland as supportive (mainly encouraging). On the total scale, the score comes down to 63%.

## Legal context

### Laws

Although various cantons had remained with the Napoleonic Code since 1798 in not penalizing same sex sexual relations, the entire country became free from such criminalization by way of the Penal Code that came into force in 1942. From 2007 on registered partnerships became possible. Following this, various employment protections for SOGI were read into numerous laws. The protections were due to a change of interpretation of the Constitution, where the words "way of life" have been interpreted to include SOGI. In 2016, step-parent adoption was made possible. Since 2017, "sexual identity" is an aggravating ground for hate crimes (ILGA, 2017). In 2013, a parliamentary discussion was started to change the Constitution to the open civil marriage. A 1993 ruling by the Federal Supreme Court allowed for a legal procedure for the registration of sex changes. In 2010 the Federal Office for Civil Registration of the Federal Department of Justice and Police advised cantonal executives to legally recognize sex changes even in the absence of surgery.

In 2016, there was a parliamentary discussion about conversion therapy. The Swiss government expressed his opinion that therapy is already illegal according to current laws and that cantons had the responsibility to ban them ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Switzerland](https://en.wikipedia.org/wiki/LGBT_rights_in_Switzerland)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1992)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1997)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1997)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The education system in Switzerland is very diverse, because the constitution of Switzerland delegates the authority for the school system mainly to the cantons. The Swiss constitution sets the foundations, namely that primary school is obligatory for every child and is free in public schools and that the confederation can run or support universities. The minimum age for primary school is about six years in all cantons but Obwalden, where it is five years and three months. After primary schools, the pupils split up according to their abilities and intentions of career paths. Roughly 20% of all students attend secondary schools leading, normally after 12 school years in total to the federal recognized matura which grants access to all universities. The other students split in two or more

school-types, depending on the canton, differing in the balance between theoretical and practical education. It is obligatory for all children to attend school for at least 9 years.

Pupils are allocated to institutionally separate school types, according to their performance levels. The structure is based on the principle of equal capacities among pupils. Generally, each school type has its own adapted curricula, teaching material, teachers and, in some cases, its own range of subjects. ([https://en.wikipedia.org/wiki/Education\\_in\\_Switzerland](https://en.wikipedia.org/wiki/Education_in_Switzerland)). Private schools are supervised by the State and need permission by the Canton. The extent to which they are bound by the constitutional fundamental rights has to be clarified in each individual case (COWI, 2010 Switzerland-legal study Alecs Recher, p. 23)

Discrimination is prohibited on the basis of race, gender, disability, language or social status, and the legislation is generally enforced, though some minorities claim discrimination (EI barometer; [https://www.ei-ie.org/barometer/en/home/profile\\_details/194](https://www.ei-ie.org/barometer/en/home/profile_details/194)).

The Swiss government is increasingly taking an active stance to promote antidiscrimination against sexual minorities abroad (COWI, 2010 Switzerland-sociological study, p. 17).

There are a number of LGBT organizations in Switzerland. LOS (Lesbenorganisation Schweiz) feels responsible for lesbian women (maybe bi as well), Pink Cross feels responsible for gay and bisexual men. Trans people have Transgender Networks Switzerland. Intersex organization Zwischengeschlecht campaigns for intersex rights and bodily autonomy. Rainbow families have "Dachverband Regenbogenfamilien". Parents of LGB(T) kids have an organization called (FELS). There is no national organization for bisexual people. LGBT youth has a large Swiss/German queer youth organization, called "Milchjugend". There is no national organization or federation for LGBTIQ people (GALE respondent, 2017)..

A 2016 poll commissioned by gay-rights organization *Pink Cross* found that 69% of Swiss population voiced support same-sex marriage, with 25% opposed and 6% undecided. Divided by political orientation, the poll found 94% among Green Party voters, 63% among Christian Democrat voters and 59% among Swiss People's Party voters. The "Gay Happiness Index" (GHI) published based on a poll by Planet Romeo lists Switzerland at rank nine with a GHI score of 70 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Switzerland](https://en.wikipedia.org/wiki/LGBT_rights_in_Switzerland))

## Access to schools

1. Access to schools: Education is free and compulsory for 9 years, and some cantons offer a tenth free school year (EI barometer, [https://www.ei-ie.org/barometer/en/home/profile\\_details/194](https://www.ei-ie.org/barometer/en/home/profile_details/194)).

Excluding a pupil after a social or legal gender change is not allowed by any means (COWI, 2010 Switzerland-legal study Alecs Recher, p. 24). There are no indications that DESPOGI students are refused by schools or for internships.

2. **Freedom of self expression:** Freedom of expression and information are granted in Art. 16 Swiss Constitution in a general way in the catalogue of fundamental rights. Art. 17 contains the freedom of medias, including the prohibition of censorship. These rights are applicable to LGB and transgender people in the same way as to anyone else. Some restrictions are possible under the Constitution and the penal law to protect "other person's honor and privacy" (COWI, 2010 Switzerland-legal study Alecs Recher, p. 10-11).

One respondents says: "Self-expression is allowed, of course. Culture and tradition make it hard sometimes" (2014, GALE respondent). If the common rules (no tank tops, no show of the belly, no minis) are followed: yes (2014, GALE respondent).

3. **Protection against bullying:** It is unclear whether the government of cantons have explicit anti-bullying policies. An internet source claims 5-10% of pupils in Switzerland are believed to be victims of school bullying, based on one study conducted in canton Valais. "This is just below the international average, which is between 5 and 15%, but it's fair to say that almost one student per class is affected," says Zoé Moody, a researcher at the University of Geneva's Centre for Children's Rights Studies ([https://www.swissinfo.ch/eng/school--a-living-hell\\_bullying-at-school--breaking-the-silence-to-prevent-suffering/42053064](https://www.swissinfo.ch/eng/school--a-living-hell_bullying-at-school--breaking-the-silence-to-prevent-suffering/42053064) and <https://nobullying.com/bullying-in-switzerland/>). But there are no statistics or known specific anti-LGBTI bullying resources.

One respondent says: "They should be, but I've heard of school that are far up the mountains where even the teachers bully DESPOGI students. But it is rare" (2014, GALE respondent).

4. **Policy against DESPOGI drop-out:** We found no information on this topic. One respondent implies this is the task of the school counselor (2014, GALE respondent).

5. **Equal academic performance:** One respondent does not doubt this (2014, GALE respondent). Whether or not diplomas are handed out on the desired name and gender before a legal name or gender change depends on the institutions policy. At least at university level, it looks like practice is rather arbitrary. For example, students' cards at the University of Fribourg can be changed while at the University of Zürich, this is not possible without a court decision (COWI, 2010 Switzerland-legal study Alecs Recher, p. 24).

### **An appropriate curriculum**

6. **Availability of public information:** The Federal Act on Radio and Television states in Art. 4 I: "All radio or television programs must respect fundamental rights. In particular, programs must respect human dignity, must be neither discriminatory nor contribute to racial hatred, nor endanger public morals nor glorify or trivialize violence." All radio or television means state-run and private ones. Advertising encouraging behavior prejudicial to personal safety is prohibited as well (art. 10 IV lit. c RTVA). Airing programs with LGBT-content is not a problem: movies, soap operas, interviews, news etc. with an LGBT content are broadcasted frequently. (COWI, 2010 Switzerland-legal study Alecs Recher, p. 30).

7. Relevant and supportive attention in school resources: According to Art. 62 Swiss Constitution, the Cantons are responsible for the system of school education. This leads to 26 different educational systems, 26 different school curricula. Some Cantons do mention sexual orientation and / or gender identity in their curriculum concerning sexual education. Positive examples are Bern and Central-Switzerland (COWI, 2010 Switzerland-legal study Alecs Recher, p. 23). However, according to one GALE respondent, teachers themselves talk very little about sexual diversity in class (2014, GALE respondent).

LOS and Pink Cross have a working group on education and education material who cooperate with the relevant authorities. As a first step they have scanned all the curricula and presented an ideal curriculum to all the cantons for comment and eventual application (COWI, 2010 Switzerland-sociological study, p. 13). A curricula review was done in 2008. In 30 of 39 resources, attention to LGBT issues was found. In 60% of the cases, this was about relationships, the societal aspects (discrimination) was less discussed. Most resources limited themselves to an explanatory text, but there were examples of more diverse and interactive approaches. In most cases, the text focused on explanation of "homosexuality". Although the textbooks try to focus on promoting equality, there is a slight tendency to be more ambiguous about lesbians (for example giving examples of bisexual rather than lesbian women than about men (Brander, Ott, Sigrist & Volken, 2008). A central institute (in Lausanne) is responsible for coordinating initiatives with regards to school curricula in general. The matter has been discussed and reviewed by a federal congress of the canton education ministries. In the French speaking part of the country, the review by the federal congress is almost finished. The outcome is not known. For the German speaking parts of the country the work of reviewing the school curricula was about to start in 2010 and LOS and Pink Cross are trying to influence the process (COWI, 2010 Switzerland-sociological study, p. 13). They do this, among other initiatives by offering a model curriculum guideline (Sexuelle Orientierung und Identität im Lehrplan – ein Entwurf der gemeinsamen Fachgruppe Bildung von PINK CROSS, LOS und FELS, basierend auf dem Lehrplan der Bildungsregion Zentralschweiz, 2008).

LGBT organizations offer peer education programs that go and talk to younger pupils about diversity, which get support from the government. Organizations like ABQ ([www.abq.ch](http://www.abq.ch)) get much help, are allowed to go to schools and are invited by many schools (2014, GALE respondent).

8. Resources for LGBT students: Yes, there are books, homepages, bulletins... (2014, GALE respondent).

9. Support services open to LGBT like counseling: Every School has at least one counselor, psychiatrist... as much as I know. There are support services - but I don't think they are specific for DESPOGI (2014, GALE respondent).

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: In many universities you will find Alliances, groups etc. Same-sex date to school prom are also seen more often (2014, GALE respondent). There are several dating sites. In a decision from 3 June 2005 the Federal Supreme Court had to decide on pictures of genitals in personal profiles in an online gay dating platform (gaynet.ch). The key point was the protection of minors from accessing the respective platform. A user was accused of pornography. The appeal was rejected. Amongst other arguments, the Court stated that the age of users has to be rechecked; mere warning signs are not seen as sufficient (COWI, 2010 Switzerland-legal study Alecs Recher, p. 11-12)

### **Good teachers**

11. Supportive staff: Some are, some are not. The younger ones tend to be more supportive, the older one tend to be more traditional/conservative (2014, GALE respondent).

12. Staff competent to teach: One respondent says: "Probably not. Most of the time teachers start and end at one sentence" (2014). But two other respondents score this "encouraged". This is probably based on inferred attitudes rather than on real training.

13. Staff competent to support: We found no information on this topic related to DESPOGI students.

14. Supportive school environment: It depends in which canton (2014, GALE respondent).

15. Employment protection for staff: Staff and teachers are as well protected against all forms of discriminations. Being fired for being gay as a teacher would be against the law. In fact, this is not a problem homosexual teachers face nowadays. If there are actual cases, then they are very rare. But: we do not know, if this is based on real acceptance of teachers sexual orientation or if teachers do not come out and therefore are not facing problems based on their homosexuality (COWI, 2010 Switzerland-legal study Alecs Recher, p. 23).. The umbrella organization of Swiss teachers gave itself rules of professional conduct. These are private rules and therefore not enforceable by the State. In case of a teacher's acting in contradiction to these rules, it is up to the school he/she is working for to make use of the rules of professional conduct and sanction the act. Rule number 9, respecting human dignity, states that disadvantaging pupils systematically, intentionally or negligent for their gender or sexual orientation is not admissible (LCH Standesregeln, verabschiedet von der Delegiertenversammlung vom 7. Juni 2008, Standesregel 9, respektieren der Menschenwürde: "Nicht statthaft sind systematische, willentliche oder fahrlässige Benachteiligungen von Lernenden wegen deren (...) Geschlecht und geschlechtlicher Orientierung (...)").

## **Recommendations**

1. Ratify the Convention against Discrimination in Education



2. Do research on sexual diversity in education to assess further strategic priorities. There may be a lack of measures on DESPOGI bullying and it is likely there is a lack of attention to the quality of teachers and principals
3. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
4. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
5. Do research on effect of interventions and systematically improve impact

## Turkey

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives. Three activist respondents reported in Turkey in 2013 and 2014. Their scores are *averaged* 85% forbidden/discouraged and 15% no policy, with 1 item unknown. We score this country therefore as denying with a total score of 16%. If we consolidate the scores with the data, it comes out at 93% forbidden/discouraged and 7% no policy with a total score of 21%. The very recent crackdowns in Turkey, which explicitly forbid any LGBT cultural expression, have not been taken into account yet in this assessment, so in reality, the situation is worse.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	1	1	0	0	1
2. Freedom of self expression for DESPOGI?	0	2	0	0	0	1
3. Protection against DESPOGI bullying?	1	1	0	0	0	1
4. No drop-out of DESPOGI?	0	2	1	0	0	0
5. Equal school performance of DESPOGI?	0	2	1	0	0	0
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	1	1	1	0	0	0
7. Attention in resources about sexual diversity?	1	1	1	0	0	0
8. Resources for DESPOGI students?	2	1	0	0	0	0
9. Support services open to DESPOGI students?	2	1	0	0	0	0
10. Peer-learning opportunities for DESPOGI?	1	2	0	0	0	0
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	2	1	0	0	0
12. Staff competent to teach about sexual diversity?	2	1	0	0	0	0
13. Is staff competent to support DESPOGI?	2	1	0	0	0	0
14. Supportive school environment for DESPOGI?	1	2	0	0	0	0
15. Employment protection for DESPOGI staff?	2	1	0	0	0	0

Numbers show the number of respondents scoring an item.

## General assessment

The countries education system is centralized and has come under Islamic influence in the last few years, with removing evolution theory and adding the concept of jihad.

The attitudes towards DESPOGI are very negative. Specific research on sexual diversity in education is not available. Comments of GALE and other respondents give the impression that violence towards LGBT is rife and it is dangerous to come out or appear to be gender nonconforming.

## Legal context

### Laws

The Turkish Imperial Penal Code of 1858 (thought to be based on the 1810 French Penal Code) makes no mention of consensual same-sex sexual acts between adults, and neither does the current Penal Code. The age of consent is equal at 18. (ILGA, 2017)

Transsexuals have been allowed to change their legal gender since 1988. In 2014, Turkey's Supreme Court ruled that referring to gays as "perverted" constitutes as hate speech.

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)).

### Conventions

Convention against Discrimination in Education: **not signed** | signed | ratified | succession

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (2003)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1985)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1995)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

Several Treatment Bodies have recommended Turkey to prosecute perpetrators of hate crime and to protect human rights defenders. This has become urgent since the failed coup in 2016, which was followed up by the Erdogan regime with a strong repression against civil society.

## More information

State education is free, universal, and compulsory between the ages of 6 and 14, and is available up to the age of 18. In rural areas, the education of sons is prioritized, and is considered more important than that of daughters. In the east and south-east (mainly Kurdish) parts of the country, more than half of children aged between 6 and 14 do not attend school.

Primary and secondary schools provide compulsory classes in religion and morals, from which religious minorities are exempted.

Discrimination is prohibited on grounds of race, gender, religion, disability or social status, but the law is not strictly complied with. Sexual harassment is prohibited, but women's organizations maintain that is commonplace and that the law is not strictly enforced ([https://www.ei-ie.org/barometer/en/home/profile\\_details/207](https://www.ei-ie.org/barometer/en/home/profile_details/207)).

Although discrimination protections regarding sexual orientation and gender identity or expression have been legally debated, they have not yet been legislated. Public opinion on homosexuality has generally been conservative, and LGBT people have been widely reported to experience discrimination, harassment and even violence in recent years.

LGBT persons in Turkey may face discrimination, harassment and even violence from their relatives, neighbors, co-workers, bosses, employees, teachers, and even members of the Turkish police. Homosexuality is widely a taboo subject in Turkey and the culture of "honor killings" can be observed in Turkish society families murdering members (usually female) who engage in sexual/moral behaviours regarded as inappropriate.

The desire of Turkey to join the European Union has put some pressure on the government to grant official recognition to LGBT rights. The report on progress in Turkey for the accession to the European Union of 14 October 2009, the European Commission for Enlargement wrote: "The legal framework is not adequately aligned with the EU acquis... Homophobia has resulted in cases of physical and sexual violence. The killing of several transsexuals and transvestites is a worrying development. Courts have applied the principle of 'unjust provocation' in favor of perpetrators of crimes against transsexuals and transvestites." ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)).

In July 2017, the Justice and Development Party (AKP) government presented a new curriculum for schools, inter alia removing evolution theory and adding the concept of jihad as part of Islamic law in books. The chairman of a teachers' union described the changes as "a huge step in the wrong direction for Turkey's schools and an attempt to avoid raising generations who ask questions," adding that "the new policies that ban the teaching of evolution and requiring all schools to have a prayer room, these actions destroy the principle of secularism and the scientific principles of education." ([https://en.wikipedia.org/wiki/Education\\_in\\_Turkey](https://en.wikipedia.org/wiki/Education_in_Turkey)).

Still, Turkey became the first Muslim-majority country in which a gay pride march was held.[10] In Istanbul (since 2003) and in Ankara (since 2008) gay marches are being held each year with a small but increasing participation. Gay pride march in Istanbul started with 30 people in 2003, and in 2010, there were 5,000. The pride parades in 2011 and 2012 were attended by more than 15,000 participants. ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)).

LBT women are not safe in Turkey. CEDAW made an in-depth analysis of various forces weighing against LBT women, particularly regarding issues to do with hate crimes and the concept of "unjust provocation" that is used by men to escape conviction (various forces weighing against LBT women, particularly regarding issues to do with hate crimes and the concept of "unjust provocation" ([http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2fCO%2f7&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fTUR%2fCO%2f7&Lang=en)).

Pressure on civil society was notably increased in Turkey in the wake of the attempted coup in July 2016. The offices of LGBTI NGOs were shut down amidst apparent fears of terrorism. Multiple violent threats were publicly issued by extremist groups, attempting to intimidate Pride organizers and curtail LGBTI events; activities that subsequently fell afoul of the authorities' bans (ILGA, 2017).

### **Access to schools**

1. **Access to schools:** The right to education is regulated in Article 42 of the Constitution. It has been stated that every citizen has a right to education. Besides this, laws and policies do not provide any adequate protection for students, staff and teachers of different sexual orientations and gender identities (COWI, 2010 Turkey-legal study, p. 29). No laws exist yet in Turkey that protect LGBT people from discrimination in employment, education ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)).

2. **Freedom of self expression:** A GALE respondent notes that to a large extent students prefer not to come out, and in case they do the rate of dropping out from schools increases due to the pressure. After gender reassignment treatment it is impossible to change names/gender specifics on diplomas. This remains a problem for transgender persons (COWI, 2010 Turkey-legal study, p. 29).

3. **Protection against bullying:** The PISA study found a national generic percentage of 8.8% of frequently bullied students and 18.6% for any bullying act (PISA, 2015, p. 138). According to a 2002 study of 692 high school students in Turkey, every single one reported being bullied (<https://nobullying.com/bullying-in-turkey/>).

The Partnership Network for Prevention of Violence against Children in Turkey, which had the LGBT organization KAOS as a member, observed that attitudes of care-givers that witness intimacy between same-sex children may result in ostracizing the perceived effeminate boys and bullying of these boys are tolerated or encouraged (Partnership Network for Prevention of Violence against Children in Turkey, 2015, p. 2). Non-conforming gender performances of children is one of the reasons of bullying against and among children in Turkey. Due to the social structure of Turkey, there is a common wisdom that unlike boys, girls' non-conforming gender performances are accepted and appreciated in the society. However, especially trans men and bisexual women express that they were exposed to oppressions of both their peers and of adults during their childhood. Strict of gender roles in a society also increases the legitimization of homophobic and transphobic behaviors towards and amongst children in Turkey (ibid, p. 3). Turkey does not feature in the EU LGBT Survey.

A GALE respondent notes LGBTI individuals are facing bullying and discrimination at their schools both by their peers and their teachers. Protection by the schools is merely individual based (some teachers can help stop bullying by their own will).

4. **Policy against DESPOGI drop-out:** The COWI study states that homophobic and transphobic social pressure is that some LGBT persons choose not start or finish their education - a choice which in

particular for transgender persons is facilitated by the fact it is almost impossible to find employment afterwards (COWI, 2010 Turkey- sociological study, p. 14).

A GALE respondent notes that to a large extent student prefer not to come out, and in case they do the rate of dropping out from schools increases due to the pressure. These dropping out applies to LGBTI individuals in sum although this rate is higher for trans individuals.

5. Equal academic performance: We found no information on this topic.

### **An appropriate curriculum**

6. Availability of public information: Freedom of expression and press are ensured by law, but these rights are subject to restrictions by the government. The Anti-Terror Law limits the freedom of expression, and journalists find themselves forced to practice self-censorship. Journalists and writers are being investigated and detained in Turkey. Use of the Internet is monitored, and Internet service providers must submit advance copies of the pages they post online. The police can carry out searches and confiscate material in internet cafes so as to "defend national security, public order, health and morals." ([https://www.ei-ie.org/barometer/en/home/profile\\_details/207](https://www.ei-ie.org/barometer/en/home/profile_details/207)). Wikipedia reports that LGBT-themed movies are not banned in Turkey, but this may be out of date. In 2013, a Turkish vendor was charged with selling "immoral" DVDs because the DVD movies featured gay sexually explicit content. The court in Istanbul, Judge Mahmut Erdemli, overturned the criminal charges. He ruled that gay sex is "natural", stated that an individual's sexual orientation should be respected, and cited examples of same-sex marriages in Europe and in the Americas ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)). Since the 2016 attempted coup, there has been a crackdown on human rights and independent or secular journalism.

A GALE respondent reports that sexual diversity is publicly denied by state institutions (i.e. military, state hospitals and other public services) and government's policies (current government is using every opportunity to label LGBTI individuals as sick and pervert).

7. Relevant and supportive attention in school resources: The NGOs interviewed for the COWI study describe an educational system with heteronormative curricula and extensive bullying. In an LGBT-survey carried out by Lambdaistanbul, 14% of the LGBT respondents reported having experienced discrimination in schools, a figure which should be seen in the light of the fact that most LGBT youth hide their sexual orientation or gender identity in schools (COWI, 2010 Turkey- sociological study, p. 14).

The school curriculum does not include sexual education or life skills lessons. Sexual orientation and gender identity are still not taught in many universities. But discussions on sexual orientation and gender identity started in some universities especially in Women's Studies, Physiology, Sociology and Human Rights departments (COWI, 2010 Turkey-legal study, p. 29).

Absence of sexual education for children in Turkey causes the consideration of sexuality as a process that children discover by themselves. This might conduce children's experiencing bad sexual acts among themselves, which time to time turn into the peer bullying. For instance, some boys think that

girls would belong to them if they harass girls. Alongside with this, Tural Hesapçioğlu and Yeşilova found in 2015 that jealousy and willing to prove oneself are among the reasons of bullying against and among children at schools in Turkey (Partnership Network for Prevention of Violence against Children in Turkey, 2015).

The LGBT NGO KAOS visits universities to do awareness sessions (UNESCO, 2012, 216493e p. 53). A GALE respondent reports that Sexuality or sexual rights are not objectively discussed neither at schools nor in the household. And it is usually framed as a matter of honor and threat to public moral. (Partnership Network for Prevention of Violence against Children in Turkey, 2015, p. 4).

A GALE respondent reports that LGBTI students are deprived from proper support mechanisms and resources for their empowerment at schools. LGBTI organizations and some student groups at Universities are trying to fill this gap and address this vital issue. In line with this the LGBT organization SPoD was aiming to carry out trainings for teachers and school psychologists (2013).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: In 1996, the LGBT organization LEGATO, was founded as an organization of Turkish university students, graduates and academicians, with its first office in Middle East Technical University in Ankara. The organization continued to grow with other branches in numerous other universities and a reported 2000 members. In March 2007 LGBT students organized for the first time as a student club (gökkuşağı – in English: rainbow) and Club Gökkuşağı is officially approved by Bilgi University ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)). Approximately 15 parents lodged complaints with the university's administration, and the Turkish Higher Education Council opened an inquiry into the university. Bilgi University's Dean of students, Halit Kakinç, responded that closing the club would violate human rights. The club was still operating normally at the end of the year 2009 (COWI, 2010 Turkey-legal study, p. 29).

A GALE respondent reports that LGBTI student clubs at university level are mainly working on the visibility of LGBTI at campus level, and in coordination with LGBTI organizations in their towns/cities. But most of these student clubs are based in bigger universities and obtaining certain clearances from the university administration to start these clubs takes a long time.

### **Good teachers**

11. Supportive staff: A GALE respondent says even though there is no clear state policy in that respect, some teachers affiliated with the labor union (EÄÄ°TÄ°M-SEN; member of ETUC-European Trade Unions Confederation) are addressing this issue from a human rights perspectives. However the small number of teachers with this perspective prevents this support to be systematized.

12. Staff competent to teach: We found no information on this topic.

13. Staff competent to support: We found no information on this topic.

14. Supportive school environment: We found no information on this topic.

15. Employment protection for staff: In October 2009 the report of the EU Commission on Enlargement stated: "There have been several cases of discrimination at the workplace, where LGBT employees have been fired because of their sexual orientation. Provisions of the Turkish Criminal Code on 'public exhibitionism' and 'offences against public morality' are sometimes used to discriminate against LGBT people. The Law on Misdemeanors is often used to impose fines against transgender persons."

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Turkey](https://en.wikipedia.org/wiki/LGBT_rights_in_Turkey)).

Article 27 of the Law on Elementary and High School Teacher's Promotion and Discipline Number 1702 threatens LGBT teachers. According to this article, teachers whose behaviors are accepted as impure on two conditions, shall be unseated. In the first condition, if the teacher's behaviors are accepted as impure against the students in the school, s/he shall be unseated. In the second condition, if the teacher's behaviors are accepted as impure and cannot fit the teaching profession outside the school (in relation to anyone), s/he shall be unseated. In other terms, impure behavior by the teacher at any time - even in private - can result in his/her dismissal. Since LGBT persons' sexual orientation or gender identity is easily accepted as "immoral" or "impure", there is a pressure of such discipline punishment on LGBT teachers (COWI, 2010 Turkey-legal study, p. 29).

There are several know cases where transgender women and gay men working as teachers have been fired or suffered attempts at being fired. The employment cases are rarely taken to court, but in a few cases the courts have ruled in favor of the complainants(COWI, 2010 Turkey- sociological study, p. 14).

A GALE respondent says LGBTI staff at the schools are likely to get fired from their position due to the common stigmatization directed to LGBTI's in general. One of the main field of focus of SPoD is providing legal assistance to LGBTI facing discrimination based on sexual orientation and gender identity. And based on the outputs of our previous project on Access to Justice for LGBTIs, discrimination in public labor sector is considerably high, including LGBTI teachers. SPoD wants to continue our efforts in this direction.

## Recommendations

Recommendations following the Partnership Network for Prevention of Violence against Children in Turkey (2015)

1. Train professionals (such as teachers, personnel working at the institutions) and families to create awareness
2. Put bullying information on the Ombudsman's website
3. Create mechanisms for individual complaints on bullying
4. Organize in-service training for school counselor to up skilling them in terms of dealing with bullying in schools



5. Provide children with trainings and/or programs of social and communication skills
6. Provide trainings of social media usage at schools is essential in terms of adolescents' being able to protect themselves
7. Organize awareness programs that bullying is not a practical joke
8. Support the respect amongst students, school rules being clear and fair, punishments being explicit, and applying restorative discipline methods instead of strict physical punishments are seen as ways of preventing bullying in schools
9. Provide teachers with information on bullying in schools, and to what teachers can do when they come across bullying is essential to end bullying in Turkey

Additional recommendations by GALE:

10. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
11. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
12. Ratify the Convention against Discrimination in Education
13. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4

## Ukraine

The reliability of this assessment is scored as 1 star on reliability of data and 1 star on different perspectives.

One local expert respondent scored Ukraine in 2014 as 80% forbidden/discouraged, 20% no policy, 0% encouraged/supportive, with 0 items scored as unknown. We score Ukraine as denying (mainly forbidden). On the total scale, the score comes down to 15%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			1			
2. Freedom of self expression for DESPOGI?		1				
3. Protection against DESPOGI bullying?		1				
4. No drop-out of DESPOGI?			1			
5. Equal school performance of DESPOGI?			1			
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	1					
7. Attention in resources about sexual diversity?		1				
8. Resources for DESPOGI students?	1					
9. Support services open to DESPOGI students?	1					
10. Peer-learning opportunities for DESPOGI?	1					
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	1					
12. Staff competent to teach about sexual diversity?	1					
13. Is staff competent to support DESPOGI?	1					
14. Supportive school environment for DESPOGI?	1					
15. Employment protection for DESPOGI staff?	1					

## General assessment

The countries education system is centralized, poorly funded, low quality and with a high level of corruption. The attitudes towards DESPOGI are extremely negative and violence towards LGBT organizations is common. LGBT students do not come out and transgender students are severely discriminated in schools and elsewhere. Teachers are afraid to discuss sexuality. All these impressions are based on anecdotal information. There is no specific research on sexual diversity in education, and doing such research is probably impossible due prevailing negative attitudes.

## Legal context

### Laws

Homosexual acts' were criminalized with up to five years imprisonment in line with the Soviet Union code of 1934: this was repealed under the Ukraine Criminal Code of 1991. In 2015, the labor code was amended to include sexual orientation and gender identity (ILGA, 2017). Same-sex couples are explicitly banned from adoption. On 23 November 2015, the Government approved an action plan to implement the National Strategy on human rights in the period up to 2020, which include the promise to draft a bill creating registered civil partnerships for opposite-sex and same-sex couples by 2017. However, the bill was not drafted in time, and the Ukrainian government still has not even decided which ministry is responsible for this task (feedback from Nash Mir, 2017). In November 2016, the Ukrainian Parliament refused to back the Istanbul Convention, a European hate crime law, because its references to sexual orientation and gender violated what many Ukrainian lawmakers said were basic Christian values. Transsexuality is classified as a psychiatric disorder. Sex reassignment surgery is legal in Ukraine. Since December 2016, new identity documents are issued before surgery is conducted ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Ukraine](https://en.wikipedia.org/wiki/LGBT_rights_in_Ukraine)).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1962)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1973)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1981)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **no**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

From September 2018, 12-year secondary education will replace 11-year which was mandatory before that. As a rule, schooling begins at the age of 6. Schools receive 50% of their funding from the city budget and 50% from the national Government budget. In 2010, the Cabinet of Ministers of Ukraine gave general education schools the option to independently manage the financial resources assigned from the state budget. The education system suffers from corruption ([https://en.wikipedia.org/wiki/Education\\_in\\_Ukraine](https://en.wikipedia.org/wiki/Education_in_Ukraine)).

NGOs report that a lack of schooling remain a significant problem among the rural population and within the Romani community. Public education is poorly funded. Teachers are now being paid salaries regularly, though other monetary benefits are not paid in some places and teachers in rebel-

held areas struggle on without pay. Almost 150 schools have been closed by ongoing fighting in Ukraine, disrupting the education of about 50,000 children. Violence in Donetsk Oblast, in the east of the country, has left 187 educational institutions damaged or destroyed, leaving 130,000 children without education. (EI Human Rights Barometer, [https://www.ei-ie.org/barometer/en/home/profile\\_details/214](https://www.ei-ie.org/barometer/en/home/profile_details/214)).

Discrimination on the basis of race and sex is prohibited, but the legislation is not enforced and discrimination is reported against a number of groups. "The LGBT community faces bias and hostility. Violence against women is forbidden but remains a big problem. The law does not explicitly address spousal rape and spousal abuse remains a common problem. According to the Prosecutor General's Office, through September 2013 there were 317 reports of rape or attempted rape. Domestic violence is a serious problem: through September of 2013, the Ministry of Internal Affairs in the Ukraine received an estimated 85,200 domestic violence complaints. (EI Human Rights Barometer, [https://www.ei-ie.org/barometer/en/home/profile\\_details/214](https://www.ei-ie.org/barometer/en/home/profile_details/214)).

Gay and bisexual sexual orientations and transgender identity remain taboo subjects in Ukraine. Most Ukrainians affiliated with the Orthodox or Catholic Church tend to view homosexuality and non-traditional gender roles as signs of immorality. Prior to the 25 May 2013 Kiev pride parade the head of the Ukrainian Orthodox Church, Patriarch Filaret, stated that people supporting LGBT rights would be cursed and Archbishop Sviatoslav Shevchuk of the Ukrainian Greek Catholic Church denounced homosexuality as a sin tantamount to manslaughter.

Bias motivated crimes or hate crimes against people who are LGBT are frequently reported on in the international press, and while such violence is not legal in Ukraine, there is a perception by people living in Ukraine and globally that such violence is frequently tolerated by the government the Ukrainian police hardly ever detained attackers.

While prevailing public attitudes are intolerant, the Ukrainian LGBT community has gradually become more visible and more organized politically since 1991. Much of this is still restricted to low-key events in urban cities such as Kiev, but the issue of LGBT rights in Ukraine has been publicly debated much more, largely as the result of the actions of right-wing nationalists and social conservatives to classify any positive depictions of LGBT people or LGBT rights as being pornographic.

Activists in Ukraine have attempted to organize Gay Parades, but every year the few people who attend are attacked by right-wing nationalists and have to be protected by hundreds of policemen ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Ukraine](https://en.wikipedia.org/wiki/LGBT_rights_in_Ukraine)). Yet after Petro Poroshenko became the President of Ukraine, the situation began to change to the better. The Equality Marches in Kyiv in 2016 and 2017 were effectively protected from homophobic aggression by the police. They attracted substantial numbers of participants (about 1,500 in 2016 and twice more in 2017) and their mass media coverage was mostly positive (feedback by Nash Mir, 2017).

One of the issues, which came up as important, when discussing general attitudes towards LGBT persons in Ukraine with NGOs, was the fact that the “opposition” to LGBT movement is quite visible and influential in the civil society. In September 2003 the organization "Love against Homosexuality" was established and is now one of the leading forces against equality of LGBT persons in the Ukrainian society.<sup>4</sup> Love against Homosexuality promotes conversion therapy, organizes public campaigns, is visible in the mass media and frequently directs their statements to the President, prime-Minister and other officials. The organization has several times tried to initiate criminalization of the “propaganda of homosexuality” (COWI, 2010 Ukraine-sociological study, p. 5).

In a 2007 country-wide survey by the Institute of Sociology, 16.7% disagreed strongly and 17.6% disagreed with the following statement: *Gay men and lesbians should be free to live their own life as they wish*. Only 30.2% *agreed strongly* and *agreed* with the statement. That was the lowest rating of *agreed strongly* and *agreed* with the statement of 24 countries investigated. The most recent poll by Pew Research Center published in May 2017 suggests that 9% of Ukrainians are in favor of same-sex marriage, while 85% oppose the idea. According to the poll, younger people are more likely than their elders to favor legal gay marriage (11% vs. 7%) ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Ukraine](https://en.wikipedia.org/wiki/LGBT_rights_in_Ukraine)).

There is no clearly defined and consistent public policy on handling LGB and T issues in Ukraine (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 3)

### **Access to schools**

1. Access to schools: Art. 3 par. 1 of Закон України “Про освіту” № 1060-12, 23 May 1991 (Education Act No. 1060-12, 23 May 1991) reads: “Citizens of Ukraine shall have the right to free education in all public educational institutions regardless of their gender, race, nationality, social and economic status, type and nature of their activities, world views, membership in political parties, attitude towards religion, religious belief, state of health, place of residence, and *other circumstances*”. Although the text of the article does not specify sexual orientation and/or gender identity as protected grounds, it should still be interpreted as protecting the right of LGBT students to receive education (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 25). The practice is very different. One respondent in the COWI study says: "In 2000 I called the Institute of Boichyk to ask them about the procedure of entering their University. They told me (I think because of the voice) that 'they do not obtain homosexuals' " (COWI, 2010 Ukraine-sociological study, p. 21).

2. Freedom of self expression: The NGOs interviewed for this report argues that many school students are hiding their sexual orientation at school in the fear of bullying and harassment from their peers and teachers. It is though much harder for the transgender persons to stay unrevealed, which leads to continuous harassment and exclusion (COWI, 2010 Ukraine-sociological study, p. 22).

3. **Protection against bullying:** The phenomenon of bullying is generally poorly studied in Ukraine. The only study that was conducted in 2006 provided general non-LGBT specific statistical data on the incidents of bullying in a number of schools in the Chernivtsy region of Ukraine (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 26).

Theoretically, Art. 10 of the Protection of Childhood Act protects LGBT students from bullying. In pars. 1 and 2 it stipulates that each child is guaranteed personal immunity and privacy, and protection of dignity: "Maintaining discipline and order in [...] educational institutions should not violate such principles as mutual respect, justice and should exclude degrading treatment of a child. The State protects the child from all forms of physical and psychological violence, insult, negligent and inhumane treatment [...]". However, bullying in itself is a novel concept in Ukraine. Except for Наказ Міністерства науки і освіти України "Про вжиття додаткових заходів щодо профілактики та запобігання жорсткому поводженню з дітьми" №844, 25 December 2006 (Order of the Ministry of Education and Science of Ukraine "On additional measures to prevent violence toward children" No. 844, 25 December 2006), which is exploratory in nature and aims to simply raise awareness of the issue rather than prescribe sanctions for bullying, there is currently no law that would expressly prohibit bullying. Schools deal with the issue ad hoc and the sanctions issued are inconsequent (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 25).

4. **Policy against DESPOGI drop-out:** We found no information on this topic related to DESPOGI students.

5. **Equal academic performance:** Transgender persons are reported to be discriminated when trying to change their diplomas etc. during or after transition and to be barred from school and exams (COWI, 2010 Ukraine-sociological study, p. 21).

### **An appropriate curriculum**

6. **Availability of public information:** Freedom of speech and of the press is guaranteed. "The end of the Yanukovich administration brought considerable change to the Ukrainian media landscape, and the government no longer seeks to systematically control television and the press. Despite the change in government, problems like self-censorship remain (EI Human Rights Barometer, [https://www.ei-ie.org/barometer/en/home/profile\\_details/214](https://www.ei-ie.org/barometer/en/home/profile_details/214)). In 2012, a LGBT censorship law was proposed. The Venice Commission of the council of Europe concluded in 2013 that the bill was "incompatible with the European Convention on Human Rights and international human rights standards" and the bill was removed from the agenda in 2015 ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_Ukraine](https://en.wikipedia.org/wiki/LGBT_rights_in_Ukraine)).

7. **Relevant and supportive attention in school resources:** The issue of educational programs dealing with sexuality is one of the most controversial. There is no state-wide regulation that would require or recommend schools to introduce a course on human sexuality into the curriculum. The topic is not covered by any other course that may be suitable for it (for example, course "Fundamental life skills", which is taught in the majority of schools on a regular basis). In schools that introduced such a course

on their own initiative or volunteered to discuss the topic as part of other courses in the curriculum, exclusive focus is on heterosexual relationships in the context of 'traditional' families.

Another textbook titled "Developing leadership skills and adherence to the healthy way of life in the military and police officers in Ukraine" was published in 2008. The publication was approved by the Academic Council of the Academy of the Ministry of Internal Affairs and recommended by the Ministry of Education and Science of Ukraine. The publication counts homosexuality among sexual perversions and thus the assumption is that using this textbook in educational and training programs for military and police personnel will promote stigmatization of and discrimination against LGBT community on the part of the staff of defense and law enforcement agencies (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 26).

At the level of higher education establishments, human sexuality - inclusive or exclusive of homosexuality and a variety of possible gender identities - is taught only to medical science and psychology students. For the purposes of this study, the author analyzed a number of course syllabi ("Sexology", "Fundamentals of sexology and sexual pathology", "Criminal sexology" and similar courses). Sexual orientation and transsexualism/transgenderism are studied briefly (i.e. no more than one-two lectures dedicated to the topic) under uniting titles 'sexual perversions and deviations' and 'disorders in gender identity/self-identification' (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 26).

8. Resources for LGBT students: We found no information on this topic.

9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: The education Act contains Arts. 6 and 35, which establish the principles of equality of opportunities for each person to be able to fully develop his/her abilities, talents, and personality, especially in the context of secondary education. Coupled with par. 4 of the Art. 8 ("Pupils, students and employees of the area of education may establish in the educational institutions primary centers of public organization of which they are members"), this may be interpreted, at least theoretically, as allowing for the creation of LGBT youth organizations or a likeness of gay-straight alliances in Ukrainian educational establishments. Such initiatives, however, are unprecedented and there is a significant likelihood that they will be taken negatively by the educational institution's management, nothing short of prohibition (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 25).

There is only one legal precedent. Vadim Zhylin entered the College of Economy and Law of the Interregional Academy of Personnel Management (IAPM) in 2004. Vadim concealed his homosexual orientation neither from other students, nor from his professors. Moreover, he tried to promote tolerance towards sexual minorities at the University by means of self-published leaflets. However, the University's management objected to his socially active position. The director of the College made the decision to expel him, allegedly because of the lack of a document certifying his completion of

secondary education. In 2005, the Golosiyivskyy District Court of KyivIt obliged the College to pay V. Zhylyn financial indemnification. Having taken into consideration the frankly negative and biased attitude towards him on the part of the educational institution's management, the court denied him restoration as a student of the College. It is peculiar that in its final decision the court left out the fact that the claimant was expelled from the university because of his sexual orientation (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 26-27).

### **Good teachers**

11. *Supportive staff*: There are many indications that school staff does not support DESPOGI students in any way.

UNICEF report that children with HIV were at high risk of abandonment, social stigma, and discrimination. Many of the 2,929 children infected with HIV are prevented from attending kindergartens or schools, subjected to negligent treatment, and kept isolated from other children (EI Human Rights Barometer, [https://www.ei-ie.org/barometer/en/home/profile\\_details/214](https://www.ei-ie.org/barometer/en/home/profile_details/214)).

12. *Staff competent to teach*: Teachers are not properly trained to discuss this topic: there are neither relevant courses in the University curriculum for this particular specialization (i.e. education and teaching, social pedagogic, etc.), nor are there textbooks that would provide trainee teachers with up-to-date correct information on the topic. For instance, one publication, written in 2007 specifically for students of higher pedagogical institutions, was titled “Social and pedagogical conditions for preventing sexual deviations among high school students” and put homosexuality in the same category as pedophilia and prostitution (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 25-26).

The major problem in sexual education in school in Ukraine is the overcoming of psychological barriers by teachers to talk about sex with students. Most teachers belong to the generation which was educated in a spirit of Soviet Union where sexuality was taboo. In independent Ukraine, the theme of sexual education has become part of the school and the university curriculum. So, most of the teachers are interested in means to educate sexual health (Van der Geugten et al, 2009).

13. *Staff competent to support*: We found no information on this topic. Most LGB people don't come out and don't ask for support. There are numerous examples of transgenders being treated very disrespectful in regular health care. It is likely this is no better in schools (GALE respondent, 2014).

14. *Supportive school environment*: We found no information on this topic but it is unlikely the school environment is supportive, considering the general attitudes and lack of competence of teachers.

15. *Employment protection for staff*: Currently, Ukrainian law does not contain norms prohibiting LGBT people to occupy teaching positions. The norm, contained in Наказ Міністерства освіти і науки України “Про поліпшення виховної роботи (“Order of the Ministry of Education and Science of Ukraine “On the Improvement of Educational Work”), that barred gay men and lesbians from teaching



at primary secondary schools, was abolished in 1998 (COWI, 2010 Ukraine-legal study by Serhiy Ponomaryov, p. 25).

## **Recommendations**

1. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
2. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
3. Implement the laws and the Convention against Discrimination in Education and include LGBTI/DESPOGI students and educational staff
4. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4
5. Develop training en offer educational resources about sexual diversity for interested teachers

## United Kingdom

The reliability of this assessment is scored as 3 stars on reliability of data and 1 star on different perspectives.

One local respondent scored the UK in 2014 as 0% forbidden/discouraged, 27% no policy, 73% encouraged/supportive, with no items scored as unknown. We score the UK as supportive. On the total scale, the score comes down to 83%.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?	0	0	0	0	1	0
2. Freedom of self expression for DESPOGI?	0	0	0	0	1	0
3. Protection against DESPOGI bullying?	0	0	0	0	1	0
4. No drop-out of DESPOGI?	0	0	0	1	0	0
5. Equal school performance of DESPOGI?	0	0	0	0	1	0
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?	0	0	0	0	1	0
7. Attention in resources about sexual diversity?	0	0	1	0	0	0
8. Resources for DESPOGI students?	0	0	0	0	1	0
9. Support services open to DESPOGI students?	0	0	0	1	0	0
10. Peer-learning opportunities for DESPOGI?	0	0	0	0	1	0
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?	0	0	1	0	0	0
12. Staff competent to teach about sexual diversity?	0	0	1	0	0	0
13. Is staff competent to support DESPOGI?	0	0	1	0	0	0
14. Supportive school environment for DESPOGI?	0	0	0	0	1	0
15. Employment protection for DESPOGI staff?	0	0	0	0	1	0

Numbers show the number of respondents scoring an item.

## General assessment

The UK education system is decentralized to the countries. The attitudes towards DESPOGI have become more positive over the years and are now quite positive. The UK and Scottish governments have issued several supportive guidelines and the School Inspectorate Ofsted seems to monitor this activity and take measures when schools to comply. Ofsted is only active in England and Wales, in Scotland schools are supervised by Education Scotland

Still, the social situation of LGBT teenagers in schools is still of concern. It seems the guidelines are not always read or fully implemented with social impact on the classroom floor.

## Legal context

### Laws

In 1861, the death penalty for 'buggery' was abolished across the United Kingdom, but the offence was codified in Section 61 of the Offences Against the Person Act 1861 as life sentence, and the lesser misdemeanor of gross indecency was codified in Section 11 of the Criminal Law Amendment Act 1885, with a penalty of up to two years imprisonment, hard labor possible. These were the model laws that spread throughout the Commonwealth. England and Wales removed the provisions in 1967, Scotland in 1981, and Northern Ireland in 1982. Various entities attached to the UK similarly repealed between 1993 and 2001.

From 2003 the Equality Act (and a predecessor) protect, inter alia, against discrimination in the sphere of employment and (since 2010) education. The Single Equality Act 2010 replaced all previous equalities legislation but its biggest impact was to uncouple trans discrimination and sex discrimination and further, to create a new 'protected characteristic'; gender reassignment. Prior to this Act the law only recognized the term 'transsexual' – and since 'transsexual' meant undergoing, having undergone or being about to undergo gender reassignment treatment, which was only available to people over 18 years of age, trans people under the age of 18 had no legal rights because they literally didn't exist in law. Though it is an imperfect and exclusionary term, gender reassignment includes trans children and young people so they are now protected by law (feedback Schools OUT UK, 2017). There is no religious exemption.

In England and Wales, the Criminal Justice Act 2003 empowers courts to impose enhanced sentences for offences motivated or aggravated by the victim's sexual orientation. In Scotland, the Offences (Aggravation by Prejudice) Act 2009 pertains to SOGI and "intersexuality".

In 2004, a same-sex partnership law was established. In England, Wales and Scotland, same-sex marriage is open since 2014. Isle of man, Guernsey, Pitcairn, and Gibraltar opened marriage in 2015 and 2016. In Bermuda, a referendum on marriage failed. in 2016 (ILGA, 2017)

In 2002, the Government published a document stating that transsexualism "is not a mental illness". Since 2005, the Gender Recognition makes it is possible for transgender people to change their legal gender in the UK, allowing them to acquire a new birth certificate (Wikipedia, 2017).

### Conventions

Convention against Discrimination in Education: not signed | signed | **ratified** | succession (1962)

Convention on Technical and Vocational Education: **not signed** | signed | ratified | succession

International Covenant on Economic, Social and Cultural Rights: not signed | signed | **ratified** | succession (1976)

Convention on the Elimination of Discrimination Against Women: not signed | signed | **ratified** | succession (1986)

Convention on the Rights of the Child: not signed | signed | **ratified** | succession (1991)

### International statements and dialogue

Member of the Equality Rights Coalition: **yes**

Call for Action by Ministers for an inclusive and equitable education for all learners in an environment free from discrimination and violence: **not signed**

Submission 9th consultation for the Convention against Discrimination in Education: **no**, including references to discrimination on SOGIESC: **no**

Submission 6th consultation for the 1974 Recommendation for international understanding and human rights education: **no**, including references to discrimination on SOGIESC: **no**

## More information

The education system in England is largely decentralized, while the majority of the schools in Scotland and Wales remain under local government control. The UK Government is directly responsible for England; whilst the Scottish Government, the Welsh Government and the Northern Ireland Executive are responsible for Scotland, Wales and Northern Ireland, respectively. In England and Wales, the EYFS (Early Years Foundation Stage) is applicable to children aged 5 and below, and the national curriculum is applicable to children aged 5+. In most countries, education is compulsory from 5 to 16. The National Curriculum (NC), established in 1988, provides a framework for education in England and Wales between the ages of 5 and 18. The National Curriculum is compulsory in most state schools, but some private schools, academies, free schools and home educators design their own curriculum. In Scotland the nearest equivalent is the Curriculum for Excellence program, and in Northern Ireland there is something known as the common curriculum ([Wikipedia, 2017](#)).

In 2011 a new Education Act was established, which gives teachers elaborate powers to search students and confiscate mobile phones (EI Human Rights Barometer, <https://www.ei-ie.org/barometer/en/>). Clarification is also provided as to when "reasonable force" can be used by staff to confiscate items, as well as setting out the process to be followed if specified items are found. Teachers are also given the power to examine data files on electronic devices and delete them if they believe there is good reason to do so. The school can also search education staff. The Act also introduces restrictions on the reporting of allegations made against teachers by students, including the reporting of information through which a teacher against whom an allegation has been made could be identified. The Act also abolished several national independent teaching and training councils and transferred their powers of control to the ministry of education ([Wikipedia, 2017](#)).

An illustration of social attitudes towards homosexuality in the UK was provided in May 2007 in a survey by YouGov. The poll indicated that legislation outlawing discrimination on the grounds of sexual orientation was supported by 90% of British citizens. It also showed positive public perceptions of gay people in particular, but recognized the extent to which prejudice still exists. A poll in June 2009 conducted by Populus for *The Times* reported that the majority of the public supports same-sex marriage; 61% of respondents agreed that "Gay couples should have an equal right to get married, not just to have civil partnerships" ([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/LGBT_rights_in_the_United_Kingdom)). The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbor?' (1 meaning 'very uncomfortable' and 10 meaning 'very

comfortable'). The UK average was 8.7, compared with the EU average of 7.9 (Sweden was highest with 9.5 and Romania the lowest with 4.8) (COWI, 2010 United Kingdom-sociological study, p. 4).

Between 1988 and 2003, Section 28 of the Local Government Act prohibited "the intentional promotion of homosexuality" by any local authority and "the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship." This section had an enormous intimidating influence, virtually halting efforts for DESPOGI emancipation in schools.

([https://en.wikipedia.org/wiki/LGBT\\_rights\\_in\\_the\\_United\\_Kingdom](https://en.wikipedia.org/wiki/LGBT_rights_in_the_United_Kingdom)). The abolishment led, according to the Encyclopedia of LGBT Youth, in the following years to a national drive to address homophobic bullying in schools. The LGBT advocacy organization Stonewall was set up in response to Section 28. Although there is a duty on schools to protect and promote the welfare of pupils- and as part of this to address homophobic incidents - LGBT issues are most likely to be addressed through sex and relationship education and citizenship classes (Sears, 2005).

There are three trendsetting LGBT NGOs focusing on education: Stonewall ([www.stonewall.org.uk](http://www.stonewall.org.uk)), Schools Out ([www.schools-out.org.uk](http://www.schools-out.org.uk)) and in Scotland LGBT Youth Scotland ([www.lgbtyouth.org.uk](http://www.lgbtyouth.org.uk)). In 2005, Stonewall launched a first campaign for the education sector "Education for All". The campaign included a guideline on how to tackle homophobia. In the same year, the government also published an elaborate, anti-bullying guidance (Department for children, school and families, 2005).

Stonewall organizes an annual education conference and has a network of 1500 schools across the UK who have made a commitment to tackle homophobic, biphobic and transphobic bullying and trained 15,000 teachers (either directly, or via train the trainer) between 2015-2016.

Schools Out (a teachers collective) offers teacher trainings and organizes an annual LGBT History Month (which now has become an ongoing campaign with support for integration of LGBT issues in the whole curriculum).

In 2007, an elaborate research was done to enable work in primary schools. One of the product was a series of suggestions for lessons in Birmingham (Moffat, 2007). The research initiatives created a lot of negative response, especially by the sensationalist press. The researchers and implementers had to tone down the campaign.

The 2010 government policy made annual attempt to make the attention for LGBT issues more structural. Anti-LGBT bullying was integrated in the Equality Act (HM Government, 2010).

The Public Sector Equality Duty (PSED) was passed in April 2011 and it stated that all public sector bodies – which includes schools – had to promote equal opportunities and "foster good relations between the protected characteristics", so all forms of discrimination should be given equal weighting and where there is conflict between, say a deeply held religious conviction and sexual orientation, the

public body is expected to resolve the conflict. This was to have been impact assessed, but the conservative government which started in 2010 did not do that and removed the obligation to carry out equality impact assessments ("it would create too much bureaucracy") (feedback Schools OUT UK, 2017).

The Office for Standards in Education (OFSTED) is the Government's education inspectorate, although it is independent of Government. It now includes prevention of homophobic and transphobic bullying in its inspection criteria and it will downgrade its evaluation of a school that is not taking measures to deal with such discrimination. Since all schools fear a "bad" OFSTED report and its consequences, this has made schools take equality for LGBT pupils much more seriously than before (feedback Schools OUT UK, 2017).

In 2014 the Church of England released "Valuing All God's Children, a guide to Tackling homophobic, biphobic and transphobic bullying within Church schools". In 2017, the Catholic Education Service and the St Mary's University developed a guideline for Catholic schools "Made in God's image" (Catholic Education Service, 2017). The guideline, sought to stay within the guidelines but still offer a positive ways for schools to combat homophobic bullying. The publication was met with some strong opposition from far right religious political forces, but also with enthusiasm from the LGBT movement and Catholic schools (feedback Schools OUT UK, 2017).

The deregulation of schools presents a challenge to recent positive developments. Privately funded independent schools continue to exercise freedom from the national curriculum and all the obligations set out by government edict. There is an independent schools inspectorate but it hasn't the power that OFSTED has over the public sector schools and the curricula in independent schools are generally planned around the ethos of the schools' trustees and the parents who pay the fees.

State schools have traditionally been run and funded by local authorities (LAs). But local authorities have had their funding cut year on year by a series of national austerity budgets, while schools are encouraged by government to become "academies". These academies are funded by central government and may be run by charities. If so, the board of governors of the school may be replaced by a board of trustees, while a charity that runs a number of academies need only have one board of trustees to manage them. This may make academies less accountable to the local community than the LA schools they replace.

Currently there is a national shortage of schools spaces and the government has told local authorities they cannot build any new schools. Coupled with the fact that primary schools that fail their inspections are now obliged to become academies, the pace of deregulation has increased and most schools in the state sector are now academies. They are freed up from the National Curriculum but they are still subject to OFSTED inspections (feedback Schools OUT UK, 2017).

## Access to schools

1. **Access to schools:** Education is mandatory from 5 to 16. Although new education act makes it possible for schools to eject students who miss behave, there are no indications that this is being used to eject LGBT students. The UK and Scottish governments have made efforts to make education more inclusive for LGBT students.

2. **Freedom of self expression:** Colgan et al. report a general lack of visibility of sexual orientation issues in schools and the feeling of not being able to 'be oneself' (COWI, 2010 United Kingdom-sociological study, p. 8). Different sources indicate this even more difficult for cultural minorities. One in three trans pupils (33%) are not able to be known by their preferred name at school (Bradlow et all, 2017. p. 6).

3. **Protection against bullying:** The conditions for and experiences of LGBT persons in education were examined in 2006 in a survey of 1,100 young persons. Hunt and Jensen found that almost 65% of young LGB persons had experienced direct bullying in British schools, with the figure rising to 75% in religious schools. 98% of young LGB persons hear phrases such as 'that's so gay' used in a pejorative way, and 97 per cent hear insulting remarks such as 'poof', 'dyke', and 'rug-muncher'. Forms of harassment included the following: Verbal abuse (92%), physical abuse (41%), cyber bullying (41%), death threats (17%) and sexual assault (12%) (COWI, 2010 United Kingdom-sociological study, p. 7-8).

The EU LGBT Survey says that 15% of the respondents feel discriminated by education personnel and 90% think that measures in school would make them more comfortable. For trans people this last number is 87% (FRA, 2014).

In Scotland, TIE found that 90% of LGBT students experienced LGBT phobia, and 64% were bullied because of SOGI (TIE, 2016, p. 4). Only 7% of the respondents reported that they had used the national toolkit "Dealing with homophobia and homophobic bullying in Scottish schools" (2009) (p. 15). In the most recent study, 45% of LGB students and 64% of trans students reported to be bullied. 52% heard homophobic language and 36% heard biphobic language frequently or often. 86% hear comments like "that's so gay". 9% of trans students get death threats at school. 45% of LGBT students who are bullied never tell anyone (Bradlow et all, 2017. p. 6).

The 2010-2015 conservative government under David Cameron put out a tender for £2m to charities and voluntary agencies to work to combat Homophobic, Biphobic and Transphobic (HBT) bullying in English schools. This ran from 2012 to 2014 and a large number of schools – both primary and secondary - were trained up at the government's expense on equality and diversity. The success of this initiative led to a second tender, for £2.8m in 2016. This is currently on-going and will end in 2019. It is targeting schools that have been flagged up as having difficulty dealing with HBT bullying but have not addressed the problem (feedback Schools OUT UK, 2017).

4. **Policy against DESPOGI drop-out:** Two in five pupils who have been bullied for being LGBT

(40%) have skipped school because of this bullying (Bradlow et al, 2017. p. 7).

5. Equal academic performance: Half of bullied LGBT pupils (52%) feel that homophobic, biphobic and transphobic bullying has had a negative effect on their plans for future education (Bradlow et al, 2017. p. 7).

### **An appropriate curriculum**

6. Availability of public information: Freedom of expression and press is guaranteed by law, and is generally respected. The press is independent and active. Access to information held by public authorities can be requested, and appeals lodged if the request is denied. Internet access is not restricted (EI Human Rights Barometer, <https://www.ei-ie.org/barometer/en/>).

7. Relevant and supportive attention in school resources: Issues relating to discrimination, homosexuality and civil partnership are included in the government's initiatives to improve the National Curriculum. The changes make it compulsory for all schools to teach 14 to 16 year olds about same sex relationships (COWI, 2010 United Kingdom-legal study, p. 62). But in Scotland, TIE found that only 9% of the respondents (LGBT students and teachers) found that the sexual education guidance, which was inclusive of LGBTI issues, is extensive enough. It should be noted that almost 50% did not know it existed, or did not read it (TIE, 2016, p. 15).

Schools OUT UK launched "LGBT History Month" in 2004. It takes place every February and provides a calendar event for schools to raise the visibility of LGBT people and the issues they raise as a part of society. The last years it is not only about history anymore and continuous more or less all year. The campaign is partly funded by the government (feedback Schools Out UK, 2017).

The 2010-2015 Cameron government planned to make Personal Social Health Education (PSHE) a curriculum subject which will be assessed like any other subject in schools, which will include sex and relationships lessons that include LGBT people and issues (feedback Schools OUT UK, 2017).

Newly founded free schools are not obliged to teach the National Curriculum and, since they are usually set up to be 'different' from other state schools they are likely to avoid it. They are still inspected by OFSTED and subject to OFSTED's criteria, however, and a free school in Durham was closed after the government withdrew funding (BBC, 2015). All and any of the above may be "faith schools" and have funding from an established religion. Previously this status has allowed them to teach their own SRE lessons and their own religious studies curriculum. The government is working to close this loophole but the religious lobby is powerful and can exert a lot of pressure, both overtly and furtively, over government policy (feedback Schools OUT UK, 2017).

8. Resources for LGBT students: NGOs like Stonewall and LGBT Scotland offer resources for LGBT students, and these are often funded by the government.



9. Support services open to LGBT like counseling: We found no information on this topic.

10. Peer-learning opportunities like LGBT youth groups of minors or GSA's: We found no information on this topic related to DESPOGI students.

### **Good teachers**

11. Supportive staff: Hunt and Jensen (2007) found that 58% of respondents who experienced bullying never reported it and if they did tell a teacher, 65% of the time nothing was done (COWI, 2010 United Kingdom-sociological study, p. 8). In Scotland, TIE found that 86% of LGBT students found that teachers never taught about sexual diversity in a progressive way (TIE, 2016, p. 4).

12. Staff competent to teach: Stonewall's research in 2012 indicated that 89% of teachers have had no formal training on tackling homophobic, biphobic and transphobic bullying (The School Report, 2012). A few years later, Schools OUT/NUT found that teachers more recently were also more likely to agree with the statement, "I feel sufficiently confident to challenge pupils on the issue" (73.5% in 2008 and 84.0% in 2013). The data also suggests that more teachers would agree with receiving training on addressing homophobia in the classroom (51.5% in 2008 and 72.0% in 2013) (Rivers, 2015, p. 6). In Scotland, TIE found that 95% of LGBT students think that teachers should be trained specifically about sexual diversity. 75% of the surveyed teachers said they had never been trained on LGBTI issues. Of those who had been trained, 45% felt the training was not adequate and 91% would follow an accredited training when it was free (TIE, 2016, p. 8). In several guidelines it is recommended to train teachers, but it seemed clear to what extent this is being implemented and by who. 40% of LGBT students says never have to been taught anything about LGBT issues in schools. Just one in five LGBT pupils (20%) have learnt about safe sex in relation to same-sex relationships. Three in four LGBT pupils (76%) have never learnt about bisexuality at school. Three in four LGBT pupils (77%) have never learnt about gender identity and what 'trans' means at school (Bradlow et al, 2017. p. 6).

Since 2011 Schools OUT UK offers the online teacher resource "[The Classroom](#)", which provides lesson plans to teachers and trainers who want to usualise the LGBT community in all its diversity in schools. These lesson plans are used by teachers and trainers thought the UK, including teacher training organisations such as Educate and Celebrate (feedback Schools Out UK, 2017)

13. Staff competent to support: In Scotland, 80% of surveyed teachers thought that they were not adequately trained to the tackle homophobia in school (TIE, 2016, p. 12). More than half of LGBT pupils (53%) say that there isn't an adult at school they can talk to about being LGBT. More than two in five trans pupils (44 per cent) say that staff at their school are not familiar with the term 'trans' and what it means (Bradlow et al, 2017. p. 6).

14. Supportive school environment: An analysis of NUT (National Union of Teachers) which was ordered by Schools OUT UK suggests that, generally, there has been a change in school climate with a gradual reduction in teachers reporting having heard pupils make derogatory references to same-sex relationships in the classroom or around the schools over the years 2008-2013. Additionally, there would seem to be a general decline in teachers reporting pupil-to-pupil abuse and reports of being abused (verbally and non-verbally) by pupils. However, it should also be noted that, with the addition of data from teachers in the West Midlands in 2013, there was a noticeable rise in reports of derogatory comments about same sex relationships, pupil-to-pupil abuse and pupil-to-teacher abuse. Overall, 80% of teachers responded that they agreed with the statement that homophobia is a serious issue that should not go unchallenged. Indeed 96% of teachers in the West Midlands either agreed or strongly agreed with this statement. It was noteworthy that 72% of teachers in the West Midlands also said that they would welcome training on tackling homophobia in the classroom while also acknowledging that in their schools there was reluctance to confront the issue of same-sex relationships. Noticeably 52% of teachers in the South-East said that there was a reluctance to tackle same-sex relationships in school and only 36% would welcome training on the issue despite the fact that 62% indicated that their schools did not vigorously discourage homophobia. In the North-West only 39.5% of teachers agreed with the statement, "I consider the school vigorously discourages homophobia in all its activities". It is noteworthy that more recent survey returns have shown an increase in teachers agreeing that schools are taking homophobia seriously (77.7% in 2008 and 96.0% in 2013) and discourage homophobia (34.0% in 2008 and 67.0% in 2013) (Rivers, 2015, p. 6).

Seven in ten LGBT pupils (68%) report that their schools say homophobic and biphobic bullying is wrong. Just four in ten (41%) report that their schools say transphobic bullying is wrong. In schools that say that homophobic and biphobic bullying is wrong, lesbian, gay and bi pupils are less likely to be bullied because of their sexual orientation than in schools that don't say it's wrong (42% compared to 51%). They are also less likely to worry about being bullied (38% compared to 52%), and more likely to tell someone if they are being bullied (60% compared to 48%) (Bradlow et al, 2017. p. 19). Three in five (58%) of trans students are not allowed to use the toilets they feel comfortable in (Bradlow et al, 2017. p. 6).

15. Employment protection for staff: LGBT employees are formally protected against discrimination. Despite this, the law was not always adequately implemented. In 2003, the UK House of Lords has held in *Pearce v. Governing Body of Mayfield School* that where harassment of a worker is by a third party the employer cannot be vicariously liable. In *Pearce* a female teacher was subjected to sex-specific homophobic taunting and abuse by pupils at a school. The Governing Body of the school was held to be not vicariously liable as the pupils were not its agents and the acts of harassment were not carried by the staff. However, in another case concerning another sector in 2007, the England and Wales High Court (Mr Justice Burton) ruled that such a narrow approach is incompatible with the definition of 'harassment' in EU equalities law which requires the law to facilitate claims where an

employer knowingly fails to protect a worker from repetitive harassment by a third party's (COWI, 2010 United Kingdom-legal study, p. 12).

For example, in 2007 a transgender teacher appealed against unjust treatment by the teacher deployment agency and got granted substantial damages (COWI, 2010 United Kingdom-legal study, p. 88-89).

Just 4% of LGBT pupils know of an openly bi member of staff, and 3% know of one who is openly trans. One in four LGBT pupils (27%) know of an openly gay member of staff, and 22% know of an openly lesbian member of staff (Bradlow et al, 2017. p. 6).

## Some critical observations

Both the GALE findings and the additional feedback by Schools OUT UK show clear evidence that the Government and its predecessors have a commitment to making schools and educational institutions 'safe spaces' where LGBT+ people feel included. This is enshrined in The Equality Act and the PSED, OFSTED's inspection criteria and the tenders for the eradication of HBT bullying in English schools. While this is to be welcomed, there are some troubling aspects. First of all, OFSTED is perceived by schools and staff to be a punitive body and their involvement as the 'sole' watchdog will lead to schools thinking of LGBT equality as an 'obligation' rather than as something they can value. In fact the whole process uses punitive and negative vocabulary; why use 'HBT bullying' when you could use 'supporting equality and diversity'? It would be good to involve a supportive Quasi Non-Governmental Organisation (QUANGO) such as the Equality and Human Rights Commission (EHRC) to work with schools and coordinate the dissemination of good practice in a positive way, so that they would feel pleased and proud to make their institutions safe spaces before OFSTED came knocking at the door.

OFSTED is also limited because it focuses on what the student is learning and this means it is not supporting LGBT staff or other members of the school community. This means, for example, that in a school where a teacher was bullied or challenged by pupils for being perceived as LGBT+ that would be flagged up as poor pupil behaviour in the OFSTED Report. If, however, the teacher had no problem with the pupils but was subject to abuse from staff or management, or was harassed by the Head by being told not to 'come out', it would not be recorded. So teachers remain open to discrimination.

Another limitation is the focus on schools. Staff come and go and take their skills and expertise with them, so a school that is very effective in managing and maintaining equality may change very quickly for the worse if there is a sudden upheaval of staff or a change of head. Moreover, the current system continues a process whereby LGBT support in schools is 'sporadic'; it may be exemplary in some schools and non-existent in others. This needs to change. To help achieve sustainability – and improve reach – there needs to be statutory training for trainee teachers in equality and diversity.

Finally there is incongruity between the current prevailing ideology to deregulate and 'free-up' schools from state interference and the state's adoption of its role in making schools safe. If it is to succeed in

achieving the latter it must be sharp and eagle-eyed in its efforts to seek out and stop outside agencies that seek to own and control schools in order to pursue their own exclusive agendas.

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## Recommendations

1. Ensure that new statutory guidance on relationships and sex education (RSE) and relationships education is developed through thorough consultation, explicitly requires all schools to teach about LGBT issues in an age-appropriate way, and is supported by high-quality, inclusive resources and training for teachers (Bradlow et al, 2017. p. 40)
2. Develop practical, statutory guidance on supporting trans pupils at primary and secondary school
3. Deliver initial and ongoing training to all school inspectors on how to assess a school's efforts to support lesbian, gay, bi and trans pupils and their effectiveness in combating homophobic, biphobic and transphobic bullying and language (Bradlow et al, 2017. p. 40)
4. Create a National Strategic Committee on Sexual Diversity in Education
5. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
6. Do research on effect of interventions and systematically improve impact
7. Monitor the progress of the government strategy
8. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4



## **ANNEXES**

Annex I: Sources

Annex II: Glossary

Annex III: The legal basis of the GALE Checklist

Annex IV: GALE Guide for Country Assessment



## Annex I: Sources

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## Annex II: Glossary

**Bisexual:** person who defines as multi-gender attracted

**Cisgender:** someone whose sense of gender identity and/or expression meets society's expectations given their biological sex as assigned at birth

**CSE:** Comprehensive Sexual Education; sex education that is not just biological and focused on reproductive rights and STI's, but also on the emotional and social context, including sexual diversity

**Demi-sexual:** people who only find themselves sexually attracted to people they already have a close relation to (Kalkum & Otto, 2017, p. 124)

**DESPOGI:** Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity

**Disaggregated data:** to break down research findings to smaller sets of data related to specific aspects of the respondents, for example analyzing whether boys and girls differ in their level of homophobia, or whether LGB and T students have different needs and experiences than heterosexual students (<http://edglossary.org/disaggregated-data/>)

**Discourse:** the way people discuss certain topics, the types of stories they tell to give topics meaning (<https://en.wikipedia.org/wiki/Discourse>). In the context of sexual diversity, a "gender/heteronormative" analysis is a type of discourse used by activists, while this is opposed by a "traditional family values" discourse by the Catholic Church and by an international coalition of conservative and religious organizations. On the micro-level an example is calling someone "normal", which can be part of a heteronormative discourse. Another example are suggestions to use proper pronouns for transgender people which can be seen as a strategy to challenge traditional gender discourse.

**Emancipation:** a set of various efforts to procuring economic and social rights, political rights or equality, often for a specifically disenfranchised group.

**Gay:** male-identified person who defines himself as attracted to another male-expressed person

**Heteronormative:** the conceptualization of an ideal society with a strict division between male and female roles, the assumption that everybody is heterosexual until proven otherwise, where men marry women in order to procreate, to maintain a traditional family in which the male dominates the female, children are owned by their parents, and expression of other feelings or values are rejected

**Heterosexual:** person who defines as attracted only to a person who expresses as the other sex

**Innovators:** people who are always interested in trying out new things and who guide new innovations (see “Diffusion of innovations” by Everett Rogers)

**Intersectionality, intersectional perspective:** working from the realization that systems of oppression, domination, or discrimination work differently when people have different and often overlapping (“intersecting”) social identities (<https://en.wikipedia.org/wiki/Intersectionality>)

**Intersex, intersex condition:** intersex individuals are born with sex characteristics (such as chromosomes, genitals, and/or hormonal structure) that do not belong strictly to male or female categories, or that belong to both at the same time. Intersex people may not consider their condition to be part of their core identity and therefore prefer to label themselves as “having an intersex condition” rather than an “being an intersex person”

**Laggards:** people who feel change as threatening and who will resist any form of innovation (see “Diffusion of innovations” by Everett Rogers)

**Lesbian:** female-identified person who defines herself as attracted to another female-expressed person

**LGBTI:** Lesbian, Gay, Bisexual, Transgender and Intersexual

**Mainstreaming:** the structural integration of an issue (like gender or sexual diversity) in mainstream rules, organizations and budgets

**Mainstream organizations:** regular education organizations, like schools, institutes for curriculum development, teacher training institutions, educational publishing houses, manufacturers of exams, trade unions, national federations of teachers in different subjects, associations of school counselors/psychologists etc.

**Minority stress:** discriminatory or marginalizing stress that is of a low intensity, but when it is sustained over a longer time, can lead to negative consequences like internalized homophobia and burn-out

**Modern homophobia/ LGBT-phobia/negativity:** homo-, lesbian, bi- and trans-negative behavior that expresses itself mainly through social distance. “Modern” LGBT-phobic people may state they are not phobic, but they prefer their child not to be LGBT and they prefer not to associate with LGBT, especially not when they do not conform to heteronormative standards. Some peer educators use words like “sham tolerance”, “fake tolerance” or “lack of acceptance” rather than “modern LGBT-phobia”.

**MSM:** men who have sex with men

**Preference:** evaluative judgment of a person of liking or disliking someone or something. In some countries LGB prefer to refer to sexual "preference" rather to "orientation" to denote that expression of sexual feeling is a choice, while in other countries fear using "preference" will link into the conservative discourse that LGB sexual feelings can or should be changed.

**PSHE:** Personal Social Health Education

**Receiver-oriented:** interventions and strategies that start from the perceptions and needs of the targeted audience. For example: a teacher training focusing on how to discuss controversial issues in class is more receiver-oriented than a training focusing on showing why LGBT people are discriminated (=sender-oriented).

**Sender-oriented:** interventions and strategies that start from the perceptions and needs of the campaigning organization.

**Sexual:** emotional and/or physical attraction so someone

**Sexual diversity:** all variations of sexual attraction and gender expression

**SOGI(E):** Sexual Orientation and Gender Identity (and their Expression). Acronym used in international politics when referring to human rights aspects rather than to classifications of people.

**SOGIESC:** sexual orientation, gender identity, gender expression or their sex characteristics

**SRE:** Sex and Relationships Education

**SRH(E):** Sexual and Reproductive Health (Education)

**SSA:** same-sex attracted, a term sometimes used for young people and which includes young people not having sex (yet)

**STI:** Sexually Transmitted Infections

**STD:** Sexually Transmitted Diseases

**Stigma-compensation:** LGBT students who try to perform extraordinary well to compensate for stigmatizing behavior or others

**Subsidiarity:** the principle that social and political issues should be dealt with at the most immediate (or local) level that is consistent with their resolution. For example, most States deny that the UN (or a regional federation like the European Union) has the right to guide the content of education, because education is supposed to be cultural specific and therefore cannot be controlled on an international level. But in States with a decentralized school, the subsidiarity principle is also called in to refer anti-bullying policy or diversity policy to the level of schools rather than making mandatory guidelines on it on the national level.

**Traditional homophobia/LGBT-phobia:** open rejection of LGBT people and/or same-sex relations and non-binary gender expressions.

**Transfer:** making sure that the teachers use the learned skills in a training in their school practice and support them to overcome barriers they are going to face when they are back in school

**Transgender:** umbrella term for people whose sense of gender identity and/or expression differs from society's expectations given their biological sex as assigned at birth

**UPR, Universal Periodic Review:** a review mechanism of the Human Rights Council (HRC) aimed at **improving the human rights situation on the ground** of each of the 193 United Nations (UN) Member States. Under this mechanism, the human rights situation of each of the UN Member States is reviewed every 5 years. 42 States are reviewed each year during three Working Group sessions dedicated to 14 States each. These three sessions are usually held in January/February, May/June and October/November. The result of each review is reflected in an "outcome report" listing the **recommendations** the State under review (SuR) will have to implement before the next review. (<https://www.upr-info.org/en/upr-process/what-is-it>)

**UNESCO Commission:** each country has a representation to UNESCO, which is called the UNESCO commission. The UNESCO commission usually as representatives of both the ministries of education and foreign affairs. In most countries the UNESCO commission also has a staff, which manages the selection of locally implemented UNESCO projects, like selecting schools may carry the label "UNESCO affiliated school".

**WSW:** women attracted to women

## Annex III: The legal basis of the GALE Checklist

In this annex list the international conventions and agreements on which we based the GALE Checklist. GALE analyzed the conventions and a series of checklists that are used by various UN bodies and global NGOs to monitor the implementation of the Right to Education. None of the conventions, nor monitoring checklists, make references to DESPOGI or LGBTI students. Also, existing monitoring instruments were not really focused at the type of challenges DESWPOGI face. This prompted GALE to develop an new instrument

The GALE Checklist on the Implementation of the Right to Education for DESPOGI starts from the presumption that human rights are universal and are applicable to all. The Right to Education is a right pertaining to students. In the GALE Checklist, universal rights which have been agreed on by large consensus among UN States are checked on whether they are applied to DESPOGI.

To make the extensive lists of detailed implementation rights more coherent, GALE make a short list of 3 categories of rights, each divided in 5 checkpoints. The 3 "pillars" of the Right to education are:

1. The right to have access to school
2. The right to a relevant curriculum
3. The right to good teachers

The following texts are formal quotes from conventions and some other relevant consensus documents that form the legal basis of the GALE Checkpoints.

### The right to access education

Does the state secure that:

#### 1. DESPOGI students have full access to educational institutions

> Universal declaration of Human Rights, article 26; Right to Education.

*(1) Everyone has the right to education. [...] Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*

*(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*

> Convention against discrimination in Education, article 1.

*For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion,*

*political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*

*( a ) Of depriving any person or group of persons of access to education of any type or at any level;*

*( b ) Of limiting any person or group of persons to education of an inferior standard;*

*( c ) Subject to the provisions of article 2 of this Convention, of establishing or maintaining separate*

*educational systems or institutions for persons or groups of persons; or*

*( d ) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.*

> International Covenant on Economic, Social and Cultural rights, article 13.2.

*The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:*

*(b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;*

*(c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means*

> Committee on Economic, Social and Cultural Rights general comment No. 13 (E/C.12/1999/10)

Article 13 (2): The right to receive an education

*Accessibility - educational institutions and programmes have to be accessible to everyone, without discrimination, within the jurisdiction of the State party. Accessibility has three overlapping dimensions:*

*(i) Non-discrimination - education must be accessible to all, especially the most vulnerable groups, in law and fact, without discrimination on any of the prohibited grounds (see paras. 31-37 on non-discrimination);*

> Yogyakarta Principles, article 16.1; equal access and equal treatment.

*Everyone has the right to education without discrimination on the basis of, and taking into account, their sexual orientation and gender identity. States shall take all necessary legislative, administrative and other measures to ensure equal access to education, and equal treatment of students, staff and teachers within the education system, without discrimination on the basis of sexual orientation or gender identity.*

> European Treaty of Amsterdam (1997), article 13;

*to take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.*

> UNESCO ICE Conference 2008 concluding recommendation 1;

*acknowledge that inclusive education is an ongoing process aimed at offering quality education for all while respecting diversity and the different needs and abilities, characteristics and learning expectations of the students and communities, eliminating all forms of discrimination.*

> Convention on the Rights of the Child, article 2, paragraph 2;

*States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members*

## 2. DESPOGI students have freedom of self-expression in school

> Universal declaration of Human Rights, article 19; freedom of expression;

*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*

> International Convention on Civil and Political Rights, Article 19;

*The right to freedom to seek, receive and impart information including political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.*

Replenished by General comment No. 34, HR Committee, CCPR/C/GC/34, 12 September 2011.

Paragraph 11:

*the scope of paragraph 2 embraces even expression that may be regarded as deeply offensive, although such expression may be restricted in accordance with the provisions of article 19, paragraph 3 and article 20 (everyone has the right to freedom of peaceful assembly and association).*

According to Article 19 (NGO) this right therefore also applies to LGBT people.

> The report of the UN High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, 17 November 2011, para. 84(f) recommends that States:

*[Ensure that individuals can exercise their rights to freedom of expression, association and peaceful assembly in safety without discrimination on grounds of sexual orientation and gender identity.*

The recommendations from this report were *not* accepted by member States

> Convention on the rights of the Child: article 13; freedom of expression;



*The child has the right to express his or her views, obtain information, make ideas or information known, regardless of frontiers.*

> Yogyakarta Principles, article 19; freedom of opinion and expression

*Everyone has the right to freedom of opinion and expression, regardless of sexual orientation or gender identity. This includes the expression of identity or personhood through speech, deportment, dress, bodily characteristics, choice of name, or any other means, as well as the freedom to seek, receive and impart information and ideas of all kinds, including with regard to human rights, sexual orientation and gender identity, through any medium and regardless of frontiers.*

### 3. DESPOGI students are protected against bullying and harassment

> Convention on the rights of the Child: article 19; protection from abuse or neglect;

*The State shall protect the child from all forms of maltreatment by parents or others responsible for the care of the child and establish appropriate social programmes for the prevention of abuse and the treatment of victims].*

> Yogyakarta Principles, article 16.5; protection for students, staff and teachers against social exclusion and violence.

*States shall ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment.*

### 4. DESPOGI students are supported to prevent drop-out

> Convention against discrimination in Education, article 1;

*For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*  
a: *depriving any person or group of persons of access to education of any type or at any level,*  
b: *limiting (groups of) people to education of inferior standard.*

> UNESCO ICE Conference 2008 concluding recommendation 2;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to:*  
*acknowledge that inclusive education is an ongoing process aimed at offering quality education for all while respecting diversity and the different needs and abilities, characteristics and learning expectations of the students and communities, eliminating all forms of*

*discrimination.*

> Yogyakarta Principles, article 16.7;

*Take all necessary legislative, administrative and other measures to ensure that discipline in educational institutions is administered in a manner consistent with human dignity, without discrimination or penalty on the basis of a student's sexual orientation or gender identity, or the expression thereof.*

## 5. DESPOGI students are supported to have an equal level of academic performance

> Convention against Discrimination in Education, article 1;

*For the purpose of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:*

*a: depriving any person or group of persons of access to education of any type or at any level,*

*b: limiting (groups of) people to education of inferior standard.*

> Yogyakarta Principles, article 16.1; equal access and equal treatment.

*Everyone has the right to education without discrimination on the basis of, and taking into account, their sexual orientation and gender identity. States shall take all necessary legislative, administrative and other measures to ensure equal access to education, and equal treatment of students, staff and teachers within the education system, without discrimination on the basis of sexual orientation or gender identity.*

> UNESCO ICE Conference 2008 concluding recommendation 6;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to:*  
*pursue education in the public interest and strengthen the government's capacity to orientate, promote and follow up on the development of equitable education of high quality in close partnership with civil society and the private sector.*

## **The right to a relevant curriculum**

Does the state secure that:

## 6. Public information about sexual diversity is supported

> Yogyakarta Principles, article 16.4; education about respect for diverse sexual orientations and gender identities.

*Ensure that education methods, curricula and resources serve to enhance understanding of and respect for, inter alia, diverse sexual orientations and gender identities, including the particular needs of students, their parents and family members related to these grounds;*

> Yogyakarta Principles, article 16.6; concerning the status of higher education teaching personnel.

*Ensure that students subjected to such exclusion or violence are not marginalised or segregated for reasons of protection, and that their best interests are identified and respected in a participatory manner*

> International Convention on Civil and Political Rights, Article 19;

*The right to freedom to seek, receive and impart information including political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse.*

> Replenished by General comment No. 34, HR Committee, CCPR/C/GC/34, 12 September 2011.

Paragraph 11:

*the scope of paragraph 2 embraces even expression that may be regarded as deeply offensive, although such expression may be restricted in accordance with the provisions of article 19, paragraph 3 and article 20 (everyone has the right to freedom of peaceful assembly and association). According to Article 19 (NGO) this right therefore also applies to LGBT people.*

> The report of the UN High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, 17 November 2011, para. 84(f) recommends that States:

*[E]nsure that individuals can exercise their rights to freedom of expression, association and peaceful assembly in safety without discrimination on grounds of sexual orientation and gender identity.*

## **7. There is supportive and relevant attention for DESPOGI students in school resources.**

> Yogyakarta principles, article 16.3; support for the development of LGBT students

*States shall ensure that education is directed to the development of respect for human rights, and of respect for each child's parents and family members, cultural identity, language and values, in a spirit of understanding, peace, tolerance and equality, taking into account and respecting diverse sexual orientations and gender identities.*

> Yogyakarta principles, article 16.4; education about respect for diverse sexual orientations and gender identities.

*States shall ensure that education methods, curricula and resources serve to enhance understanding of and respect for, inter alia, diverse sexual orientations and gender identities, including the particular needs of students, their parents and family members related to these grounds;*

> UNESCO recommendation concerning education for international understanding, cooperation and peace, and education relating to human rights and fundamental freedoms (1974). Guiding Principle VIII, article 39;

*school resources should be "free from elements liable to give rise to misunderstanding, mistrust, racist reactions, contempt or hatred with regard to other groups or peoples. Materials should provide a broad background of knowledge, which will help learners to evaluate information and ideas disseminated through the mass media that seem to run counter to the aims of this recommendation."*

> Convention on the Rights of the Child, article 29; Aims of education; excerpt:

*State Parties agree that the education of the child should be aimed at [...] the development of respect for human rights and fundamental freedoms and [...] the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*

> UN High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, 17 November 2011, paragraph 84(g) recommends that States

*"support public information campaigns to counter homophobia and transphobia among the general public and targeted anti-homophobia campaigns in schools".*

> UN High Commissioner for Human Rights, Report on discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity, A/HRC/19/41, 17 November 2011, para. 61:

*The right to education includes the right to receive comprehensive, accurate and age-appropriate information regarding human sexuality in order to ensure young people have access to information needed to lead healthy lives, make informed decisions and protect themselves and others from sexually-transmitted infections. 115 The Special Rapporteur on the right to education noted that "in order to be comprehensive, sexual education must pay special attention to diversity, since everyone has the right to deal with his or her own sexuality.*

## **8. There are specific resources for DESPOGI students**

> UNESCO recommendation (1966) concerning the status of the teachers:

*it is the fundamental right of every child to be provided with the fullest possible educational opportunities; due attention should be paid to children requiring special educational treatment.*

## **9. There are support services for DESPOGI students available**

> Yogyakarta Principles, article 16.3; support for the development of LGBT students.

*Ensure that education is directed to the development of respect for human rights, and of respect for each child's parents and family members, cultural identity, language and values, in a spirit of understanding, peace, tolerance and equality, taking into account and respecting diverse sexual orientations and gender identities.*

> UNESCO ICE Conference 2008 concluding recommendation 7;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to: develop policies that provide educational support for different categories of learners in order to facilitate their development in regular schools.*

> Committee on Economic, Social and Cultural Rights general comment No. 13 (E/C.12/1999/10)

Article 13 (2): The right to receive an education; Paragraph 6:

*While the precise and appropriate application of the terms will depend upon the conditions prevailing in a particular State party, education in all its forms and at all levels shall exhibit the following interrelated and essential features: Adaptability - education has to be flexible so it can adapt to the needs of changing societies and communities and respond to the needs of students within their diverse social and cultural settings.*

And Paragraph 7:

*When considering the appropriate application of these "interrelated and essential features" the best interests of the student shall be a primary consideration*

## **10. DESPOGI students have informal peer-learning opportunities**

> UNESCO ICE conference 2008, concluding recommendation 14;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to: Provide high-quality, non-formal educational opportunities that offer the possibilities for formal recognition of competencies acquired in non-formal settings.*

> Convention on the Rights of the Child, article 31; leisure, recreation and cultural activities:

*The child has the right to leisure, play and participation in cultural and artistic activities.*

## The right to good teachers

Does the state secure that:

### 11. Teachers and other staff are supportive of human rights for DESPOGI students and staff

> Convention on the Rights of the Child, article 29; Aims of education; excerpt:

*State Parties agree that the education of the child should be aimed at [...] the development of respect for human rights and fundamental freedoms and {...} the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*

> UNESCO ICE conference 2008, concluding recommendation 20;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to: Equip school administrators with the skills to respond effectively to the diverse needs of all learners and promote inclusive education in their schools.*

### 12. School staff has adequate competences to teach about sexual diversity

> UNESCO recommendation concerning education for international understanding, cooperation and peace, and education relating to human rights and fundamental freedoms (1974).

*Guiding principle VII; teacher preparation.*

> ICE conference 2008. Concluding recommendation 20;

*equip school administrators with the skills to respond effectively to the diverse needs of all learners and promote inclusive education in their schools.*

> Concluding recommendations UNESCO ICE conference 2008, 17;

*train teachers by equipping them with the appropriate skills and materials to teach diverse student populations and meet the diverse learning needs of different categories of learners through methods such as professional development at the school level, pre-service training about inclusion, and instruction attentive to the development and strengths of the individual learner.*

### 13. School staff has adequate competences to support DESPOGI students

> Yogyakarta Principles, article 16.3; support for the development of LGBT students.

*States shall ensure that education is directed to the development of respect for human rights, and of respect for each child's parents and family members, cultural identity, language and values, in a spirit of understanding, peace, tolerance and equality, taking into account and respecting diverse sexual orientations and gender identities.*

> UNESCO ICE conference 2008 concluding recommendation 16;

*Reinforce the role of teachers by working to improve their status and their working conditions, and develop mechanisms for recruiting suitable candidates, and retain qualified teachers who are sensitive to different learning requirements.*

> UNESCO ICE conference 2008, concluding recommendation 20;

*We agreed that governments as well as all the other social actors have an important role in providing a quality education for all and, in doing so, should recognize the importance of a broadened concept of inclusive education that addresses the diverse needs of all learners and that is relevant, equitable and effective. Therefore, we recommend to Member States to: Equip school administrators with the skills to respond effectively to the diverse needs of all learners and promote inclusive education in their schools.*

#### **14. The school environment is supportive for sexual diversity**

> Yogyakarta Principles, article 16.5; protection for students, staff and teachers against social exclusion and violence.

*States shall ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment.*

> UNESCO ICE Conference 2008 concluding recommendation 3;

*promote school cultures and environments that are child-friendly, conducive to effective learning and inclusive of all children, healthy and protective, gender-responsive, and encourage the active role and the participation of the learners themselves, their families and their communities.*

#### **15. There is employment protection for DESPOGI staff**

> Yogyakarta Principles, article 16.1; equal access and equal treatment.

*States shall take all necessary legislative, administrative and other measures to ensure equal access to education, and equal treatment of students, staff and teachers within the education system, without discrimination on the basis of sexual orientation or gender identity.*

> Yogyakarta Principles, article 16.5;

*States shall ensure that laws and policies provide adequate protection for students, staff and teachers of different sexual orientations and gender identities against all forms of social exclusion and violence within the school environment, including bullying and harassment.*

> Committee on Economic, Social and Cultural Rights general comment No. 18 (E/C.12/GC/18), paragraph 12 (b)(i). According to the Committee,

*“any discrimination in access to the labour market or to means and entitlements for obtaining employment constitutes a violation of the Covenant. The exercise of work in all its forms and at all levels requires the existence of the following interdependent and essential elements, implementation of which will depend on the conditions present in each State party:*

*(b) Accessibility. The labour market must be open to everyone under the jurisdiction of States Parties.*

*Accessibility comprises three dimensions of which the first: (i) the Covenant prohibits any discrimination in access to and maintenance of employment on the grounds of [...] sexual orientation, or civil, political, social or other status, which has the intention or effect of impairing or nullifying exercise of the right to work on a basis of equality.*



## Annex IV: GALE Guide for Country Assessment

Version December 2017

In the country report, we prefer to speak about [DESPOGI](#), which means "Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity". In principle, we use acronyms like LGBTI only when quoting research, other publications or respondents. For spelling, we use US English.

### Section 1: Summary information

#### Reliability scores

The country report starts with an assessment of the reliability of the analysis. The reliability is based on how reliable the data is, and on how many perspectives play a role in the analysis. For each category GALE gives one to five stars.

#### Reliability of data:

5: *very reliable* (most research based on a *comparison* between random samples of LGBTI and heterosexuals in education)

4: *quite reliable* (most research based on *random samples* of LGBTI or heterosexual respondents in education)

3: *fairly reliable* (most research based on LGBTI or hetero *convenience samples*)

2: *inferred assessment based on comparable data from the education sector and internationally typical data for LGBTI* (for example, about bullying in general or sex education and comparison with international differences between LGBTI and heterosexual samples) or/and *expert quotes*

1: *inferred assessment based on data about general attitudes* in the population and individual quotes

0. *no data at all*, assessment based on inference from internet sources like Wikipedia

#### Multiple perspectives:

5: agreement or average between *three perspectives* (LGBTI activists/population, government officials, education sector experts)

4: agreement or average between *two perspectives* of experts

3: *agreement or average within one perspective* of experts

2: *average* of *non-expert* opinions

1. *one* non-expert respondent

0. only *internet sources* like Wikipedia

Example 1: Netherlands. Data: the data are a mix of very reliable and quite reliable research (4,5). The assessment matrix is based on the average of respondents in a 3-perspective expert meeting on

LGBTI issues education (5). We score the Netherlands as 5 stars on reliability of data and 5 stars on multiple perspectives.

Example 2: Azerbaijan. Data: there is no research available, the assessment is based on a small scale descriptive research based on a few interviews and on limited information about general attitudes. This is scored as 1 star. Perspectives: one local activist filled in the Right to Education Checklist: 1 star. We score Azerbaijan as 1 star on reliability of data and 1 star on multiple perspectives.

### The right to education matrix

The GALE right to education matrix was developed in 2012 to give a short overview of the scores in a country. This is an example of the matrix, for Poland (2017). The format of the matrix is an Excel file with a "data" sheet, a "matrix" sheet and a "report" sheet. The Google results on the GALE Checklist can be copied into the "data" sheet of the Excel file, which then results in numbers in the matrix. The "report" sheet is not used for the country reports but as background information in strategic workshops.

The matrix contains the number of scores per item and the final assessment marked in color. You make the final assessment only after completing the complete country report, so you can take all data into account. To assist you, next to the matrix, there is a space to make a short summary of why you assessed the checkpoints as you did. Normally, GALE will follow average scores of expert respondents. The short explanation should focus on decisions that differ from the respondents scores, it is like a clarification in case of different opinions. The short explanation is not copied in the published report.

The finalized matrix is copied into the country file. The 6-color band below the matrix is a help to fill in the right colors in the Excel version of the matrix and is not published.

Right to Education Assessment Matrix	Forbidden	Discouraged	No policy	Encouraged	Supported	No data
<b>Access to school</b>						
1. Full access to schools for DESPOGI?			3		2	
2. Freedom of self expression for DESPOGI?	1	2	2			
3. Protection against DESPOGI bullying?		1	3	1		
4. No drop-out of DESPOGI?		1	4			
5. Equal school performance of DESPOGI?			4	1		
<b>An appropriate curriculum</b>						
6. Is there public information about sexual diversity?		4			1	
7. Attention in resources about sexual diversity?	2	2	1			
8. Resources for DESPOGI students?	2	1	2			
9. Support services open to DESPOGI students?		1	4			
10. Peer-learning opportunities for DESPOGI?		3	2			
<b>Good teachers</b>						
11. Is staff supportive for DESPOGI?		2	3			

12. Staff competent to teach about sexual diversity?	3		2			
13. Is staff competent to support DESPOGI?	1	2	2			
14. Supportive school environment for DESPOGI?		1	3		1	
15. Employment protection for DESPOGI staff?			1		3	

Numbers show the number of respondents scoring an item.



The GALE Right to Education Assessment Checklist is based on an analysis of the five main conventions ruling the right to education. GALE collects data on this per country through [https://www.gale.info/cgi-bin/quickscan.cgi?txt=mapping\\_en](https://www.gale.info/cgi-bin/quickscan.cgi?txt=mapping_en).

As you can see in the Poland example, it may be that respondents don't agree with each other.

Sometimes they score some checkpoints so differently, that making a calculation of an average would not be useful. This is often the case when respondents score an item based on the availability of a law or policy, while others score the item as an assessment of the social situation or (the lack of) implementation of a policy.

The final assessment of GALE is the responsibility of the GALE assessors. It starts with the assessment of local expert respondents, but is then checked with facts.

The rule of the thumb is that a law or policy is only "encouraging" or "supportive" when there is proof it is implemented and has impact on the social situation. The assessment also ends with local expert respondents, who are asked to evaluate the assessment. The assessors may decide to change the assessment when there are strong arguments to do so. An example of a strong argument could be agreement during a multi-perspective strategy workshop in the assessed country.

### General assessment

This subsection contains a summary judgment of the country. Ideally it touches upon:

1. the general context (general quality and safety of the education system and whether the management of education is centralized, decentralized or/and privatized)
2. public attitudes about sexual diversity and key laws
3. a short impression of research and feedback about the specific situation of DESPOGI students

## Section 2: Legal context

In this section we sketch the legal national and international context. This section is printed in Arial Unicode MS font size 9.

### Laws

Under "Laws" we offer a very short overview of laws pertaining to DESPOGI. This is based primarily on the ILGA report on State-sponsored Homophobia and were necessary on additional information from Wikipedia and the IE Barometer. Note that the IE Barometer is often not up-to-date and the data may be even ten years out of date.

## Conventions

Under "Conventions" we show which of the five conventions that refer to right to education are signed. The information is based on the original UN documentation of conventions and are summarized in the internal GALE file "GALE Monitor R2E Data" (sheet conventions). In a next edition, we may add signatories to some main UN recommendation as well, like the Recommendation for International Understanding (and Human Rights Education). We did not add recommendations about the rights of teachers, because we decided to mainly focus on student's rights. We may add such recommendations when they are relevant for DESPOGI students in the future.

## International statements and dialogue

Under "International statements and dialogue" we mention whether a State has signed the UNESCO Call for Action (2016) and whether they have joined the international Equality Coalition (a group of countries opposing the increasingly organized "traditional values coalition"). We also mention whether the State submitted a report for the most recent review of the Convention against Discrimination in Education or for the Recommendation for International Understanding (and Human Rights Education), and whether it contained a mention of sexual diversity. This is also summarized in the internal GALE file "GALE Monitor R2E Data" (sheet conventions). Finally, under this section we add relevant quotes from Treatment Body communications, like the UPR and the recommendations in the review of the Convention of the Rights of the Child.

## Section 3: More information

This section has two parts: a general sketch over social attitudes and recent developments that are relevant for education, and a detailed analysis of the information we found on the 15 checkpoints.

### General information

The structure of this paragraph is:

1. Information about the education system
2. Information about equality and inequality
3. Attitudes about sexual diversity in general
4. General points of attention related to education for DESPOGI (we try to prevent replication of texts that are given here and texts under the checkpoints)

All information is referenced according to scientific publications custom. When mentioning resources, name first author and date. If there are more than two authors, list the first author + "et al", preferably with the relevant page. Full references of formal and offline only publications will be mentioned in the chapter "sources". External editors can give the full references at the bottom of the country report (which will be moved to the resource section with final editing). Use APA formatting for full references. Non-formal references are referenced by giving an internet address.

**Education system:** We are interested in the general quality of the education system because when the whole system is substandard, then this will also have impact on DESPOGI students. Moreover, research has show that bad and unsafe schools are always worse for minorities and notably also for LGBT students.

We are also interested in aspects that help activists to plan strategic change. Relevant information is for example how the education system works (centralized, decentralized, State-owned or privatized, access to education (especially for girls), good or poor teacher training, religious or political influence on curricula, influence of wars). This information is mostly based on sources like the EI Barometer (<https://www.ei-ie.org/barometer/en/>), the Wiki page "education in..", and if we cannot find the relevant information there, other sources. I may be difficult to find out how much influence the Ministry of Education and others have on the content and quality of education; this is often not explicit or clear. Sometimes local experts can help to fill this in with feedback on the draft.

**Equality:** the general position of minorities and of women is often an indicator of the political and social environment in a country. In this section we try to sketch his briefly. Most of this paragraph will be based on the EI barometer, which has a section gender equality. But do an internet check to what extend this information is still correct.

**Attitudes about sexual diversity:** this paragraph gives an indication of general attitudes towards LGBTI and DESPOGI in recent years. Such numbers are in this 2017 edition mostly found on the Wiki page "LGBT rights in ..", in global comparisons of attitudes like RIWI and in other research reports that give a general impression of the attitudes and behavior of the population in the country. In a next edition, we strive to make the comparison more comparable across countries. Please do not elaborate too much about non-education issues like marriage equality. This may dominate Wiki pages, but it is only relevant for our analysis when statistics about attitudes on marriage equality give an indication of the general attitude of the population. But statistics about social distance ("I don't want a homosexual as neighbor") may be more revealing in the context of this analysis.

**General information about DESPOGI in education:** In this section we can put information on more specific aspects on education, that provides context but does not double with information under the following checkpoints. This could for example be recent developments of (DESPOGI related) policy in education.

## **The checkpoints**

The detailed information about the assessment is divided in three sections: access, the curriculum and teachers. We strive to name all the checkpoints and give quotes relevant to each checkpoint. If there is enough data, the structure of the text with each checkpoint would be:

1. Statistical and then soft data on the situation
2. Legal measures

3. Implementation activities by the government and other levels
4. If not obvious, an explanation of the assessment on the 5-point scale

Quotes may be relevant for different checkpoints. An example: it may be that you find a quote like this in a report: "68% of teachers think that coming out at school is provocative and unnecessary, so it is not surprising that 93% of the students do not come out at school". This sentence contains relevant information for both checkpoint 2 (freedom of expression) and 11 (supportive teachers). To avoid duplication, we would reproduce these findings as follows

Checkpoint 2: "Researcher X found that 93% of the students do not come out at school (Researcher, X, 2016, p. 5)

Checkpoint 11 "Researcher X found that 68% of teachers think that coming out at school is provocative and unnecessary" (Researcher, X, 2016, p. 5)

It is very important to date every quote: "in 2017, XX said/found.. " etc. Research and quotes can go, out-of-date and without mentioning the year, we will lose track of the possible datedness of data.

The GALE Report bases itself mainly on two sources: the GALE database - which is a collection of publications over the last 15 years - and internet searches.

There are some standard information sources that we always checked for the 2017/2018 editions:

In Council of Europe countries, we check the country studies of the Danish Institute for human rights (reference: COWI, 2010 Country-legal/sociological: <http://www.coe.int/en/web/commissioner/thematic-work/lgbti-country-studies>. Because these are 7-8 years old, you always need to check if the data is still up-to-date. If there are more recent data, offer these (or/and put the COWI data in a historical context.

The ILGA-Europe rainbow country files may contain educational information: <https://rainbow-europe.org/>.

BZgA and IPPF produce a series of country reports on sex education (at this time only offline preliminary versions available). Regrettably these hardly contain attention to sexual diversity but they do give a context for how sex education is organized.

In a range of countries, there may be interesting polls in the UNICEF Youth E-Report polls: <http://uk.ureport.in/> (go to bottom of page for other countries).

In South East Africa, sources can be found on: <http://www.uhai-eashri.org/ENG/resources/>.

On the Rutgers website there are some best practices and strategies to mainstream sexual and gender diversity into programs and services were explored and evaluated in Indonesia, Kenya, Malawi and Tanzania. (<https://www.rutgers.international/what-we-do/sexual-and-gender-diversity>).

## Section 4: Detailed information on checkpoints

### How to score the checkpoints

Scoring possibilities are:

**0 points (forbidden):** there is an explicit prohibition or denial pertaining to this checkpoint. If same-sex relations are criminalized, and sexual diversity is taboo in a society and the State is actively promoting this, this would lead to an assessment as forbidden. Censorship laws are also a reason to score a checkpoint as forbidden. A checkpoint is also scored forbidden when there is no explicit law, but school staff and politicians make public statements denying this right for DESPOGI without being challenged. For example, it is rare to find explicit legislation barring DESPOGI students from access to schools, but there are numerous countries where schools, teachers and politicians make public statements about DESPOGI not belonging in any public institution, including schools and there may be examples of students being chased from school or refused internships.

**1 point (discouraged):** there is no legal prohibition against this right, but the attitude of the population, including fellow students and teachers is strongly negative and discouraging. The government is explicitly (by making statements) or implicitly (by condoning breaches of rights) in league with the negative forces in society.

**2 points: (no policy):** the environment and the government is not officially discouraging, neither supportive. There are mostly generic policies, but not specific DESPOGI policies. In their behavior, the government and education system behave ambiguously; at one time being discouraging, marginalizing and ignorant, and another time half-heartedly being supportive but taking back their support at signs of resistance.

**3 points: (encouraged):** the environment and the government leans towards support of the DESPOGI students and teachers, but does not really take the lead in, or responsibility for this. This often results in nice policy documents and progressive statements, but with no or inadequate implementation of the policies and leaving much of the implementation to LGBTI community organizations, which have limited possibilities to develop high-quality programs or a large-scale dissemination. Funding for LGBTI organizations to deliver services to the LGBTI population fall under "encouraged" and not under "supportive", because no matter how good these services are or how rich the funding is, it remains a stopgap for lack of sensitivity and professionalism in regular institutions.

**4. points: (supportive):** there is evidence that the government takes the lead. Proof may be in the form, of positive statements, establishing sound laws and implementation policies, and attempting to implement effective strategies by actively engaging with all levels of the education sector.

The scoring of each checkpoint is always a judgment call. We try to make the assessment as transparent as we can by listing the evidence. We try to rely as much as possible on the multi-perspective opinions of local stakeholders: activists, education experts and government officials. But when such opinions are in clear conflict with the evidence, GALE assessors may overrule local opinions. This can happen when local respondents are overly proud, loyal or critical of their own work or of other stakeholder's work. For example, they may rate government policy consistently supportive because they receive funding, or they may rate policy quite negative based on recent negative incidents despite considerable evidence of supportive government strategy and statistic evidence of social improvement. We try to make as clear as possible what the scoring in the matrix is based on. When this is clear, just some statistics may be enough to illustrate the assessment. When it is not so clear an explanation of the judgment call may be necessary to be fully transparent.

In some denying countries, information is completely unavailable. To save space, we may not offer detailed evidence per checkpoint but just give a short general impression in one paragraph per heading.

In the following texts, we give more suggestions on how to score each checkpoint, based on our practical experiences. With "LEGAL" we mean the legal and policy aspects of the checkpoint. With "SOCIAL" we refer to statistics and quotes about school practice.

## **Access to schools**

### **1. Access to schools:**

**LEGAL:** there is rarely any legal measure against access for DESPOGI to schools; in most developed countries basic primary and secondary education are mandatory. According to the Right to Education, primary education should be free, and in many countries also secondary and even further education is free. In addition, many States have an Equality Act or an article in the Constitution which forbids discrimination in the education sector. If this is without exceptions, it may mean that religious schools cannot refuse a student that comes out as LGBTI. There may be a law which regulates the protection of interns.

**SOCIAL:** it may be that DESPOGI students have been refused access to the school building because of their gender nonconforming dress, behavior, or they may have been denied an internship. Such "denied access" should be distinguished from "drop-out" which is checkpoint 4. If we find examples of "denied access" and there is no government or school authority action to prevent such incidents, we will score this checkpoint "discouraged". When there are no examples and no government measures, we will score this checkpoint "no policy". In many States with compulsory and free education, there will be no examples of "denied access". If it is clear that the government takes the mandatory schooling seriously by having a strategy to get students to go to school, than we can suppose this will also work for DESPOGI students and score it "supportive". But when there are signs that the government does



not really care and girls and minorities like disabled and Roma students are not actively supported or forced to go to school, than this environment creates an expectation that “discreditable” students like DESPOGI may also suffer despite there not being clear signals. When the social reality is that schools try to prevent “denied access” incidents, will score this "encouraged". When we see that the government is actively putting mechanisms in place to make sure these incidents will not happen, will score this checkpoint "supportive".

## 2. Freedom of self expression:

LEGAL: this checkpoint is scored "forbidden" when there are legal measures to forbid coming-out or positive information about sexual diversity, like prohibitions of LGBT Prides. It is scored "discouraged" when there are laws which do not explicitly forbid self expression about sexual diversity but put it at risk, for example formerly in Vietnam where homosexuality was legally deemed "anti-social" or in Poland where same-sex activity is not illegal but legally considered a perversion of morals and family values. If there are laws or policies protecting and encouraging different views and lifestyles, this would be a legal argument to score encouraging or supportive. Legal measures securing trans people can get changed diplomas and certificates, and that their registration in school reflects their preferred gender are also indications for a "supportive" assessment.

Focus with this checkpoint on individual opinions, identity and coming-out (in schools). Freedom of opinion in the media is encompassed by checkpoint 6.

SOCIAL: this checkpoint is also scored "forbidden" when the formal social context (for example shown by threatening expressions by the government) makes it practically impossible to be positive about sexual diversity. It is scored "discouraged" when the more informal social context (schools, teachers, fellow students) is derogative.

The most challenging aspect of this checkpoint is when we have statistics that show many young people not come-out in schools. Not coming-out is usually a complex decision that may be influenced by own insecurity, by a choice not to label yourself, by open or more concealed phobia or heteronormativity in the environment and by assessing the risk that coming-out in school will 'leak' to other environments like parents, work or digital media. If the tendency is that the government and schools say that coming-out is a personal choice but they do not actively support that choice in any way, we would score this "no policy". If the tendency is that the government in schools are openly declaring that it should be possible to come out in school, we would categorize this as "encouraged". We would only categorize this checkpoint as "supportive" (despite low statistics on coming-out) when there are clear school policies of schools to actively support school safety and coming-out and statistics showing that fellow-students and teachers are largely supporting coming-out.

## 3. Protection against bullying:

LEGAL: we would score this checkpoint only a "supportive" when a state has an explicit anti-bullying policy, *including* explicit mention of sexual orientation and gender identity *and* accompanying implementation measures. In countries where there is a generic anti-bullying policy and authorities

state openly that DESPOGI students are included, we would categorize this as "encouraging". Anti-bullying measures that are generic and do not mention SOGI-related bullying will be categorized as "no policy"; based on experiences and research we assume that generic anti-bullying policy has little or no impact on SOGI related bullying (see the article of Peter Dankmeijer on why:

<https://www.gale.info/en/news/gale/171001-gale-proposes-adapted-definition-of-bullying>).

A lack of protection laws against DESPOGI discrimination can be an argument to score this checkpoint as "discouraged".

**SOCIAL:** in a range of countries there will be statistics which show there is considerable violence and other negative behavior towards DESPOGI students. According to the international PISA study on well-being of students (2015), the international averages for bullying in schools are 8.9% frequently bullied students and 18.7% for all bullied students. We know that minorities and LGBT students typically suffer 2 to 5 times as much bullying as the average student. So if we have no specific statistics about SOGI-related bullying, we can assume the rate will be higher than the PISA average. We can also use the PISA results for a country to assess the generic level of violence that is common in schools. This will often correlate with intolerant laws and other research showing intolerant attitudes and behavior.

If we have more statistics, and we can for example compare PISA statistics with specific statistics on SOGI-related bullying, it is important to show the context of the level of negative behavior. To be able to judge whether we should deem this to be discouraging, no policy, encouraging or supportive depends on the indications we can find as to whether the schools or the school authorities are actively dealing with bullying. If we cannot find indications for this, we may score on the presumption that high levels of bullying (in general and specifically for DESPOGI) are an indication that schools are not actively combating bullying in an inclusive way.

In Europe, some statistics are available from the EU LGBT Survey (FRA, 2014) about if LGBT people feel discriminated in school and if they would feel more comfortable if there were school measures. Information on bullying statistics, homophobic bullying and government policy usually requires a somewhat more extended internet search on keywords like "bullying in..." and "homophobic bullying in...". We can mention these, but especially "the need for school measures" by LGB on one hand and by T on the other hand, do not seem to be very helpful in our analysis: typically almost everyone will ask for measures for anything if you ask this in surveys.

#### **4. Policy against DESPOGI drop-out:**

**LEGAL:** some states have active policies against student drop-out. These policies are rarely explicitly inclusive of DESPOGI students. This should be mentioned as a signal to the readers that there actually is a lack of policy here. Our judgment whether to score the legal/policy context of drop-out encouraged or supportive depends on an assessment of how well the anti-drop-out policy is implemented. In countries where there is no drop-out policy and where teachers don't care about drop-out of DESPOGI, we score this as "discouraged".

SOCIAL: School systems where DESPOGI students are actively kicked out, are scored as considered as "forbidden". School systems where a lot of DESPOGI students are dropping-out because of the negative environment and bullying, should be scored "discouraged". Schools systems where there is not a considerable drop-out of DESPOGI students but a few and the authorities don't really care, are scored as "no policy". Schools systems with a good drop-out policy which is implemented in a generic way without discrimination, can be scored "encouraged". Schools systems with explicit attention for sexual diversity and drop-out and related implementation, should be scored "supportive".

#### 5. Equal academic performance:

LEGAL: there are usually no legal measures in this area, so we score this checkpoint mainly on social indications. But in some countries, there are policy measures and projects to make sure girls and social minorities are supported to reach equal academic performance. Such policies may be indicative for a "diversity" mindset which could be the basis of integrate attention for DESPOGI.

SOCIAL: in some countries there are statistics which show a difference between the academic performance of heterosexual versus LGBTI students and cisgender students versus trans students and students with an intersex condition. In the GALE right to education survey for LGBTI activists, we have included some questions about their own judgment of whether they were disadvantaged in this area. Beyond the statistics, our assessment of this checkpoint the should be based on the existence of government or school policies, or their potential willingness to support explicit attention to this.

### An appropriate curriculum

#### 6. Availability of public information:

Strictly taken, the availability of public information by the general media is not only a school issue, but it does provide a crucial context for teaching materials. In addition, many schools use media messages as teaching resources.

LEGAL: the legal aspects of this are shown in the existence of censorship laws in their active implementation (on the negative side) and on the existence of free democratic and transparent media (on the positive side). In many countries there is a law on media and media themselves may have specific statutes or guidelines for integer reporting. Our assessment is partly based on the existence of such laws, in guidelines, and partly on their (legal) implementation.

SOCIAL: the social aspects of this are based on whether there actually is information available in the form of books, brochures, the Internet or mass media, and whether this information is public or mainly provided by LGBTI organizations. Censorship is labeled "forbidden". We do want to not link into the discourse of traditional values States about so-called "anti-homosexual propaganda laws" and consistently label such laws what they are: *censorship laws*. Negative press comments without

government intervention or legal address we label "discouraged". A systematic media taboo without legal framework is also labeled as "discouraged". Neutral or ambiguous reporting is labeled as "no policy". A mostly positive reporting is labeled "encouraged", and when the majority of the media supports LGBTI rights without question, this would be considered "supportive".

Sources for this checkpoint can be found in the EI barometer and on <https://www.article19.org/resources>, but the practice of reporting can also be found on Wikipedia "LGBT rights in..." and by searching posts in local media in the local language.

## 7. Relevant and supportive attention in school resources:

This checkpoint is about the content of textbooks and curricula.

**LEGAL:** most countries have some kind of guidelines for what should be educated. This could be a law, a guideline, or in countries with a centralized education system it could be detailed guidelines, or a complete curriculum. Such guidelines could focus on life skills, human rights, tolerance, peace education, citizenship education, sex education or specific education about sexual diversity.

**SOCIAL:** in many countries, the real content of education is not concretely set by the government, but offered by commercial educational publishers of textbooks. Also, in ideological NGOs may publish their own resources and curricula. To determine how to score a country on this level, we try to find data which show to what extent textbooks follow government guidelines and if they are supportive for DESPOGI. If there is no or hardly attention in regular textbooks, we also take into account what NGOs are offering and whether this is supported by the government: to what extent are these "additional resources" accredited or financed by the government and to what extent they are disseminated and used in schools. A high-quality specific LGBTI curriculum resource developed by an LGBTI organization, but with little dissemination and no financing or accreditation by the government will - despite our positive opinion about the effort and the quality - not be rated very high in the context of these country reports: our focus here is on government involvement, wide dissemination and actual use by schools.

Sexual education is a business of its own. Generally, sex education experts make a difference between "biological sex education" (technical information about the body and pregnancy), "reproductive health education" (mostly technical information about family planning and Sexually Transmitted Infections/STI's) and "comprehensive sexual education" (CSE, which supposedly encompasses also emotions and social context, ideally from the perspective of young people themselves).

BZgA and IPPF made preliminary factsheets on sexual education. CSE is contested. Although UNESCO, IPPF (International Planned Parenthood Federation) and the German national health center BZgA have developed guidelines for CSE and a range of countries pretend to offer CSE, in practice CSE is often less than comprehensive and certainly in regards to sexual diversity. This means for us it is necessary to do an extra search on sex education. Very short information can be found on

[https://en.wikipedia.org/wiki/Sex\\_education](https://en.wikipedia.org/wiki/Sex_education), but more can be found by an internet search on "sexual education in...", in some UNESCO and (for Europe) BZgA and EU parliament publications. It may be difficult to find out if CSE programs include SOGIE and even more difficult to assess if the resources are heteronormative or really inclusive. For this last type of assessment we have to rely on local research on this.

#### **8. Resources for LGBTI students:**

Resources for LGBTI students are materials and online information that offer specific support for DESPOGI youth needs. This can be referral information to support services, coming-out stories, question-and-answer files and sex education that is more specific than can be offered in schools. Personal support by counselors is not included in this checkpoint, but in the next.

**LEGAL:** the legal context of resources is about laws or policies that forbid, inhibit the publication of such resources, or make them better available by financing or dissemination by the government. Government monitoring and censoring on internet can be a reason to score this discouraging.

**SOCIAL:** the social context of the checkpoint is about the real dissemination and availability of the resources and the access DESPOGI students have to it. Strong internet filters can be a reason to score this discouraging.

#### **9. Support services open to LGBTI like counseling:**

In many countries, schools have a formal counseling system and in some countries, school counselors are accredited psychologists or social workers. In other countries the counseling role is part of the teacher job; in those cases we try to assess whether this is the case and if the job description of teachers is LGBTI inclusive. This checkpoint is about the availability of the service; the actual competence of teachers to support DESPOGI students will be assessed under checkpoint 13.

**LEGAL:** the legal question is whether countries and schools have a formal support system and whether it is explicitly inclusive for sexual diversity issues.

**SOCIAL:** the social question is the staff of support systems whether are actually supporting DESPOGI students. Whether teacher-counselors do this bad or good and are trained in it, is checkpoint 13. If only LGBTI organizations offer counseling services, this will usually be scored "no policy", or "encouraging" if the government is fully funding such support.

#### **10. Peer-learning opportunities:**

Peer learning means that DESPOGI students can learn informal life skills from fellow students, usually students who are in the same situation, so they can function as role-models. In the case of DESPOGI/LGBTI students, peer-learning is usually provided in two ways: access to common informal

school activities like proms and parties, and different forms of support groups. Support groups could be LGBTI youth groups outside school, or inside schools like Gay/Straight Alliances (GSA's).

LEGAL: the legal context of peer learning is whether peer learning is allowed or not, and when it is allowed, under which conditions (for example mandatory parent permission to participate would be scored discouraging, while State funding for the formation of GSA's would be considered "encouraged" and explicit State promotion or pride in GSA's would be scored "supportive").

SOCIAL: the social context of peer learning opportunities will be assessed by the actual availability of such opportunities. In checking this, we should have special attention for opportunities where legally underage youth can meet informally and safely and the number of young DESPOGI people that can access such spaces.

### **Good teachers**

Assessing whether teachers are good enough is usually a challenge. The teacher profession is not regulated in a sound way like the profession of psychologists or medical staff. Among teachers there is often a belief that you are "born" a teacher or not and there is often a resistance to regulation of or quality standard setting in the profession. In addition, there is not much research on teacher quality. This is an often neglected aspect in research on SOGI-phobia in schools.

#### **11. Supportive staff:**

"Supportive staff" focuses on the *attitude* of educational staff, especially teachers, but also counselors, janitors, administrative personnel and school bus drivers. The difference between checkpoint 12, 13 and 14 is that 12 and 13 are about the *skills* rather than attitude, and 14 is about provisions by the school management to make the school environment safe for everybody including the DESPOGI.

LEGAL: the legal dimension is whether there are provisions in the law or guidelines that promote the school staff to be supportive. You can look for formal government guidelines or school policies to hire diverse staff or to require them to be open to all students, and to legal proceedings against staff or schools who have not been supportive.

SOCIAL: look for statistics or quotes on how students in general or DESPOGI/LGBTI students feel supported by staff. Less reliable is research in which teachers assess their own attitude, they tend to claim to be (much) more supportive than students would assess them. Don't take self-assessment statements / percentages of teachers on face-value.

#### **12. Staff competent to teach:**

With "competence of teachers" we refer to knowledge, trained attitudes and skills of teachers to *pedagogically* (how the teacher interacts with students and the social and intellectual environment the

teacher seeks to establish) and *didactically* (planning lessons and curricula) engage with students about sexual diversity in the context of teaching.

**LEGAL:** the legal dimension of this checkpoint is whether teacher training institutions train teachers in initial education (basic teacher training), and through follow-up training to deal with diversity in general and specifically with DESPOGI issues. This can be assessed by looking at the guidelines for teacher training institutions, their curricula, or government supported teacher training policies. Often, such requirements are integrated in wider issues and we need to assess whether such wider trainings are really inclusive. Try to check whether trainings are actually taking place, for how many teachers, and to what extent DESPOGI/LGBTI students experience that teachers are actually skilled in sexual diversity aspects during classroom assignments and discussions.

**SOCIAL:** In the absence of reliable legal information or documentation about institutional policies, statistics on the opinion of LGBTI students are often the best source of information for this checkpoint. Statistics from both staff and students can offer indications, as well as numbers of staff trained and the content and length of the training program. Do not take the "availability" of a training on face-value. Some trainers consider a 2-hour lecture with a PowerPoint speech on the Yogyakarta Principles a "good" training, while other professionals may have spend years in developing a series of balanced trainings for different subgroups of teachers. It may be difficult to find out whether a training is of low or high quality. When you cannot really assess the quality of a training, the most neutral and consistent way to assess the impact is to look at the duration (the longer, the more effective) and whether the training provides for *transfer* (follow-up activities and support after the training).

### 13. Staff competent to support:

With competence to support we refer to the ability of teachers to assess whether a DESPOGI student needs support, whether the support is "light" coming-out support, or "problematic" because the student needs professional psychological help. It also encompasses one-on-one counseling sessions and possible referral to services outside of school, and the monitoring of the students well-being after being referred.

**LEGAL:** the legal dimension of this checkpoint is whether there are policies to secure that staff is adequately trained to support.

**SOCIAL:** the social aspect is whether staff actually supports DESPOGI students. Statistics from both staff and students can offer indications, as well as numbers of staff trained and the content and length of the training program.

### 14. Supportive school environment:

This checkpoint is about management provisions to make the school environment safe for everybody including the DESPOGI. A supportive school environment is always a team effort. A key issue here is



therefore who is responsible for organizing this team effort in the educational system of the country. This can be a local school authority, a school board, or the school principal. The content of this checkpoint is about the policies of the responsible authorities to assure the school is safe for everyone, including the DESPOGI students.

LEGAL: the legal dimension is about national, local and school policies. The key question is whether such policies are clear, give a positive direction and whether their implementation is monitored and secured. Proof can be provided in the form of government guidelines for school managers and documentation about policy implementation strategies through all levels.

SOCIAL: the social dimension of this checkpoint is about whether the policies actually result in safer schools and to what extent. Statistics here may focus on whether students *are* or *feel* safe at school (note: "are safe" and "feel safe" are different things; "feel safe" does not necessarily mean that they actually are safe, it may just mean that there is some visibility of LGBTI issues in the school. This means, visibility of LGBTI issues is important, but at the reality should also be reflected by less bullying (checkpoint 3).

#### 15. Employment protection for staff:

Employment protection is formally not part of the right to education, but it is added to the GALE Checklist because a lack of LGBTI teacher protection is a clear signal to students that the school is not safe.

LEGAL: when the country has a non-discrimination law, this is usually already mentioned in the earlier paragraph about the legal context. Here we can go into more detail if it is relevant. Note here especially that some non-discrimination laws may have exemptions for religious institutions and especially for religious schools. It may also be that countries do have a non-discrimination law, but do not (adequately) implement it, in general or specifically for DESPOGI staff. Proof of this can be found in jurisprudence.

SOCIAL: despite non-discrimination laws, in some countries teachers are not expected to be open about their sexual orientation or gender identity. When there is specific non-discrimination law, but in practice DESPOGI teachers are liable to be fired (mostly with other arguments), this would be scored as "discouraged". When in practice DESPOGI staff are being fired, but they can get redress through legal procedures, we would rate this as "encouraged". When the impression is that DESPOGI staff are not fired and there are only incidental problems, we would rate this as "supportive". In countries where there is non-discrimination legislation, but general negative attitudes and no jurisprudence at all, we have to assume that the taboo is so great that teacher cannot make use of the law, which would count as "no policy" or "discouraged" depending on how negative the attitudes are.



## Section 5: Recommendations

In this section, we offer a number of recommendations. We try to limit this to five and ten recommendations. GALE proposes recommendations and checks where possible with local respondents.

If there are local recommendations in research reports, policy documents, human rights visits, UPR reports or in shadow reports, we prefer to present these as priority recommendations. We do this by referencing them to the original documentation.

GALE made a set of "standard" recommendations for States in denying, ambiguous and supportive situations. These "standard" suggested recommendations are based on the analysis GALE made in "How LGBTIQ activists can develop a high impact education strategy: the GALE Committee Guide" and are aimed on stimulating strategic steps forwards rather than just focusing on specific interventions.

### Suggested for denying countries

9. Decriminalize same-sex relations
10. Withdraw laws that hinder adequate implementation of the right to education for DEPOGI students, specifically (reference to laws)
11. Support LGBTI grass roots organizations and safe/spaces/support for DESPOGI students
12. Support LGBTI grass roots NGOs in the creation of an educational committee and participate as observer
13. Ratify the Convention against Discrimination in Education
14. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4 (education)

### Suggested for ambiguous countries

1. Protect DESPOGI teachers against employment discrimination
2. Combat social prejudice against DESPOGI or support initiatives in this area
3. Secure that schools have a safe school climate which includes DESPOGI students
4. Include DESPOGI students in your implementation of the right to education monitoring
5. Support peer education, Gay/Straight Alliances and other grass roots interventions
6. Develop training en offer educational resources about sexual diversity for interested teachers
7. Create a National Strategic Committee on Sexual Diversity in Education
8. Ratify the Convention against Discrimination in Education
9. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4 (education)

### Suggested for supportive countries

1. Create a National Strategic Committee on Sexual Diversity in Education

2. Make attention for DESPOGI issues a priority for each department in the Ministry of Education
3. Develop DESPOGI inclusive curricula for each education sector
4. Integrate attention to pro-social policies and DESPOGI in teacher training institutes
5. Train all educational staff to be DESPOGI inclusive
6. Do research on effect of interventions and systematically improve impact
7. Monitor the progress of the government strategy
8. Ratify the Convention against Discrimination in Education
9. Include DESPOGI in the monitoring reports on the Convention against Discrimination in Education and SDG 4 (education)

Check each recommendation before publishing the draft. for example, it makes no sense to recommend signing the Convention against Discrimination in Education if the State already signed. Choose only the recommendation that may function as a lever to open up a further encompassing strategy. It is preferable to have 3 strong key recommendations than 20 detailed recommendations that everyone forgets because there are too many to have an impact. Recommendations will have more chance to be adopted when they fit into existing policies.

The recommendations are meant as a strategic guide and support for stakeholders who want to improve the situation in their country. It is therefore crucial that feedback from local stakeholders is taken serious by GALE assessors.

The recommendations can serve as suggestions for recommendations in country reviews of conventions and the UPR. They can also be used on their own as discussion points of activists with the government or with national education institutions.



Dankmeijer, P. (2017). *GALE European Report 2017 on the Implementation of the Right to Education for Students who are Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity*. Amsterdam: GALE