



LGBTQI INCLUSIVE EDUCATION REPORT

PREVIEW



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LGBTQI Inclusive Education Report (preview)

IGLYO — The International LGBTQI Youth & Student Organisation

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LGBTQI Inclusive Education Project

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Foreword

“My school days were basically me hiding, hating myself and never really knowing why” - Mia, Sweden

Over the course of 2016, IGLYO asked lesbian, gay, bisexual, transgender, queer and intersex (LGBTQI) young people from across Europe to share their experiences of school. Regardless of the country in which they lived, their stories were frighteningly similar: fear, isolation, exclusion, and violence.

IGLYO has been working on the topic of education, and, more specifically, tackling homophobic, biphobic, transphobic, and interphobic bullying in schools for many years. Over this time, we have worked directly with LGBTQI young people, teachers, youth organisations, academics, and politicians to better understand specific issues with a view to developing effective strategies and solutions. We have created a number of resources, have run several events and delivered numerous trainings. Despite our best efforts, however, a disproportionate number of LGBTQI learners still have a negative experience of school.

Although we had gained a good understanding of what worked, and knew of some impressive programmes, campaigns and policies, we realised that a comprehensive overview of the situation within each European country was still needed. IGLYO, therefore, wanted to create a resource, drawing on the knowledge of civil society organisations, to reflect the situation of LGBTQI learners and provide clearer guidance for governments and education ministries. The result is the LGBTQI Inclusive Education Index and Report. These are two valuable tools to help highlight and compare both good practices and areas for development within each Council of Europe Member State. They should be seen as an opportunity for governments to review their successes and progress to date, learn from other countries, and map their future actions in relation to LGBTQI inclusion within schools.

All young people have the right to education, but research shows that this is still far from being a reality for many LGBTQI learners. We firmly believe that the LGBTQI Education Index and Report can play a vital role in changing this for the better.

Euan Platt
Executive Co-ordinator
January 2018

Introduction

IGLYO's report into the impact of homophobic, biphobic and transphobic bullying, along with numerous other pieces of research, reveal that learners who are, or are perceived to be, lesbian, gay, bisexual, transgender, queer and intersex still face a daily struggle at school¹. The most current data suggests that people experience negative comments because of their actual or perceived sexual orientation and gender identity and expression at school, and there is often little or no representation of LGBTQI people within the school curricula^{2 3 4}. It also reveals that most school staff are not adequately trained to prevent or address discrimination on these grounds and, therefore, do not feel confident to tackle it.⁵ Currently, the experiences of intersex learners in Europe are almost undocumented, but individual accounts would suggest that discrimination, exclusion and isolation are also common throughout school.

Due to discrimination or lack of representation, LGBTQI learners tend to hide their sexual orientation, or gender identity and expression or act to match the norm. This has proven to have an effect on their mental and physical health and it sometimes leads to lower participation in school or lower academic achievement.⁶

Although there is a widespread evidence of this problem, there is still no European overview about the extent to which governments have implemented concrete measures to ensure that education is safe, inclusive and supportive of all learners. In 2010, the Council of Europe Committee of Ministers stressed that “member states should take appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity; this includes, in particular, safeguarding the right of children and youth to education in a safe environment, free from violence, bullying, social exclusion or other forms of discriminatory and degrading treatment related to sexual orientation or gender identity”(Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity)⁷. According to this document, schools should also provide information with respect to sexual orientation and gender identity. Although variations in sex characteristics were still not considered as protected grounds of discrimination, in 2016 the Parliamentary Assembly of the Council of Europe called on member states to “ensure access by LGBTI children to quality education by promoting respect and inclusion of LGBTI persons and the dissemination of objective information” (Resolution 2097 (2016))⁸.

¹ Formby, E. (2013) *The impact of homophobic and transphobic bullying on education and employment: A European survey*. IGLYO, Brussels.

² Council of Europe (2016) *Equal opportunities for all children: Non-discrimination of lesbian, gay, bisexual, transgender and intersex (LGBTI) children and young people*. Council of Europe Publishing, Strasbourg.

³ Fundamental Rights Agency (2014) *European Union lesbian, gay, bisexual and transgender survey: main results*. Fundamental Rights Agency, Vienna.

⁴ UNESCO (2017) *School Violence and Bullying: Global Status Report*. UNESCO, Paris.

⁵ Fundamental Rights Agency (2016) *Professionally speaking: challenges to achieving equality for LGBT people*. Fundamental Rights Agency, Vienna.

⁶ UNESCO (2016) *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression*. UNESCO, Paris.

⁷ [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2010\)5&Language=lanEnglish&Ver=original&BackColorIntranet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2010)5&Language=lanEnglish&Ver=original&BackColorIntranet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383&direct=true)

⁸ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=22510&lang=en>

As shown in this report, some governments have already taken significant steps to improve LGBTQI inclusion. For instance, many member states have an anti-discrimination law applicable within education that specifically sets sexual orientation and gender identity and expression as protected grounds. However, further action is clearly necessary to improve the experience of LGBTQI learners at school. By signing UNESCO *Call for Action by Ministers to ensure inclusive and equitable education for all learners in an environment free from discrimination and violence*⁹, many countries committed to reinforce their efforts to establishing comprehensive policies, provide learners with appropriate educational materials, train teachers and other school staff, and monitor the prevalence of violence on those grounds. At the same time, many member states have yet to develop a specific action plan to implement these commitments.

This report aims to provide information about the concrete measures that all members states have taken to ensure inclusive education and to tackle discrimination on grounds of sexual orientation, gender identity and expression, and variations in sex characteristics. This research has been carried out by IGLYO in partnership with civil society organisations and education experts. It is intended to be a resource for governments to evaluate the current levels of inclusion within their own country, learn from good practice examples and build international commitment.

⁹ <http://unesdoc.unesco.org/images/0024/002462/246247e.pdf>

Methodology

A whole-school approach to prevent and address homophobic, biphobic, transphobic and inter-phobic bullying has been proven to be the most effective. This entails the implementation of (1) national policies or action plans, (2) inclusive curricula and learning materials, (3) training for educational staff, (4) support for students and families, (5) partnerships with civil society organisations and (6) monitoring of discrimination and evaluating the executed measures¹⁰. Following this framework, IGLYO and OBESSU produced the *Inclusive education guidelines*, first in 2006 and revised in 2015¹¹. They set out the minimum standards that should be met to ensure education is safe, inclusive and supportive of all LGBTQI learners.

Using this as a starting point, IGLYO invited experts from academia, governments and civil society organisations to develop a list of comparable indicators (see *Indicators*) and provide guidance on how to collect data¹². A survey was then drafted and tested in seven countries (Bulgaria, Croatia, Hungary, Malta, Slovenia, Spain and United Kingdom). The questionnaire¹³ was refined based on the feedback from the pilot phase and implemented in the Council of Europe Member States.

The LGBTQI Inclusive Education Index and Report are primarily aimed at governments (education ministries, policy makers and other governmental staff working in the field of inclusive education), to provide an overview of the situation in each country according to civil society. For that reason, this research is based on **qualitative information** collected mainly from LGBTQI organisations working on education. IGLYO has worked closely with its member organisations and partners to find information on legislation, policies and practices at a national level. When needed, desk research has also been carried out to verify the accuracy of the information or to supplement the data provided. Data has also been reviewed and verified by other partners and lawyers.

IGLYO received 43 completed questionnaires. For some countries, member organisations or local educational experts did not have the capacity to do this research. In those cases, information was provided by lawyers and desk research. On the basis of the information provided, two different resources have been created. First, a narrative report, with the most relevant information, has been produced for each country (henceforth the **Report**). Second, IGLYO has developed a map and table to easily highlight and compare the situation in each country, based on the ten indicators (henceforth the **Index**).

¹⁰ UNESCO (2016) *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression*. UNESCO, Paris.

¹¹ IGLYO & OBESSU (2015) *Guidelines for inclusive education. Sexual orientation, gender identity and gender expression*. IGLYO, Brussels.

¹² The Steering Committee was comprised the following experts: Ben Baks (Secretariat of the Governmental LGBTI Focal Points Network of the European Region and Co-ordinator of the LGBTI Policy Unit of the Gender & LGBT Equality Department of the Dutch Ministry of Education, Culture and Science), Sophie Aujean and Nanna Moe (ILGA-Europe), Katherine Johnson (School of Applied Social Science, University of Brighton), Eleanor Formby (Centre for Education and Inclusion Research, Sheffield Hallam University) Jasna Magic (Kumquat Consult), Euan Platt and Rubén Ávila (IGLYO).

¹³ A final version of the questionnaire is to be seen on [Annex 1](#).

Considerable effort has been made to ensure that all data provided is as comprehensive and accurate as possible, but the limitations of the project mean that some minor omissions or inaccuracies are likely. For this reason, IGLYO has published this preview edition of the report and index, which will be sent to governments and civil society organisations for feedback before the final version of the LGBTQI Inclusive Education Index and Report will be launched later in 2018. IGLYO sees this as a vital part of the process to ensure that all relevant institutions, organisations and individuals engage with and contribute to the resources and the overall goal of improving education for all LGBTQI learners.

Indicators

IGLYO worked with an international group of experts to develop the first edition of the LGBTQI Inclusive Education Indicators. LGBTQI learners not only need to be protected by explicit laws and policies to achieve their potential, they require other concrete practices, like confident and knowledgeable school staff, access to appropriate information and support, and an inclusive and affirming curriculum and school environment. If Member States are to achieve the UN Sustainable Development Goals of gender equality, good health and well-being, reduced inequalities, and quality education, schools need to be safe, inclusive and supportive of all young people.

1. Anti-discrimination law applicable to education

Education should be safe and accessible for all learners. A legal framework is therefore necessary to ensure effective enjoyment of the right of education. All states should guarantee the right to education to all by explicitly tackling discrimination on the grounds of sexual orientation (SO), gender identity and expression (GIE) or variations in sex characteristics (SC) within educational settings.

Laws	
There is no anti-discrimination law that is applicable within education settings	0/10
There is an anti-discrimination law that is applicable within education settings and it explicitly mentions one of the following grounds as being protected: SO, GIE or SC	7/10
There is an anti-discrimination law that is applicable within education settings and it explicitly mentions two of the following grounds as being protected: SO, GIE or SC	8,5/10
There is an anti-discrimination law that is applicable within education settings and it explicitly mentions all of the following grounds as being protected: SO, GIE or SC	10/10

2. Policies and action plans

National or regional policies to promote a safe and inclusive environment for all learners are crucial for outlining the necessary processes and actions that schools should follow to tackle homophobia, biphobia, transphobia and interphobia, and provide teachers and other school staff with the framework to prevent and address discrimination with confidence and support.

Policies and action plans	
There is no anti-bullying or national action plan that specifically refers to LGBTQI inclusion in education	0/10
There is an anti-bullying policy that specifically refers to LGBTQI inclusion in education or a national action plan that specifies concrete measures in the field of education. It explicitly mentions one of the following grounds as being protected: SO, GIE or SC	7/10
There is an anti-bullying policy that specifically refers to LGBTQI inclusion on education or a national action plan that specifies concrete measures in the field of education. It explicitly mentions two of the following grounds as being protected: SO, GIE or SC	8,5/10
There is an anti-bullying policy that specifically refers to LGBTQI inclusion on education or a national action plan that specifies concrete measures in the field of education. It explicitly mentions all of the following grounds as being protected: SO, GIE or SC	10/10

3. Inclusive national curricula

General invisibility and lack of positive representations of LGBTQI people in schools have negative consequences for all students. The affirming inclusion of LGBTQI identities and realities across curricula and learning materials ensures that teachers have many opportunities to discuss diversity. Ensuring that curricula and learning materials convey positive messages and avoid negative representations or stereotypes of LGBTQI people in specific subjects is also necessary. While there is evidence in some countries of voluntary or elective lessons on LGBTQI issues, IGLYO believes that, ideally, such topics should be embedded throughout the full curriculum or, at least, be mandatory for all students. As a result, countries have been scored only on mandatory curricula.

School curricula	
There is no evidence of mandatory national curricula inclusive of LGBTQI people	0/10
There is evidence of mandatory national curricula inclusive of LGBTQI people for one of the following: SO, GIE or SC	7/10
There is evidence of mandatory national curricula inclusive of LGBTQI people for two of the following: SO, GIE or SC	8,5/10
There is evidence of mandatory national curricula inclusive of LGBTQI people for all of the following: SO, GIE or SC	10/10

4. Teacher training on LGBTQI awareness

Teachers play a vital role in creating a safe atmosphere for all students, regardless of their sexual orientation, gender identity and expression or variations in sex characteristics. Many teachers, however, still report that they lack the confidence and knowledge to discuss LGBTQI issues or support learners who are LGBTQI. A national or regional training programme for teachers and other school staff on LGBTQI awareness and inclusion is essential to translate policies into reality. As with curricula, this report documents any available data on LGBTQI awareness training for teachers in any form, but scoring is based on mandatory training only.

Teacher training	
There is no evidence of mandatory teacher training on LGBTQI awareness	0/10
There is evidence of mandatory teacher training on LGBTQI awareness which covers one of the following: SO, GIE or SC	7/10
There is evidence of mandatory teacher training on LGBTQI awareness which covers two of the following: SO, GIE or SC	8,5/10
There is evidence of mandatory teacher training on LGBTQI awareness which covers all of the following: SO, GIE or SC	10/10

5. Gender recognition

In order to meet the needs of trans, non-binary, gender variant and intersex students, all learners should have the right to have their own name and gender marker recognised. That decision should be supported by the whole school with all documents and certificates using the chosen name and gender and the learner being able to use the gendered spaces of their choice. Legal

gender recognition with self-determination has been scored in this indicator. In the longer term, IGLYO aims to report on the rights of trans, non-binary, gender variant and intersex students at school, but while legal gender recognition has yet to be achieved in many member states, this more in-depth data is not only not available, but remains far from being a reality at this stage. IGLYO is working closely with TGEU to develop this indicator in the future.

Gender recognition	
There are no or unclear laws or provisions for gender recognition, or sterilisation is required	0/10
There are laws and provisions, but with legal/medical/psychological approval	2,5/10
There are laws and provisions and expert interventions or approval is not required, but only for people who are over 16-year-old	7,5/10
There are laws and provisions and expert interventions or approval is not required, including people under the age of 16	10/10

6. National or regional data collection on bullying and harassment

Monitoring the nature, prevalence and impact of violence at school is necessary to plan effective interventions to tackle homophobic, biphobic, transphobic and interphobic bullying. Bullying based on learners’ (perceived or actual) sexual orientation, gender identity and expression or variations in sex characteristics must be recorded as such to build up an accurate record of the issue within each school. Within the narrative report, any evidence of data collection was included, regardless of who collected it or if it was collected locally, regionally or nationally. To score on the Index, however, there needed to be evidence of the data being gathered directly by governments, a funded institution, or civil society organisation that received government funding to work on inclusive education.

Data collection	
National or regional bullying and harassment data is not collected or SO, GIE and SC are not specifically mentioned	0/10
National or regional bullying and harassment data is collected and segregated for one of the following: SO, GIE or SC	7/10
National or regional bullying and harassment data is collected and segregated for two of the following: SO, GIE or SC	8,5/10
National or regional bullying and harassment data is collected and segregated for all of the following: SO, GIE or SC	10/10

7. Support systems for young people

Teachers and school staff are responsible for the health and wellbeing of all learners. At times, LGBTQI students may require additional support and guidance, so school staff should be trained and ready to deal with any requests. Links to relevant LGBTQI youth services and groups should also be established for signposting and referrals. Furthermore, specific support for everyone affected by homophobic, biphobic, transphobic and interphobic violence should be provided. The report details all available information on support systems in each country. For the Index, countries were scored based on if the government provides support services for learners directly or funds civil society organisations who provide such services.

Support systems

There is no evidence of support systems specifically designed to meet the needs of LGBTQI learners	0/10
There are support systems provided by or funded by the government for learners with specific reference to or knowledge on one of the following: SO, GIE or SC	7/10
There are support systems provided by or funded by the government for learners with specific reference to or knowledge on two of the following: SO, GIE or SC	8,5/10
There are support systems provided by or funded by the government for learners with specific reference to or knowledge on all of the following: SO, GIE or SC	10/10

8. Information and guidelines

Learners should have access to information and guidance regarding sexual orientation, gender identity and expression, and variations in sex characteristics. Information should be provided in different formats, and posters and leaflets should be on display in both public and more private areas of the school and relevant websites should be accessible from all school computers. This is also helpful for creating an environment that encourages greater understanding and respect from all learners. The report details all available data on information and guidelines for learners in each country. For the Index, countries were scored based on if the government provides guidance directly or funds civil society organisations who provide such information.

Information and guidelines

There is no evidence of publicly funded information and guidelines for LGBTQI learners and their families	0/10
Publicly funded information and guidelines for LGBTQI learners and their families on one of the following: SO, GIE or SC	7/10
Publicly funded information and guidelines for LGBTQI learners and their families on two of the following: SO, GIE or SC	8,5/10
Publicly funded information and guidelines for LGBTQI learners and their families on all of the following: SO, GIE or SC	10/10

9. Partnership between governments and civil society

Partnerships between the education sector, civil society organisations and other relevant service providers and organisations ensures that schools have access to the most up to date information and guidance on LGBTQI inclusion. LGBTQI organisations can often provide expertise on school policy, staff training, curriculum development and supporting learners. In order to do so effectively, however, such organisations require adequate funding and resources, and backing at governmental level, to carry out such work across all schools. For the Index, countries were scored based on whether governments provided funding for civil society organisations whose work included LGBTQI inclusion within education.

Partnership with civil society

The government does not provide funding and does not partner with LGBTQI NGOs	0/10
The government provides funding and works in partnership with NGOs in relation to education on one of the following: SO, GIE or SC	7/10
The government provides funding and works in partnership with NGOs in relation to education on two of the following: SO, GIE or SC	8,5/10
The government provides funding and works in partnership with NGOs in relation to education on all of the following: SO, GIE or SC	10/10

10. International commitment

Homophobic, biphobic, transphobic and interphobic bullying remains a global issue and requires attention beyond local and national levels if it is to be eradicated. International commitment to the issue from Member States shows political leadership to other countries and highlights the importance of cooperation. Membership of the Governmental LGBTI Focal Points Network and the signing of the UNESCO *Call for Action by Ministers on inclusive and equitable education for all learners in an environment free from discrimination and violence* both highlight such commitment on LGBTQI inclusive education.

International commitment	
The country has not signed UNESCO's call for action nor is a member of the LGBTI Focal Points Network	0/10
The country has signed UNESCO's call for action or is a member of the LGBTI Focal Points Network	5/10
The country has both signed UNESCO's call for action and is a member of the LGBTI Focal Points Network	10/10

Country reports

Albania

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	10/10	Yes	Yes	Yes
Inclusive national curricula	10/10	Yes	Yes	Yes
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	8,5/10	Yes	Yes	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	10/10	Yes *	Yes *	Yes *
International commitment	10/10			

* Insufficient

Report

1. Anti-discrimination law

The **Law on pre-university education**¹⁴ (2012, art. 4) grants the right to education for all people, without discrimination in terms of gender identity or sexual orientation. Moreover, the **Law on protection from discrimination**¹⁵ (2010) states that discrimination on these grounds is prohibited, emphasising the paper of the Ministry of Education and the duties of the directors from educational institutions. According to the text, the Council of Ministers and the Minister of Education and Science are each responsible for taking measures of a positive nature in order to fight discrimination in connection with the right to education and the inclusion of concepts and actions against models of discriminating behaviour in teaching programmes. For its part, the director of an educational institution is responsible for fighting against models of behaviour that constitute or encourage discrimination within the institution; taking necessary measures, including disciplinary measures, for the protection of employees from discrimination and victimisation, within one month from receiving knowledge; handling of complaints about discrimination in the institution, examining every complaint within 30 days from its submission; and imposing disciplinary measures against any person who is confirmed as having performed a discriminatory act when such a measure is appropriate, proportional and in conformity with the competences of the director.

2. Policies and action plans

In July 2015, the Ministry of Social Welfare and Youth of Albania held a consultative meeting on LGBTI rights, with the participation of educational experts, LGBTI and human rights organisations, and all the relevant ministries and equality bodies, to present and provide inputs on the action plan for non-discrimination of LGBTI people. As a result of this meeting, a national action plan on LGBTI people was presented. The **National Action Plan on LGBTI People 2016-2020**¹⁶

¹⁴ www.arsimi.gov.al/files/userfiles/arkiva/dok-0029.pdf

¹⁵ http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En_FZ.pdf

¹⁶ www.sociale.gov.al/al/newsroom/.../plani-kombetar-i-lgbti-ne-shqiperi

defines the inclusion of LGBTI issues framework in the field of legislation and policy development, safety and protection of rights and access to service. This document provides specific indicators for the Ministry of Education and Sport.

In 2015-2016, Albania specifically coordinated a national action plan to foster the engagement of the school, families, the community, state institutions and civil society organisations to prevent and deal with cases of violence in schools, the protection of children's rights, and the peaceful resolution of conflicts. The plan (**Stop violence in schools**¹⁷) mentions specifically homophobic and transphobic bullying, following the advice of PINK Embassy to the Ministry of Education. The document specifies many different areas of work, such as preventing violence, raising awareness, and teaching school staff. Among other measures, the plan states that the government must cooperate with civil society organisations, conduct a national study on the elimination of violence in schools, organise extracurricular activities, and support learners' and parents' communities for campaigns to tackle bullying in schools.

3. Education curricula

The **National Action Plan on LGBTI People 2016-2020**¹⁸ states that schools should ensure inclusive curricula and teacher training. However, civil society organisations report that it is still not properly implemented¹⁹. At this stage, the subjects of history, civic education and Albanian language have some basic information on human rights and discrimination. LGBTQI topics, however, are not addressed explicitly.

Likewise, the **Law on Prevention and Control of HIV/AIDS/STIs**²⁰ (2008, Art. 13) compels the Ministry of Education and Science to include curricula and text books regarding the prevention and control of HIV/AIDS in the national education program on sexual and reproductive health. Local organisations, however, report there is no specific mention about to which extent these curricula must be inclusive of LGBTQI people.

4. Teacher training on LGBTQI awareness

Although the **National Action Plan on LGBTI People 2016-2020** (see *Education curricula*) establishes teacher training should be in place, this is currently not mandatory and, according to civil society organisations, teachers are not adequately prepared to deal with bullying and harassment. Furthermore, it is reported that some of them still make homophobic, biphobic, transphobic or interphobic statements²¹. The action plan states that the Ministry of Education is obliged to reduce discrimination of LGBTI people in education by reviewing the curricula at all educational levels and training educational employees (*objective 3.2*) and to prepare the training curriculum for pre-university education teachers (*objective 3.2.4*).

Some universities²² and civil society organisations offer affirming teacher training on LGBTQI awareness. In particular, PINK Embassy signed a cooperation agreement with the Ministry of Education and Sports to raise awareness of teachers and youth in Albanian schools in relation

¹⁷ http://observator.org.al/wp-content/uploads/2015/11/Plan_veprimi_Dhuna_me_inputet nga_aktoret_e_pershfire_2015-2016.docx

¹⁸ www.sociale.gov.al/al/newsroom/.../plani-kombetar-i-lgbti-ne-shqiperi

¹⁹ <file:///Users/ru/Downloads/web%20version%20SHQIP%20FINAL%20REPORTok.pdf>

²⁰ http://www.ilo.org/aids/legislation/WCMS_127394/lang--en/index.htm

²¹ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Albania/ALB-CbC-V-2015-18-ENG.pdf>

²² <http://www.doktoratura.unitir.edu.al/category/fakulteti-i-shkencave-sociale/departamenti-i-sociologjise/?lang=en>

to bullying and discrimination present tools on how to tackle it, and to assist the government in its efforts to review school curricula and education programs.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The **Law on protection from discrimination**²³ (2010) appoints a Commissioner to serve for a five-year term and submit an annual report. The Commissioner is entitled to examine complaints, take polls in connection with discrimination, publish reports, make recommendations and meet with civil society organisations. LGBTQI organisations have complained on the performance of the Commissioner for lack of substantial work on LGBTQI rights.

A study was carried out by the organisation Pink Embassy (supported by the Commissioner for Protection from Discrimination and the Ministry of Education and Sports) in 2016. The **Adolescent experiences of discrimination at school**²⁴ (2016) report is the first national study with a large sample size. According to this research, 1 in 4 adolescents would not accept the sexual orientation or gender identity of their LGBTQI peers, and 64% of adolescents said they did not respect their LGBTQI friends at school. On the other hand, 5% of learners said reported feeling discriminated because of their gender identity. Finally, although 82.3% of the students knew about the **Law on Protection from Discrimination 2010**, only 5.3% thought that it protected the LGBTQI community.

7. Support systems

LGBTQI learners who have experienced violence, have the possibility to report it to the **Commissioner for Protection from Discrimination**²⁵. Likewise, **ALO 116**²⁶ is a national helpline run by an NGO that provides assistance to children and adolescents on LGBTQI issues, including bullying and violence. Students know they can access these two services.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners

9. Partnership between governments and civil society

In November 2014, PINK Embassy signed a cooperation agreement with the Ministry of Education and Sports to report on the situation of LGBTQI learners at school and to implement training for teachers and students. Civil society organisations, however, report that the government provides little support to NGOs overall.

²³ http://kmd.al/skedaret/1306833181-Anti-discrimination%20law%20En_FZ.pdf

²⁴ <http://www.pinkembassy.al/publikime/sherbimet-vendore-dhe-komuniteti-lgbt-ne-shqiperi-2016>

²⁵ www.kmd.al

²⁶ <http://www.alo116.al/>

10. International commitment

- Albania signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Albania is member of the European Governmental LGBTI Focal Points Network.

Further information

Good practices and campaigns

Fighting homophobic and transphobic bullying in Albanian schools

[<http://www.pinkembassy.al/en/lgbt-stories/bullying>]

This project is being carried out by PINK Embassy and LGBT Pro, and its main goal is to increase the awareness of education institutions and the community of students and parents about the importance of safe environments free of violence and bullying, and to assess the level of homophobia, transphobia, and discrimination in school environments in Tirana, Durres, Elbasan and Shkodra.

Covers: SO, GIE and SC

Andorra

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	10/10	Yes	Yes	Yes
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Law on qualified education**²⁷ (1993, art. 4) establishes that one of the main goals of education is to train children and young people in respect for diversity and fundamental human rights, and in the exercise of tolerance and freedom, within the democratic principles of coexistence and pluralism. However, this law does not specifically protect LGBTQI learners. Likewise, the **Law on the Regulation of the General Educational System**²⁸ (1994) shares the same principle and states that everyone has the right to be offered the full development of their personality (physical, intellectual and moral). The **Secondary Education Management Act**²⁹ (2007) specifies that students should learn the principles and democratic values of society including respecting diversity.

2. Policies and action plans

Andorra has an **Anti-Bullying Action Plan**³⁰ (2016). This plan is aimed to “strengthen civic coexistence and break the silence in regard to school bullying, (...) raise awareness on its social problems, (...) and provide students and school staff with tools to tackle this issue”. The action plan establishes different specific activities such as school staff training, awareness campaigns, an action protocol in case of discrimination, and a school climate survey. Although this plan does not mention specifically LGBTQI learners or needs, civil society organisations report that they are included.

3. Education curricula

The Physical and Natural Sciences programme is the only subject of the national curriculum that contains specific contents on sexuality (heterosexuality and homosexuality). Contents on

²⁷ <http://www.consellgeneral.ad/fitxers/documents/lleis-1989-2002/llei-qualificada-deducacio/view>

²⁸ <https://www.bopa.ad/bopa/006048/Pagines/3B9A.aspx>

²⁹ <https://www.bopa.ad/bopa/019101/Pagines/504AA.aspx>

³⁰ <http://www.consellgeneral.ad/ca/newsletters/butlleti-del-consell-general/bcg-68-2016-14-octubre-2016-3>

LGBTQI issues are not included in any other subject. The **Anti-Bullying Action Plan (2016)** foresees some specific training activities with students to learn how to tackle bullying and violence at school.

4. Teacher training on LGBTQI awareness

On May 2016, an LGBTQI civil society organisation (Som Com Som) organised a training session for teachers on LGBTQI issues. This workshop was run in collaboration with the Ministry of Education as part of the **Anti-Bullying Action Plan (2016)** and was the first time that the organisation provided such training to education professionals. This activity, however, was not mandatory for all teachers and there is no concrete pre-service training for school staff.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. Bullying and harassment data is however collected using two official documents included on the **Anti-Bullying Action Plan (2016)**. The first is to report a case of bullying/harassment to the educational authorities and to the education inspectorate and the second is to notify the closure of a case of bullying/harassment to the educational authorities and to the education inspectorate. The education inspectorate is responsible for collecting, monitoring and controlling the evolution of all notified cases.

7. Support systems

The **Anti-Bullying Action Plan (2016)** foresees psychological support, family attention and mediation for people who have experienced discrimination. These activities are carried out at school in cooperation with other institutional organisations (Ministries of Health, Social Welfare or Justice). Civil society organisations offer specific support for LGBTQI learners to address specific situations.

8. Information and guidelines

Andorran authorities have implemented measures designed to promote understanding of and respect for LGBTQI people. Information (such as circulars) is available to all learners, as well as protection and support³¹.

9. Partnership between governments and civil society

The government of Andorra provides funding for LGBTQI civil society organisations and works in co-operation with them in the field of education. (see *Teacher training* and *Information and guidelines*).

10. International commitment

- Andorra signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Andorra is member of the European Governmental LGBTI Focal Points Network.

³¹ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Andorra/AND-CbC-V-2017-001-ENG.pdf>

Armenia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination laws

The **Armenian Constitution**³² (1995, rev. 2005) has an equality clause prohibiting discrimination on grounds of, among other things, gender and “other personal or social circumstances”. This clause fails to mention the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics. The absence of anti-discrimination laws, policies or action plans largely contributes to the violation of LGBTQI young people’s rights.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

According to the European Commission against Racism and Intolerance, topics related to sexual orientation and gender identity and expression, or the issues of homophobia, biphobia, transphobia or interphobia are not properly covered in sex education classes in schools³³. Civil society organisations report that educational institutions do not educate about LGBTQI issues. On the contrary, the educational system strengthens existing gender stereotypes, as well as recreating or reproducing stereotypical male and female imagery, attributes, and roles. Particularly, an analysis of elementary school textbooks revealed a disproportionate representation of gender roles with clear domination of the male roles depicted. In textbooks, female roles are mainly discussed in the context of inter-family relations, while male roles are mainly focused on public life³⁴.

³² https://www.constituteproject.org/constitution/Armenia_2005?lang=en

³³ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Armenia/ARM-CbC-V-2016-036-ENG.pdf>

³⁴ http://asyou.pinkarmenia.org/wp-content/uploads/2014/08/Tsaturyan_gender_roles_in_primary_school_textbooks-2012.pdf

On a higher education level, this problem is also reproduced. In the State Medical University, sexual orientation is still being taught as part of sexual perversions. There is a centre for gender and leadership studies in State Yerevan University, but they consider gender as a binary topic. In addition, there were cases when students' thesis topic was not confirmed in the Sociology faculty of the same university because it was related to LGBTQI issues.

4. Teacher training

There is currently no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide local data on homophobic, biphobic, transphobic and interphobic bullying. In the Ombudsman's Annual Report for 2015, released in April, discrimination faced by LGBT people in the area of education was highlighted. Other pieces of research carried out by civil society organisations show that LGBTQI people experience discrimination within education. A study conducted by the Socioscope and Pink Armenia, for instance, revealed a limited understanding of sexual orientation and gender identity in society and set up LGBTQI learners as a vulnerable group in schools. According to this research, at least 21% of respondents had experienced discrimination at school (Socioscope & PINK Armenia, 2012)³⁵.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to civil society organisations working in the area of education.

10. International commitment

- Armenia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Armenia is not a member of the European Governmental LGBTI Focal Points Network.

³⁵ <http://www.pinkarmenia.org/en/2012/02/lgbtreport2011/>

Austria

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	7/10	Yes	No	No
Inclusive national curricula	8,5/10	Yes *	Yes *	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	10/10			

* In some regions

Report

1. Anti-discrimination law

The **Fundamental Decree on Sexual Pedagogy**³⁶ (2015) was issued by the Federal Ministry of Education and Women's Affairs. The decree has similar effect to a law passed by the parliament and it states that sexuality is part of the human development process and that educational institutions have a clear responsibility when it comes to teaching sexual education. According to this document, schools should contribute to enabling children and adolescents to develop their own values, without having to be afraid of being discriminated against on grounds of who they are. Sexual education should be included in cross-disciplinary curricula (i.e. biology, health and education, religion, psychology, etc.) and should be guided by the principle of gender equality and the diversity of humanity (i.e. sexual orientation, gender identities), convey competencies (i.e. critical thinking, communication skills) and be oriented towards international human rights. A controversial public debate followed the adoption of the act.

Furthermore, all nine Austrian regional states (Vienna³⁷, Burgenland³⁸, Styria³⁹, Carinthia⁴⁰, Salzburg⁴¹, Tyrol⁴², Vorarlberg⁴³, Lower Austria⁴⁴ and Niederösterreich⁴⁵) offer comprehensive protection from discrimination in the field of education (mentioning *sexual orientation*). However, the current regulations remain confined to matters falling into the regulatory competence of the concerned states and this results in a substantial gap in legal protection due to absence of legislation on federal level. With regards to gender identity, no specific legislation is currently

³⁶ https://www.bmb.gv.at/ministerium/rs/2015_11.pdf?5i83z4

³⁷ <https://www.wien.gv.at/recht/landesrecht-wien/rechtvorschriften/html/i5000000.htm>

³⁸ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrBgl&Gesetzesnummer=20000359>

³⁹ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrStmk&Gesetzesnummer=20000467>

⁴⁰ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrK&Gesetzesnummer=10000176>

⁴¹ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrSbg&Gesetzesnummer=20000441>

⁴² <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrT&Gesetzesnummer=10000244>

⁴³ <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrNO&Gesetzesnummer=20000964>

⁴⁴ https://www.ris.bka.gv.at/Dokumente/LgblAuth/LGBLA_NI_20170313_24/LGBLA_NI_20170313_24.pdfsig

⁴⁵ https://www.ris.bka.gv.at/Dokumente/LgblAuth/LGBLA_NI_20170313_24/LGBLA_NI_20170313_24.pdfsig

in place. If transgender persons feel discriminated against, their complaint is filed under the discrimination ground of gender. Neither of the cited statutes makes explicit reference to transgender issues. Transgender-specific issues, including gender identity and transsexuality, are considered by legal doctrine to be covered by the discrimination ground of gender (*Geschlecht*).

2. Policies and action plans

On behalf of the Federal Ministry of Education and Women, a national strategy for the prevention of violence was developed on the basis of relevant literature and intensive discussions with staff. **Weißer Feder**⁴⁶ (2008) is the Austrian national anti-bullying strategy launched by the Ministry of Education. The main goal of this strategy is to promote sensitivity and knowledge about the different forms of violence, social and personal skills against violence and responsibility, and moral courage. Diversity in regard to sexual orientation appears in the mid-term-report evaluation of this strategy, but this is not specifically mentioned in the general guidelines of the national strategy. The strategy also has a binary conception of gender, and diversity in regard to gender identity and expression, or variations in sex characteristics is not referenced. With the national strategy, the Department of Education has brought numerous projects and measures for fairness to the schools.

3. Education curricula

The **Fundamental Decree on Sexual Pedagogy** (1990) stipulates that inclusive sex education should be integrated into several subjects. The decree is meant as a guiding principle across all different subjects in school. It is embedded in health education and often delivered in the form of projects involving external experts. The program is mandatory for all students.

However, the Austrian school and education system is very fragmented and local activists report that the curriculum varies from school to school. Research indicates that LGBTQI issues are not addressed in a systematic or standard way in schools even though sexual education is part of the curriculum (TGEU, 2015)⁴⁷. There are no specific requirements concerning the number of hours for sexual education, and it is therefore up to the teacher to decide how they integrate sexual orientation or gender identity and expression. Variations in sex characteristics are not mentioned, and it is therefore very likely that, if at all, this topic will be addressed in rather normative biological ways, which exclude and further stigmatise intersex individuals in Austrian schools. Studies on the experiences of intersex people in the Austrian education system affirm this assumption.

Several LGBTQI organisations offer workshops to schools and youth centres (see *Good practices and campaigns*). These organisations or projects, however, are not funded by the public sector. Teachers may invite experts to their school, in order to have a workshop on LGBTQI issues (such as anti-discrimination, diversity of sexual orientation, gender identity and expression, variations in sex characteristics or queer friendly sex education). In practice, it is up to the individual teacher to decide how much they include LGBTQI issues into their lessons.

4. Teacher training on LGBTQI awareness

Overall, LGBTQI issues are not included as a compulsory part of teacher trainings, but there are specific training initiatives for teachers. The University of Applied Arts Vienna offers a course on

⁴⁶ www.schulpsychologie.at/gewaltpraevention/nationale-strategie

⁴⁷ <https://tgeu.org/wp-content/uploads/2016/07/Austria.pdf>

the topic of diversity and (trans)gender in the context of didactics⁴⁸. The University of Vienna offers courses on gender diversity where queer pedagogy is also being taught⁴⁹.

The **teaching principles** (*Unterrichtsprinzipien*) function as relevant teaching guidelines for any school subject of a certain school form. According to ECRI⁵⁰, however, teachers are not sufficiently prepared to address LGBTQI issues and either do not cover them adequately or do not include them at all. Verein Ausgesprochen⁵¹ is an association that creates a platform for LGBTQI teachers in Austria. They provide specific workshops and guidelines for teachers.

5. Gender recognition

Currently, there are only administrative procedures for gender recognition; changing name and gender marker in official documents, but there is no specific legislation. In 2006, the Constitutional Court annulled secondary legislation on the ground that it lacked an adequate legal basis⁵². In 2014, the Federal Ministry for Health issued recommendations according to which a medical opinion is needed prior to any change in the personal status⁵³.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. There are nine **education inspectorates**⁵⁴ (one for each federal state) and they might collect specific information within their region, but there is no national regulation about how they segregate it.

7. Support systems

Teachers are legally obliged to ensure the mental and physical well-being of students, but there is no specific training. Psychological support systems (school psychologist, school social worker, etc.) might have specific services, but there is no regulation on how to support students who have faced discrimination on grounds of their sexual orientation, gender identity and expression or variations in sex characteristics.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students provided by the government. From 2006 until 2008, the **Schoolmates**⁵⁵ project was carried out as an international cooperation project in order to investigate, highlight and combat homophobic bullying. This was an international cooperation project developed by different civil society organisations. In Austria, it was implemented by the association **Wiener Antidiskriminierungsstelle für gleichgeschlechtliche und transgender Lebensweisen (WASSt)**.

⁴⁸ <https://base.uni-ak.ac.at/courses/2016W/S00810>

⁴⁹ <https://ufind.univie.ac.at/de/course.html?lv=490211&semester=2017W>

⁵⁰ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Austria/AUT-CbC-V-2015-034-ENG.pdf>

⁵¹ <http://www.verein-ausgesprochen.at>

⁵² Constitutional Court No. V4/06, 08.06.2006

⁵³ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Austria/AUT-CbC-V-2015-034-ENG.pdf>

⁵⁴ www.landesschulrat.at

⁵⁵ <https://www.wien.gv.at/menschen/queer/schwerpunkte/bullying-schule/schoolmates.html>

9. Partnership between governments and civil society

The Austrian government provides little funding for LGBTQI civil society organisations. The only national funding recipient is an organisation working on the issue of rainbow families called **FA-mOs**⁵⁶. This organisation is funded by the Ministry of Family and Youth. Local governments (by the provincial states) provide limited funding for regional LGBTQI civil society organisations. Information on funding is however not sufficiently clear. For instance, in mid 2015 national council representative, Michael Pock launched a **parliamentary inquiry**⁵⁷ with regards to the general funding situation of LGBTI associations in Austria. Except the Ministry of Health, which provided little information, no answers were given by the remaining ministries, highlighting the funding gap that such investigation would cause.

10. International commitment

- Austria signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Austria is member of the European Governmental LGBTI Focal Points Network.

Further information

Significant news

In the context of education, more than a third of learners have experienced violence⁵⁸. An online survey shows that 28% of young people are not out in an education setting (mainly students). Furthermore, the term gay is still being used as an insult on a regular basis.

Opposition

Both the *Grundsatzlerlass Sexualpädagogik* and poster campaign by the LGBTQI teachers' organisation *Ausgesprochen*, which aimed at increasing the visibility of LGBTQI issues in schools, faced major public opposition - particularly from conservative, right-wing / catholic organisations and parents' associations⁵⁹.

Good practices and campaigns

Queerconnexion [www.queerconnexion.at]

This peer education project offers specific workshops on topics like sexual orientation, gender identity and expression, variations in sex characteristics, and queer perspectives.

Covers: SO, GIE and SC

HOSI Linz [www.hosilinz.at/schulworkshops]

HOSI Linz offers workshops on sexual orientation in schools.

Covers: SO

⁵⁶ www.famos.at

⁵⁷ https://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04672/index.shtml (Ministry of Health)

https://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04670/index.shtml (Ministry of Families and Youth)

https://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04671/index.shtml (Ministry of Labour and Social Affairs)

⁵⁸ WAsT-Fachkonferenz (2016) *Queer in Wien: Stadt Wien Studie zur Lebenssituation von LGBTIs in Wien*

⁵⁹ medienimpulse.at/pdf/Medienimpulse_Hemmungslos_gegen_Gleichheit_Vasold_20160614.pdf

Azerbaijan

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination laws

The **Constitution of Azerbaijan**⁶⁰ (1995, Art. 25) states that all people are equal with respect to the law and that everyone has equal rights irrespective of race, ethnicity, religion, sex, origin, property status, social position, conviction, political party, trade union organisation and social unity affiliation. However, the Constitution does not mention sexual orientation, gender identity and expression, or variations in sex characteristics. No other legal text explicitly mentions these grounds or includes specific provisions on the implementation of the right to equality for LGBTQI persons.

2. Policies and action plans

There are no concrete policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying.

3. Education curricula

The national curriculum does not include LGBTQI content. In 2015, Azerbaijan Education Ministry presented a negative statement against LGBTQI people when discussing the content of a book on language. In the book, a man has a gender-neutral name. This came into the public discussions and the book was framed as gay propaganda. The Ministry of Education published a statement in which he said that this “was a misunderstanding. The name has no gender and author present this as men. We will never promote any values which are not acceptable and against our traditional values”⁶¹.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness, and school staff have no specific in-service lessons or workshops.

⁶⁰ <http://en.president.az/azerbaijan/constitution>

⁶¹ <http://www.qafqazinfo.az/sosial-3/tehsil-nazirliyinden-dilber-iddialarina-cavab-127106>

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. However, local civil society organisations report specific cases that occur mostly to young boys, who do not act according to masculine stereotypes, and transgender students (see *Relevant cases*).

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

The only sources of information for LGBTQI learners are from other countries. According to the **latest report**⁶² published by the European Commission against Racism and Intolerance (2016), people cannot disclose their sexual orientation, gender identity or variations in sex characteristics because of social stigma, hate speech and violence, as public awareness about LGBTQI issues is very rare. LGBTQI learners who might have experienced violence are therefore unlikely to report them.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Azerbaijan has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Azerbaijan is member of the European Governmental LGBTI Focal Points Network.

Further information

Relevant cases

Civil society organisations report the case of a person who experienced physical assault at the Medical University, because they were supposed to be transgender. Likewise, they report a recent case of a psychologist who hit a child in front of the parents, because of their toy preferences⁶³.

⁶² <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Azerbaijan/AZE-CbC-V-2016-017-ENG.pdf>

⁶³ <http://nefeslgbt.org/index.php/en/news/item/170-5-year-old-boy-was-beaten-by-psychologist-in-baku-because-of-playing-with-girl-toys>

Opposition

Azerbaijan became the 43rd member state of the Council of Europe on 25 January 2001, and as a result, were issued with certain obligations from the CoE, including focussing on LGBT issues. Unfortunately to date, the Azerbaijani authority has still made no reforms which cover LGBT rights in different aspects. In 2010 members of the Azerbaijani delegation to the Parliamentary Assembly of the Council of Europe (PACE), Gultekin Hajibeyli and Sabir Hajiyev, boycotted debates that were held on 27 January about discrimination on grounds of sexual orientation and same-sex marriage. It shows clearly the oppositional position of Azerbaijani government regarding LGBT rights.

Belgium

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	10/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	8,5/10	Yes	Yes	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

Belgium has a federal **Anti-Discrimination Act**⁶⁴ (2007) that prohibits discrimination on grounds of sexual orientation. Gender identity is not included in the list of prohibited grounds of this act, but civil society organisations and other institutions report that the discrimination of transgender people is covered under the ground of *sex*. The **Gender Equality Federal Act** (2007, Art. 4), for its part, protects in particular discrimination based on a *change of sex*. Neither of these Acts protects rights of intersex people.

The competences of education, however, are transferred to the Communities of the country. The three different Communities (French⁶⁵, Flemish⁶⁶ and German⁶⁷) have adopted their own **decrees against discrimination** that are also applicable within educational settings. All of these decrees are similar and mention specifically discrimination on grounds of sexual orientation.

2. Policies and action plans

The federal **Action plan against homophobic and transphobic violence**⁶⁸ (2013) specifies several measures to tackle violence addressed to LGBT people. As a fourth priority, this plan states that schools should raise awareness about this issue. The plan also recommends the amendment of legal texts to include gender expression and gender identity as grounds of discrimination.

⁶⁴ http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&cn=2007051035&table_name=wet

⁶⁵ <http://unia.be/fr/legislation-et-recommandations/legislation/communaute-francaise-decret-relatif-a-la-lutte-contra-certaines-formes-de-discrimination>

⁶⁶ <http://unia.be/nl/wetgeving-aanbevelingen/wetgeving/decreet-houdende-een-kader-voor-het-vlaamse-gelijkekansen-en-gelijkebehandelingsbeleid-vlaamse-gemeenschap>

⁶⁷ <http://unia.be/de/gesetzgebung-empfehlungen/gesetzgebung/dg-dekret-zur-bekaempfung-bestimmter-formen-von-diskriminierung>

⁶⁸ http://igvm-iefh.belgium.be/sites/default/files/adviesinterfederaal_actieplan_homofob_transfoob_geweld_nl.pdf

3. Education curricula

According to the **Action plan against homophobic and transphobic violence** (2013), the Flemish Community will pay adequate attention to the teaching of the LGBT and gender issues by conducting an integral policy that relates to the different pillars within an educational institution or organisation. Within Flemish education, this should be done through the cross-curricular final objectives and the development goals.

The French Community has published a teaching guide⁶⁹ which proposes a set of actions within the framework of extra-curricular activities. This community has an interdepartmental decree to mainstream education for relational, emotional and sexual life (EVRAS) in schools⁷⁰ and the document refers to LGBTQI diversity. However, civil society organisations report that the effectiveness of this protocol is very difficult to evaluate.

Education in the German Community integrates these topics by promoting the development of learners' personal and social skills through its attainment targets.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, there are specific courses that teachers can follow. **Çavaria**⁷¹ has a special training program for teacher training degrees within the Flemish Community. The organisation gives around 20 guest lectures a year, but this not a mandatory subject and not all universities will include LGBTQI topics in the teacher training degrees. The French Community has a mandatory course entitled **Theoretical and practical approach on cultural diversity and the gender dimension**, and it can address this topic, but not systematically.

5. Gender recognition

The **Transgender Federal Act**⁷² (2007) provides people with a legal basis for the registration of the change of their gender and name. This law, however, makes legal gender recognition dependent on a certification by a psychiatrist to state that the person concerned is convinced they belong to the opposite gender to which is indicated on their birth certificate, and that the applicant has undergone *sex reassignment* to such point as it is medically possible and justified, and that they cannot conceive children. There is no age restriction, but non-emancipated minors must make this declaration along with their mother, father or legal counsel.

The state Secretary for Equal Opportunities and the Minister of Justice continued work on a law to reform the legal gender recognition process. LGBTQI civil society organisations met with both ministries throughout 2017 and a draft law was submitted to the Council of Minister. The new legislation has been adopted but it is still not in force. According to the **bill** (2017)⁷³, a minor aged 16 or older can make an application to have their registered gender changed, but a psychiatrist must certify that they have “the necessary capacity to have the lasting conviction” that their gender identity is different than the one at birth. There is also a three-months “reflection period”. After this period (and before 6 months), the applicant must certify that they still believe

⁶⁹ <http://www.ettoitescase-e.be/outils-et-ressources-pedagogiques.php>

⁷⁰ <http://gouvernement.cfwb.be/protocol-of-agreement-between-the-french-community-walloon-and-the-community-commission-fran-ease-of-the-r-region>

⁷¹ <https://www.cavaria.be/onderwijs>

⁷² http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=nl&la=N&table_name=wet&cn=2007051055

⁷³ <http://www.lachambre.be/FLWB/PDF/54/2403/54K2403008.pdf>

their gender identity does not match the one assigned at birth, that they are aware of the consequences of changing their birth certificate and that they know this change is irrevocable⁷⁴.

6. Data collection of bullying and harassment and monitoring of policies

The **Action plan against homophobic and transphobic violence** (2013) states that research is currently methodologically inadequate and there is a need for coordination of scientific research. The document recalls that interdepartmental working group is responsible for the national exchange of existing research results and should encourage national expansion of scientific knowledge. In particular, the action plan highlights the need of studies on the well-being of young people and their experience in regard to sexual orientation, gender identity and gender expression.

The Federal Centre for Equal Opportunities has developed a **diversity barometer on education** (2017)⁷⁵ to monitor discrimination on grounds of sexual orientation, and gender identity and expression. This tool will review existing work in relation to diversity policies and practices on inclusive education.

7. Support systems

The three Communities have support systems for LGBT learners. The French Community has a free helpline and other support systems. In the Flemish Community, Wel Jong Niet Hetero and local LGBT youth groups give trainings for students in schools and there are Gay Straight Alliances in some schools. Çavaria offers an LGBT helpline (phone, mail, chat) and Wel Jong Niet Hetero has an online forum where young LGBT people can meet.

8. Information and guidelines

The Flemish Community has produced a number of manuals to guide teachers on how to address LGBT issues in schools. A website provides tips for gender neutral and LGBTQI-friendly schools and resources against bullying at school⁷⁶. The French Community has also some specific campaigns to tackle bullying in schools⁷⁷.

9. Partnership between governments and civil society

The government provides support and funding for LGBTQI civil society organisations in all the three regions.

10. International commitment

- Belgium signed the Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence.
- Belgium is member of the European Governmental LGBTI Focal Points Network.

⁷⁴ ILGA (2017) *Trans Legal Mapping Report 2017: Recognition before the law*. Geneva, ILGA.

⁷⁵ <http://www.equineteurope.org/Unia-Interfederal-Centre-for-Equal>

⁷⁶ <http://onderwijs.vlaanderen.be/nl/jongeren-en-pesten>

⁷⁷ <http://www.enseignement.be/index.php?page=27589&navi=4216>

Further information

Good practices and campaigns

çavaria education project [www.schooluitdekast.be]

This project aims to develop teacher training, educational materials for teachers (from kindergarten till secondary schools), and advocate on inclusive education.

Covers: SO, GIE and SC

Declaration gender and sexual diversity in education

[<http://www.genderklik.be/Portals/genderklik/Kijkwijzer/Engagementsverklaring%20Gender%20ondertekend.pdf>]

All school umbrella organisations (public, private) signed a declaration to include gender and sexual orientation in the education system.

Covers: SO, GIE

Gris-Wallonie [<http://www.griswallonie.be>]

This is a group of young gay and bisexual people who answer questions about their sexual orientations at their schools.

Covers: SO

Bosnia and Herzegovina

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	10/10	Yes	Yes	Yes
Policies and action plans	10/10	Yes	Yes	Yes
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination law

The **Anti-Discrimination law**⁷⁸ (2009) of Bosnia and Herzegovina was amended in July 2016 and it prohibits discrimination in all aspects of public life, including education, employment, healthcare and provision of services. The document now contains an accurate definition of sexual orientation, gender identity and variations in sex characteristics, and specifies them as prohibited grounds of discrimination. The law, therefore, offers protection for LGBTQI learners.

2. Policies and action plans

There is no national anti-bullying plan. However, the government adopted an **Action Plan for implementing several anti-discrimination measures** in April 2016, which had been drafted by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. Out of the thirty-two provisions contained in the document, six are directly addressed to protect LGBTQI people's rights. Among other measures, the action plan specifically aims to reduce discrimination against LGBTQI people and organise institutional trainings on combating homophobia and prejudice. Sarajevo Open Centre reports that none of these measures have been fully implemented as of yet⁷⁹.

3. Education curricula

According to civil society organisations, national curricula does not include LGBTQI issues. However, a subject called **Healthy lifestyles**⁸⁰ is offered as an alternative to religious education in Sarajevo, one of the Cantons in Federation of Bosnia and Herzegovina. The content of this subject includes positive information on sexual orientation and gender identity.⁸¹

⁷⁸ <http://www.untz.ba/uploads/file/centri/centar%20za%20podrsku%20studentima/akti/Zakon%20o%20zabrani%20diskriminacije%20SIGlasnik%20BiH%20broj%2059-09.pdf>

⁷⁹ http://soc.ba/site/wp-content/uploads/2017/09/PINK-REPORT-eng-2017_za-web.pdf

⁸⁰ http://www.os6mart.edu.ba/centralni%20fail/opcipodaci/npp_os_zdravi_zivotni_stilovi.pdf

⁸¹ <http://www.asocijacijaxy.org/zdravi-zivotni-stilovi-kako-znati-sta-je-cool--a-sta-nije>

4. Teacher training on LGBTQI awareness

There are no training courses on LGBTIQ topics within the institutions in charge of education, nor for the teachers or other staff, nor for the students. Sarajevo Open Centre has organised only one formal education for the teaching staff of high schools in one Canton (Unsko-sanski) in FBiH, with the support of the local Ministry of Education, but no further trainings have yet been planned (see *Opposition*).

5. Gender recognition

The **Law on Personal Name FBiH**⁸² (2012) states that someone can change their name, including minors, if they have undergone gender reassignment procedures. Besides the gender reassignment procedures, they also need consent from their parents. People in the FBiH can only change the sex marker in their official documents after they have completed medical transition, but gender reassignment surgery is not available in Bosnia and Herzegovina and has to be undertaken abroad⁸³. The public health care system does not cover any of the costs.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. According to civil society organisations, information on discrimination is neither being collected nor analysed.

Sarajevo Open Centre has recently published studies on discrimination against LGBTQI people. In their **latest report** (2017)⁸⁴, 41,2% of respondents had experienced discrimination in their school on grounds of sexual orientation, gender identity and expression or variations in sex characteristics. In their **annual report**⁸⁵, the organisation reports a rise in homophobia and transphobia and peer violence in educational institution (see *Significant news*).

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

Although local civil society organisations work closely with the government to campaign for anti-discrimination measures, there is still no specific support in relation to education.

⁸² https://advokat-prnjavorac.com/zakoni/Zakon_o_licnom_imenu_FBiH.pdf

⁸³ https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bosnia_Herzegovina/BIH-CbC-V-2017-002-ENG.pdf

⁸⁴ http://soc.ba/site/wp-content/uploads/2017/10/ENG-Brojevi-ravnopravnost_04.10.2017.-WEB-II.pdf

⁸⁵ http://soc.ba/site/wp-content/uploads/2017/09/PINK-REPORT-eng-2017_za-web.pdf

10. International commitment

- Bosnia and Herzegovina has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Bosnia and Herzegovina is a member of the European Governmental LGBTI Focal Points Network.

Further information

Significant news [CONTENT WARNING: rape]

A fourteen-year-old boy from Sarajevo committed suicide in December 2015, after suffering verbal and physical bullying in school over an extended period of time. The boy's parents and peers have claimed that the boy was a victim of violence and that his classmates had forced him to kiss a male friend while recording it. Afterwards, they tied them up and raped them with a rolling pin. The Institution of Ombudsman and the Prosecutor of Canton Sarajevo announced that they would conduct a detailed investigation of the incident. In March 2016, they published that no evidence was found which would confirm the claims made by the parents and that nothing in this case indicates that a crime was committed. However, this case clearly demonstrates that there is a link between homophobia and violence, and peer-to-peer violence.

Sarajevo Open Centre sent a memo to Cantons and Republika Srpska to put up posters with messages that homophobic peer violence will not be tolerated in schools under their jurisdiction. Unfortunately, only three out of the ten cantonal ministries agreed to do so (Hercegovačko-neretvanski, Zeničko-dobojski i Srednjobosanski Cantons).

From the beginning of 2017, two young men faced ongoing bullying and harassment in their schools by a number of other students' due to their sexual orientation. They are currently working with a local NGO to address the situation and to get a proper response from institutions in charge.

In April 2017, a book entitled *Unease with the Media* by Fahira Fejzić-Čengić was promoted at the Faculty of Political Sciences. The author has been promoting xenophobia, homophobia and transphobia not only in this book and her other publications, and is currently teaching at the Faculty.

Opposition

When Open Sarajevo Centre held a training for school staff, a magazine published an article providing its readers with the exact location and the names of the facilitators in and attempt to provoke reactions and violence.

Good practices

Guide on responsible and professional treatment of LGBTI people

Towards responsible and professional treatment of lesbian, gay, bisexual, transgender and intersex persons, by Dajana Cvjetković is a guide⁸⁶ for representatives of institutions on the level of municipalities, towns/cities and cantons in BiH. An entire chapter is dedicated to strategies for tackling discrimination on education.

Covers SO, GIE and SC

⁸⁶ <http://soc.ba/en/towards-responsible-and-professional-treatment-of-lesbian-gay-bisexual-transgender-and-intersex-persons-a-guide-for-representatives-of-institutions-on-the-level-of-municipalities-towns-cities-and/>

Numbers of Equality

Sarajevo Open Centre collects data on the problems and needs of LGBTI people in BiH, to target the authorities with well-designed advocacy initiatives aimed at enhancing the rights and the position of the LGBTI community⁸⁷. With a sample of 366 persons, the organisation offers an overview of self-reported discrimination experienced by LGBTI people in BiH.

Covers SO, GIE and SC

⁸⁷ http://soc.ba/site/wp-content/uploads/2017/10/ENG-Brojevi-ravnopravnost_04.10.2017.-WEB-II.pdf

Bulgaria

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10		No	
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10	No	No	

Report

1. Anti-discrimination law

The **Anti-Discrimination Act**⁸⁸ (2009, Art. 4) states that the Ministry of Education and Science shall take all the necessary measures to prevent discrimination on grounds of sexual orientation. Gender identity⁸⁹ and variations in sex characteristics, however, are not specifically mentioned. It specifies that educational institutions must have internal procedures to address discrimination and provide adequate information and support to people who have experienced a violation of their rights. In the case of non-fulfilment of these obligations, the head of the institution is responsible.

2. Policies and action plans

The **Unified Mechanism for Counteraction against Bullying at School**⁹⁰ (2012) is an order by the Minister of Education that obliges every school to adopt specific measures aimed to tackle bullying at school. The document includes a definition of bullying and its types (physical, verbal, psychological, and social). Civil society organisations report that the mechanism calls for the creation of spaces in which students can openly discuss bullying and form attitudes of empathy, tolerance, and respect for differences, as well as conflict resolution skills that prevent bullying. There is, however, no mention of specific grounds so LGBTQI people are, therefore, not specifically protected by this action plan (see *Data collection*).

3. Education curricula

Sex education is not part of the basic curriculum in Bulgaria and topics related to sexual orientation, gender identity and expression or variations in sex characteristics are not covered. There is also no obligation for teachers to address these topics in their classes. In a recent consultative process for the introduction of new curriculum on civic and diversity education, Bilitis sent a

⁸⁸ <https://www.lex.bg/laws/ldoc/2135472223>

⁸⁹ Although the category “gender” should also refer to “gender identity”, civil society organisations report that this is only identified as such in very few schools.

⁹⁰ <https://goo.gl/hjgbQt>

statement to the Ministry of Education underlining the need to include specific topics related to non-discrimination of LGBTQI learners at school. The organisation offered their support to the Ministry of Education on developing specific standards for sexual diversity education, but it has not been accepted as of yet.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness, and school staff have no specific in-service lessons or workshops.

5. Gender recognition

The law on **Bulgarian Personal Documents** (1998, amended 2010) stipulates that when there is a change of gender, the person is obligated to submit an application for new Bulgarian identity documents within 30 days. The Civil Registration Act states that name and gender can only be changed following court proceedings. Most of the cases have been recently brought to court have had self-identification as a primary criterion. In particular, three young trans people were granted legal gender recognition by the courts in 2016 without having to undergo sterilisation⁹¹. However, there are no clear procedures and it is up to the court to decide.

6. Data collection of bullying and harassment and monitoring of policies

If any, data on bullying and harassment is not made public by the government. Bilitis has conducted recent research⁹² (2015) to evaluate the extent to which secondary schools in Sofia provide an inclusive environment for LGBTQI students and teachers. The research entitled **'Schools for All?' The Status of LGBTI Students and Teachers in Bulgarian Schools** included an analysis of the internal school policies for prevention of discrimination, bullying, and violence; interviews of students and teachers who self-identify as gay, bisexual, or transgender; and a questionnaire for school principals. As one of the main results, the report concludes that "some forms of bullying against LGBTI are completely 'normalised' and neglected at school. The mocking and insulting is commonly ignored by teachers and administration".

7. Support systems

Local organisations (Bilitis, LGBT Deystvie Association, and GLAS Foundation) provide support to victims of bullying if approached by individual cases.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education (see *Education curricula*).

⁹¹ <https://www.ilga-europe.org/sites/default/files/2017/bulgaria.pdf>

⁹² https://www.ilga-europe.org/sites/default/files/Attachments/bg_-_report_bilitis.pdf

10. International commitment

- Bulgaria has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Bulgaria is not a member of the European Governmental LGBTI Focal Points Network.

Further information

Good practices and campaigns

It Takes All Kinds [<http://www.ittakesallkinds.eu/info/bg/>]

The project includes the translation into Bulgarian of interactive teaching materials which can be used by teachers of different subjects to start a discussion on LGBTI identities at school. It also includes teacher training and pilot lessons at two schools in Sofia.

Covers: SO, GIE and SC

Croatia

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	5/10			

Report

1. Anti-discrimination law

The **Anti-Discrimination Act**⁹³ (2008) promotes equality and provides protection against discrimination on grounds of sexual orientation and gender identity. It develops special legal actions for protection against discrimination in the field of education and designs a central body to tackle it.

2. Policies and action plans

Croatia has a **Protocol on the procedure in abuse among children and youth**⁹⁴ (2004) and a **Protocol on the procedure in case of abuse and neglect of child**⁹⁵ (2014). Both documents state that the treatment of children, as well as the exercise of their rights, shall be ensured without discrimination on grounds of sexual orientation, gender identity, or any other status. This protocol establishes that all educational institutions shall implement the existing preventive and intervention programmes, as well as to develop new ones where necessary, to tackle violence, sexual abuse, neglect, educational neglect, negligent behaviour, abuse, and exploitation. Teachers and associates of educational institutions shall also become acquainted with the provisions of the regulations governing the rights of the learners.

3. Education curricula

The **National Curriculum Framework**⁹⁶ establishes that sexual orientation and gender identity should be discussed as part of secondary education. The study **LGBT Topics in High School and**

⁹³ <https://www.zakon.hr/z/490/Zakon-o-suzbijanju-diskriminacije>

⁹⁴ http://os-pujanki-st.skole.hr/upload/os-pujanki-st/images/static3/987/attachment/protokol_o_postupanja_u_slucaju_nasilja_me_u_djecom_i_mladima.pdf

⁹⁵ [http://www.mup.hr/UserDocsImages/Savjeti/2015/PROTOCOL%20ON%20THE%20PROCEDURE%20IN%20CASE%20OF%20ABUSE%20AND%20NEGLECT%20OF%20CHILDREN%20\(2\).pdf](http://www.mup.hr/UserDocsImages/Savjeti/2015/PROTOCOL%20ON%20THE%20PROCEDURE%20IN%20CASE%20OF%20ABUSE%20AND%20NEGLECT%20OF%20CHILDREN%20(2).pdf)

⁹⁶ <http://public.mzos.hr/fgs.axd?id=17504>

Elementary School Textbooks⁹⁷, however, shows that "homosexuality" is mainly mentioned in negative context (sickness - HIV) in biology, psychology and religion textbooks.

A comprehensive curricular reform, was initiated in 2015 by the former government to shift Croatia's education system. It aimed to enable children and later students to learn skills as well as facts, and be more competitive in the labour market. A working group was created with experts from different fields, including teachers and professors. The group worked for over 16 months on the draft of the reform. The topic of *sexuality* was, however, only present in biology and lessons related to health, and it was restricted to topics such as "responsible sexual behaviour". The categories of gender and LGBTQI persons are never mentioned. The planned outcomes include "equality between sexes" (the term *gender equality* is not used), human rights and anti-discrimination, but most of the bases for discrimination, such as gender identity, gender expression and sexual orientation are not mentioned. For example, there is one outcome that says that the students should be able to recognise different bases of discrimination, but it is unclear how are they supposed to learn them if they are not named. Also, it is peculiar that the topic of human rights is most present in the subject of catholic religion. Even so, some groups complained that the proposed curriculum was too liberal.

Disputes over the curricular reform erupted after the parliamentary Committee on Science and Education concluded that the national expert team in charge of the reform should be expanded with ten new members. This prompted the team's head (Boris Jokić) to say that they would not accept political pressure. Thousands of citizens, concerned about the possible discontinuation of an integral curricular reform over political pressure, gathered for a protest of support for the reform in Zagreb's central Ban Josip Jelačić Square. The gathering was organised by the initiative 'Croatia can do better – Support the Comprehensive Curricular Reform' formed by over 200 NGOs and workers' unions across the country. It was one of the largest protests in Croatia in recent times. The future of the reform is unknown at this moment.

No extracurricular activities have been funded in regard to LGBTQI topics. Out of a list of sixty **educational programmes**⁹⁸ that received governmental financial support, none of them address content on sexual orientation, gender identity and expression or variations in sex characteristics.

4. Teacher training on LGBTQI awareness

To become a secondary school teacher, it is necessary to have a college degree and certificates in pedagogy and didactics. However, there is no content specifically about LGBTQI topics in the teacher training courses. The closest latest available research was conducted by the Centre for Women Studies in Zagreb about women and gender related topics in higher education (2016). It shows that the topics related to gender are mostly present in courses that are optional. It could be concluded that mandatory teacher training courses do not include LGBTQI topics.

Learners, and potential future school teachers, who want to know more about LGBTQI rights, however, can participate in optional education programs or courses that are organised by NGOs. The Lesbian Organisation from Rijeka (LORI), for instance, conducted an educational training aimed at school pedagogues, psychologists and teachers in five high schools in Rijeka and two

⁹⁷ [https://www.dropbox.com/home/%23programski%20tim/program%202/Istra%C5%BEiv-anje%20\(LGBT%20razna\)/%40%40studija%20utjecaja/Literatura/Analyze%20sadr%C5%BEaja?preview=BRUMEN%2C+S+\(2012\)+LGBT+tematika+u+ud%C5%BEbenicima+za+srednju+i+osnovnu+%C5%A1kolu.pdf](https://www.dropbox.com/home/%23programski%20tim/program%202/Istra%C5%BEiv-anje%20(LGBT%20razna)/%40%40studija%20utjecaja/Literatura/Analyze%20sadr%C5%BEaja?preview=BRUMEN%2C+S+(2012)+LGBT+tematika+u+ud%C5%BEbenicima+za+srednju+i+osnovnu+%C5%A1kolu.pdf)

⁹⁸ https://www.google.be/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKewisxbLQs__XAhUKDMA-KHQYHClkQFggpMAA&url=http%3A%2F%2Fwww.strukturnifondovi.hr%2FUserDocsImages%2FDocuments%2FPopis%2520ugovorenih%2520projekata_5.2.05_Mikro%2520projekti_FINAL.DOCX&usg=AOv-Vaw3iHrs1JkOa5QXG6RjMaOsl

in Opatija. They issued a handbook for teachers and professional associates on peer bullying and harassment against LGBTQI students which was distributed to 400 high schools, and published two issues of guidelines for the **Prevention of Homophobia, Transphobia and Peer Violence on the Basis of Sexual Orientation and Gender Identity in Schools**.

5. Gender recognition

The **Regulations on the methods of collecting medical records and determining the terms and conditions of sex reassignment or change in gender identity status**⁹⁹ (2013) specify that a person needs the Opinion of the National Health Council to have their gender recognised. This document states that the collection of medical records shall be established the principle of non-discrimination and that no person shall be forced to undergo medical procedures, including surgical gender adjustment, sterilisation or hormonal therapy, for the recognition of their gender. The applicant needs to have the opinion of a doctor and a psychiatrist, and, in the case of a child, parental or guardian's consent together with the opinion of a paediatrician.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. There are, however, some pieces of research conducted by civil society organisations¹⁰⁰.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families. However, Zagreb Pride established a support group for students in the model of an LGBTQI-straight alliance in 2016/2017.

8. Information and guidelines

There is information available for learners who have experienced violence¹⁰¹. Civil society organisations also provide information on LGBTQI terminology and identities, coming out, human right of LGBTQI people, advice to straight students on how to support their LGBTQI friends and co-students, links with local NGOs, and homophobic and transphobic bullying.

9. Partnership between governments and civil society

The government provides support to civil society organisations to develop work in the field of education. Lesbian Organisation from Rijeka (LORI) and Zagreb Pride organise teacher training, lessons with students and provide information for LGBTQI learners.

10. International commitment

- Croatia has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Croatia is not a member of the European Governmental LGBTI Focal Points Network.

⁹⁹ https://narodne-novine.nn.hr/clanci/sluzbeni/2014_11_132_2487.html

¹⁰⁰ http://www.ori.hr/images/stories/download/Prirucnik_nastavnici_2012.pdf

¹⁰¹ http://www.ori.hr/images/stories/download/Prirucnik_nastavnici_2012.pdf

Further information

Significant news

Two cases of harassment were reported to Zagreb Pride in the last 24 months. One case was reported by a 17-year-old girl who experienced sexist and homophobic comments from a professor in her high school. She was also told by the director to remove a rainbow sticker from the door of her room in the students', even though other students did not have to remove stickers from their doors. After an intervention from the Ombudswomen for Gender Equality, the professor stopped making sexist and homophobic comments.

The second case was reported by the mother of a 17-year-old boy who experienced verbal harassment and threats of physical violence because of his sexual orientation from other students in his high school. This was his second high-school into which he was moved because of experiences of harassment. He experienced harassment during lessons, outside of the school and on social media. The harassment in the school happened during the lessons of Croatian language and ethics, and the professors did nothing about it. The harassment escalated especially after the boy was seen participating in the Zagreb Pride march. When the school psychologist was doing a survey in classrooms about experiences of violence, the boy was the only one who reported harassment. He was then taken to another room where he stayed for four hours and was forced to sign a form in which he states that he did not experience any violence. When the mother reported the case to the school psychologists, she was advised that her son should not be open about his sexual orientation and he should ignore what happened.

Opposition

Zagreb Pride has experienced one explicit rejection while offering the possibility of holding a lesson for students in a high school in Zagreb. The organisation was rejected by other high schools too but it was explained that it was because of lack of time/space. In this case, however, the school principal reacted in an offensive manner towards the volunteer who called the school. Also, there had been initiatives from the neo-conservative organisation In the Name of the Family and parents' organisation GROZD aimed at preventing any kind of LGBTQI and human rights contents of entering into schools, especially via extracurricular lessons delivered by NGOs. They worked on this by sending letters to schools not to accept any programs that are not approved by the Ministry of Science, Education and Sport (MSES).

Good practices and campaigns

For Schools without Homophobia, Transphobia and Prejudice

[<http://www.zagreb-pride.net/hr/portfolio/za-skole-bez-homofobije-transfobije-i-pre-drasuda/>]

This project was implemented from 2015-2016, and included trainings for NGO members in giving lectures to high school students, advocacy in the field of education, lectures for high school students about LGBTQI terminology, and the production of an awareness raising poster for schools and education institutions. It was funded by the Ministry of Social Policy and Youth.

Covers: SO, GIE and SC

Reducing LGBTphobia in High Schools¹⁰²

This project started in 2012 and includes training and guidance for school professionals, a brochure for students, guidelines for the reduction of homophobia, transphobia and peer violence on the basis of sexual orientation and gender identity in schools, and lessons for high school students.

Covers: SO and GIE

¹⁰² <http://www.ori.hr/smanjenje-homo-bi-transfobije-u-srednjim-skolama> ; http://www.ori.hr/images/stories/download/Prirucnik_nastavnici_2012.pdf ;
http://www.ori.hr/images/stories/download/Smjernice_za_suzbijanje_homobitransfobije_u_skolama.pdf ;
http://www.ori.hr/images/stories/download/Salji%20dalje_mladi_2012.pdf

Cyprus

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination law

There is no anti-discrimination law that is applicable within education. The Ministry of Education, however, published a policy document informing that the government is responding to its legal commitments posed by many internationally recognised human rights bodies, and it declares its commitment to access of sexual education for children and youth.

The policy of the Ministry is shaped through (a) the health education curriculum, (b) the anti-racism policy 'Code of Conduct Against Racism & Guide for Management and Recording of Racial Incidents', and (c) the policy on management of incidents of sexual abuse in schools. The first two are aimed at prevention and the last to respond to discrimination has taken place. The latter policy refers to the inclusion of the topic of sexual orientation in a way that it will help in the elimination of (among others) homophobia, transphobia, in-school violence, and delinquency.

2. Policies and action plans

In June 2014, the Ministry of Education and Culture set up the anti-racism policy, following the recommendation of the Authority against Discrimination of the Ombudsman's Office. In the school year 2014-2015, some schools took part in a pilot project based on the **Code of Conduct Against Racism and Guide for Management and Recording of Racial Incidents**¹⁰³ (2000). They were advised to treat intimidating incidents based on some aspect of the victim's diversity (i.e. sexual orientation, gender identity) as racist violence. The pilot implementation of the Code and Guidelines was actively supported by the Authority against Discrimination on the Ombudsman Office and Human Rights and the UN High Commission for Refugees. In this protocol, the identity of individuals in relation to their sexual orientation is embodied. According to anti-racist policies of the Ministry of Education and Culture, violent incidents on the basis of gender diversity, gender identity or sexual orientation are defined as racist and are treated with the appropriate sanctions. There is also a special mention on homophobia and transphobia; hostility, discrimination, or disgust against LGB people, or individuals expressing their gender identity.

¹⁰³ http://www.moec.gov.cy/agogi_ygeias/pdf/odigoi_ekpaideftikou/kodikas_symperiforas_ratsismou.pdf

3. Education curricula

The educational reform in 2011, implemented in 2012, brought about several changes in the compulsory education curriculum on all educational levels. In secondary education, sexual health topics are interdisciplinary and covered in biology and health education, under the chapter “creating and improving the social self”. Health education attendance is mandatory for all students except for the last two years of high school. Students in the 5th and 6th form of high school (16/17-year-old) may take as optional family education, taught in the framework of home economics.

Civil society organisations report that some teachers avoid teaching these issues. They might choose some other health subjects to teach with which they feel more comfortable. Adolescents (88%) state that when they have a question/problem related to sexuality issues they usually get information from friends, 30% of them receive it from a health specialist and only 14% receive it from an organisation/clinic. The Commissioner for Children’s Rights has publicised a position promoting the right of children to access information and counselling services regardless of parental consent.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Home economics teachers have been trained on reproductive health issues for adolescents on sexual rights and respect of sexual orientation in the last five years.

The family Planning Association and ACCEPT LGBT Cyprus co-organised a series of voluntary trainings for teachers called *Shield against homophobia*. These trainings train educators on how to teach against homophobia.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The **Observatory on Violence in School**¹⁰⁴ (under the Ministry of Education and Culture) was established in 2009. It collects, records and analyses data on the extent and forms of violence in school. It collects qualitative and quantitative data on good prevention and treatment practices of delinquency and violence in school, as well as national and international research on school climate, violence in school, school dropout and juvenile delinquency. The Observatory on Violence in School promotes systematic cooperation with teachers, partners, civil society organisations and the media in order to strengthen efforts in the fight against violence in school.

More concretely, a study conducted in 2011 reported severe instances of bullying and harassment in school on grounds of sexual orientation. According to civil society organisations, this remains unreported due the lack of policies to deal with these cases. In November 2012, the Ombudsman published a **report on homophobia in education**¹⁰⁵ in Cyprus to highlight the high impact of discrimination on grounds of sexual education in the life of LGB learners.

¹⁰⁴ http://www.moec.gov.cy/paratiritirio_via/

¹⁰⁵

7. Support systems

There is a domestic educational psychologist in all the educational levels as well as the professor of counselling and professional matters in middle school education. The Mental Health Services for Children and Adolescents could also be referred to in a case of discrimination. Civil society have no information as to their effectiveness. It is known that psychologists are often unable to deal with LGBTQI issues.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

Civil society organisations report that the government provides no support in relation to LGBTQI inclusive education.

10. International commitment

- Cyprus has signed the Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence.
- Cyprus is not a member of the European Governmental LGBTI Focal Points Network.

Czech Republic

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	7/10	Yes	No	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	7/10	Yes	No	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	10/10			

Report

1. Anti-discrimination law

The **Education law** in the Czech Republic does not specifically mention diversity or LGBTQI, and does not explicitly deal with the prohibition of discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics. The general anti-discrimination provisions, however, are applicable in the field of education law, and these cover all aspects of anti-discrimination related to diversity and/or sexual orientation, as described below.

The **Education Act** (2004) contains general anti-discrimination provisions which stipulate the principle of fair and equal access to education for every citizen in the Czech Republic. Even though sexual orientation is not expressly mentioned in the Education Act, discrimination for “any other status of the citizen”¹⁰⁶ shall also include sexual orientation, according to expert literature.

The **Anti-Discrimination Act** (2008), for its part, defines the right to equal treatment and the prohibition of any discrimination with respect to access to and the provision of education, employment, remuneration, services, etc. The Act stipulates that less favourable treatment based on sexual orientation or gender is considered to be direct discrimination and is forbidden.¹⁰⁷

2. Policies and action plans

In March 2016, several documents of national importance focusing on the fight against bullying and recommended procedures for addressing bullying at schools were published in the Czech

¹⁰⁶ Section 2(1)(a) of the Education Act states: “Education shall be based on the principles of equal access of all citizens of the Czech Republic or nationals of any other European Union Member State to education without any discrimination based on any grounds, such as race, color, sex, language, belief or religion, nationality, ethnic or social origin, property, kith or kin, or health condition, or any other status of a citizen.”

¹⁰⁷ Section 2(3) of the Anti-discrimination Act states: “Direct discrimination shall mean any act, including an omission to act, where a person is treated less favorably than another is, has been or would be treated in a comparable situation, on grounds of race, ethnic origin, nationality, sex, sexual orientation, age, disability, religion, belief or worldview.”

Republic. This well-organised and comprehensive guideline was drawn up by the Ministry of Education, Youth and Physical Education.

The most important of these documents is the updated **Guideline on the Prevention of Bullying**¹⁰⁸ (2016) designed to prevent and address bullying at schools and educational institutions, adopted by the Ministry of Education. This guideline provides information for teachers and educational staff about bullying and the best ways to prevent it. This document explicitly refers to sexual orientation as being one of the possible reasons for bullying.

Furthermore, the **Bullying Prevention Guideline** states that schools are primarily responsible for the health and safety of children (i.e. that schools are obliged by law to create and maintain a safe environment, procure the protection of students and their health, and prevent the occurrence of any form of risk behaviour, including bullying at schools). The headmaster is further obliged to ensure the safety and protection of their employees and to prevent bullying towards teachers.¹⁰⁹ The document further defines corrective measures available to schools to bring violence meted out by aggressors to an end (these measures available range from a warning or disciplinary action to expulsion from school, an individual educational plan for the aggressor, etc.). It further follows that, according to the Ministry of Education, the most effective way of protecting children against bullying is for the school to create its own internal anti-bullying programme. The guideline stipulates that if a bullying case is not addressed by the teaching staff or the school's headmaster immediately and in a satisfactory manner, it is possible to approach the founder of the school or its Board of Trustees, or file a complaint with the Czech School Inspectorate.

Another document adopted by the Ministry of Education is the **Comments on Legal Measures against Bullying at Schools**¹¹⁰ (2016). This document summarises the individual corrective measures available to schools in order to bring violence to an end. The document addresses various precautionary and disciplinary measures, as well as sanctions (for instance, the process of expulsion of a student from school).

The package of documents prepared by the Ministry of Education also includes an overview of institutions providing methodological guidance and advice related to bullying. It is intended for teaching staff of schools and educational institutions, and ought to contribute to both a swift resolution to and the prevention of bullying.

3. Education curricula

The subjects "People and the World" and "Arts and Culture" provide information on sexual orientation and gender identity, is part of the mandatory curriculum for all learners at elementary and secondary levels.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Civil society organisations report, however, that individual University Schools of Education have programmes on this topic.

¹⁰⁸ <http://www.msmt.cz/file/38988/>

¹⁰⁹ This follows from Section 29 of the Education Act, which states: "When providing education and directly related activities and in providing school services, schools and school facilities are obliged to take into account the fundamental physiological needs of children, pupils and students, and to create conditions for their healthy development and for preventing the rise of pathological social phenomenon."

¹¹⁰ <http://www.msmt.cz/file/37239/>

5. Gender recognition

According to the **Civil Code, Art. 89/2012**¹¹¹, “a change of gender involves surgery affecting reproductive function and genitals”. There are no clear age restrictions.

6. Data collection of bullying and harassment

The information available shows that there is not a comprehensive database kept in the Czech Republic in which all cases of bullying would be registered. The Police of the Czech Republic only collect such data in cases where bullying incidents are qualified as crimes under the Criminal Code. Under the law, schools are not obliged to collect data on the occurrence of bullying among their students (unlike, for instance, their statutory duty to collect data on accidents resulting in the injury of a student, whereby they are obliged to draw up a report on any accident and send it to the competent authorities and institutions).

Nonetheless, according to the **Bullying Prevention Guideline** (2016), schools are obliged to collect data on bullying incidents and review precautionary procedures, safety and crisis management plans, and set up measures to prevent the recurrence of risk behaviour.¹¹² As already mentioned above, the guideline is not legally binding on schools, and the Ministry of Education thus cannot enforce compliance.

Statistical data that helps give an overview of bullying cases in the Czech Republic comes from the Czech School Inspectorate and specific NGOs. In 2015, the NGO PROUD (*Platform for Equality, Recognition and Diversity*)¹¹³ carried out a survey on homophobia and transphobia on the national level. The survey was a follow-up on a survey of discrimination on the basis of sexual orientation, carried out in 2008.¹¹⁴ This extensive survey consisted of a quantitative part consisting of an online questionnaire targeting senior primary schools and secondary schools. Over 1,300 respondents took part in this survey. The survey mapped, in particular, the attitude of learners toward their peers with (supposedly) “minority” or non-conformist sexual and/or gender identity, as well as their experience of homophobia and transphobia in the school environment. The second part of the survey consisted of interviews with primary and secondary school teachers concerning LGBTQI students, their social status in the group, coming out, the inclusion of information on various sexual and gender related differences in the teaching process, the prevention of homophobic bullying, etc. The outcome of the survey serves as the basis for proposals as to how best to make the climate at school safer.

The outcome of the survey also showed that overall respondents had largely positive or tolerant attitudes towards gays, lesbians and bisexuals. Having said that, some of the respondents stated that they did not feel comfortable in the company of gays and lesbians and that they did not

¹¹¹ <https://www.zakonyprolidi.cz/cs/2012-89>

¹¹² Article 4(12) of the Bullying Prevention Guideline stipulates: “The school shall collect data on manifestations of bullying and review its preventive procedures, security and crisis management plans, and set up such measures so as to prevent the recurrence of risk behaviour.”

¹¹³ The survey was conducted by an NGO, PROUD, with the support of ILGA-Europe, and in co-operation with the Department of Psychology of the Faculty of Pedagogy of Charles University in Prague and the Center of Cultural, Media and Communication Studies of the Faculty of Arts of Palacký University in Olomouc. It is available at: <http://www.ceskaskola.cz/2016/01/ceske-skoly-pod-lupou-vyzkum-homofobie.html>

¹¹⁴ The survey of discrimination on the basis of sexual orientation, conducted by PhDr. Olga Pechová, Ph.D., from the Faculty of Psychology of the Faculty of Arts of Palacký University in Olomouc, strove to obtain information on the frequency of experience with discrimination and harassment on the part of Czech gays, lesbians and bisexuals in 2004 through 2008.

treat them in the same way as heterosexuals (about 10% of the respondents on average). The greatest concerns and antipathies were, however, associated with transgender people – a full quarter of the respondents would not feel comfortable in their company, and one-fifth of the respondents believe that they are not the same as other people. Heterosexual boys were the least tolerant in terms of views on LGBTQI people (nearly one-half of heterosexual boys would not feel comfortable in the presence of a gay person, and as many as quarter would end a friendship should their friend turn out to be transgender. About 59% of the respondents considered the company of a transgender person unpleasant.

7. Support systems

There are several national policies foreseeing access to support services for students affected by violence, specifically for bullying cases. The **Bullying Prevention Guideline** (2016) described above stipulates that the school management ought to designate at least one educator to deal with specific issues in the prevention and elimination of bullying. It is further noted that schools should continuously implement specific primary prevention of risk behaviour (including bullying) through the school anti-bullying programme and describe specific precautionary mechanisms used by the school in order to minimise bullying (safety plans), and to resolve situations of bullying cases (crisis management plan).

The guideline further notes that schools ought to map out the help network for both students and teachers in its region, and establish co-operation with, for instance, pedagogical-psychological counselling centres, centres of special pedagogy, educational care centres, NGOs, authorities for social and legal protection of children, crisis centres, healthcare facilities, the Police of the Czech Republic and other specialists. In a situation where bullying occurs at a school, and the school finds itself unable to deal with it, it ought to request assistance from other outside entities, such as a pedagogical-psychological counselling centre, educational care centre or NGO.

8. Information and guidelines

Several books have been published on the topic of sexual orientation:

"Homophobia in School Environment" (authors Smetáčková, Braun) by the Government Office. PROUD's handbook for teachers available during PROUD's trainings of teachers and via internet. "Adolescence, Parenting and (Homo)Sexuality" (Zdenek Sloboda, 2016, Pasparta Publishing) includes chapter on coming out and school environment where GALE's Toolkit for Schools is reviewed.

9. Partnership between governments and civil society

The government works in partnership with civil society organisations. NGO PROUD co-organised with the Ministry of Education and Ministry of Human Rights a conference on homophobia at schools in 2014. Civil society organisations report, however, a lack of adequate funding in relation to education.

10. International commitment

- Czech Republic has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Czech Republic is member of the European Governmental LGBTI Focal Points Network.

Further information

Good practices and campaigns

Rainbow Education [www.duhoveseminare.cz]

PROUD offered over 100 school seminars (attended by more than 3000 pupils) during 2013 – 2016 in regard to the topic of LGBT people.

Covers: SO and GIE

Rainbow Training [www.duhoveseminare.cz]

PROUD offered teacher trainings to prevent discrimination on grounds of sexual orientation.

Covers: SO

Denmark

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	7,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Act on Prohibition of unequal treatment in the Labour Market**¹¹⁵ (1996) provides protection on grounds of sexual orientation. Gender identity is not mentioned, but the Board of Equal Treatment interprets it to be covered by the ground of gender and has dealt with discrimination cases related to gender identity¹¹⁶. Although the act is applicable only in regard to employment, there is a case law on access to education and non-discrimination at a higher education facility which has been interpreted to also cover sexual orientation as a ground of discrimination.

2. Policies and action plans

There is a national **Action Plan for Preventing and tackling bullying in schools**¹¹⁷. The action plan states that the government wants all children and young people to have a safe childhood without bullying and it gives specific recommendations for teachers. The action plan mentions sexual orientation and gender identity as possible grounds of discrimination.

3. Education curricula

The education laws in Denmark rarely focus on the curriculum, but rather on learning goals and objectives that schools and teachers thereafter can choose curricula to meet. The subject of health, sexual health, and family, however, is to be taught within the frame of other subjects (i.e. biology, language, English, etc.). There is no national overview, but national guidelines set body-diversity, sexual diversity, and romantic diversity as relevant topics. It is up to the schools and the teachers to decide whether they want to emphasise this information or not.

¹¹⁵ <https://www.retsinformation.dk/Forms/R0710.aspx?id=81555>

¹¹⁶ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Denmark/DNK-CbC-V-2017-020-ENG.pdf>

¹¹⁷ <http://www.alleforenmodmobning.dk/>

4. Teacher training on LGBTQI awareness

To become a secondary school teacher in Denmark, education professionals need a master's degree (or the Danish equivalent). There is not a national training curriculum for teachers. Each teacher training school develops its own. Furthermore, in the Danish system, staff are typically within two categories: teachers and pedagogues (usually also translated as social workers, child caretakers, nursery teachers and so forth). They have specific and different roles in schools and their education is different. Pedagogues have the possibility to take a subject of gender and diversity. The online resources for the subject of health, sexual health, and family talks of diversity to some degree.

5. Gender recognition

In 2014, there was a **Motion to amend the Act on the Civil Registration System**¹¹⁸, granting a new social security number to people who would ask a gender marker change. According to this motion, there are no medical or psychological requirements to enter this procedure. The Danish government however establishes a reflexion period of 6 months from the application data and applicants need to be 18-year-old at the time of the submission of the application.

ILGA-Europe reports that the LGBT Denmark was contacted by several 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 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.

6. Data collection of bullying and harassment and monitoring of policies

National data on the well-being of students is collected by the government¹¹⁹, but this data contains no concrete information about the well-being of LGBTQI learners.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information or guidelines for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The municipality of Copenhagen provides financial support to the project "Normstormerne" which offers norm critical LGBTQI+ courses to schools and higher institutions of learning.

¹¹⁸ http://www.ft.dk/Rlpdf/samling/20131/lovforslag/L182/20131_L182_som_vedtaget.pdf

¹¹⁹ <https://www.uddannelsesstatistik.dk/Nyheder/DispForm.aspx?ID=44&Source=https%3A%2F%2Fwww%2Euddannelsesstatistik%2Edk%2F&ContentTypeId=0x010400300EB518EE5BA34FA3AA326621DA8350>

10. International commitment

- Denmark has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Denmark is member of the European Governmental LGBTI Focal Points Network.

Estonia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	No	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	10/10			

Report

1. Anti-discrimination law

Estonian Constitution enlists the grounds of protection against discrimination, including gender, but not sexual orientation. The Chancellor of Justice has given in 2011 an authoritative opinion saying that the open list of grounds of discrimination in Art 12 of the Constitution includes sexual orientation.¹²⁰

The **Equal Treatment Act**¹²¹ (2009) prohibits discrimination on ground of sexual orientation in vocational guidance, vocational training, advanced vocational training and retraining, but not in basic, secondary or upper secondary schools. The first two Equality Commissioners (National Equality Body) have implemented the law in the manner that the anti-discrimination provision covers university studies since these provide a person with an occupation (all the expressed examples in the law deal with the vocational or occupational education). However, the Equal Treatment Act does not protect learners against discrimination on ground of sexual orientation in the above mentioned general educational institutions.

For its part, the **Gender Equality Act**¹²² (2004) has a wide scope of application, including the field of education. The law does not explicitly mention term “gender identity”, but states that direct discrimination based on sex means also less favourable treatment of a person in connection with *other circumstances related to gender* (§ 3, sub 1 (3)). The first two Equality Commissioners’ have interpreted the law to cover discrimination on ground of gender identity and hence investigated in their practice cases of discrimination of trans people.

¹²⁰ http://www.oiguskantsler.ee/sites/default/files/old/File/NORMIKONTROLLI_MENETLUSED/Seisukoht_vastuolu_mittetuvastamise_kohta_/2011/Seisukoht_vastuolu_mittetuvastamise_kohta_PKS__10.pdf (see §37 of the opinion).

¹²¹ <https://www.riigiteataja.ee/akt/106072012022>

¹²² M. Sepper, Ü. Papp et al. (2010). Legal commentary of the Gender Equality Act (in Estonian), p 26:

https://www.sm.ee/sites/default/files/content-editors/Ministeerium_kontaktid/Valjaanded/soolise_vordoiguslikkuse_seadus_kommenteeritud_valjaanne_1.pdf

The **Basic Schools and Upper Secondary Schools Act**¹²³ (2010) does not prohibit discrimination on these grounds, but it states that in accordance with the internal rules of a school the school should ensure the mental and physical security and the protection of the health of students during their stay at school and take measures for the prevention of mental and physical violence. Supervision over students throughout the school day should also be ensured for the purpose of prevention of violence.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, transphobic or interphobic bullying or promote LGBTQI inclusion. The **Youth Strategy** (2014-2020) of the Ministry of Education and Research mentions anti-discrimination and promotion of equality as its' underlying principle.¹²⁴ However, it does not enlist any grounds of protection against discrimination.

A **Foundation Against Bullying in Schools** was created with the aim to raise awareness about school bullying and how to stop it in 2012. The foundation is partly financed by the government through grants to civil society.

3. Education curricula

The **Decree on National Curriculum**¹²⁵ (2011) enlists the values of the curriculum, including tolerance, gender equality, cultural diversity etc. and it emphasises the need to learn to accept differences and respect diversity in the society, but it does not mention LGBTQI rights nor content on LGBTQI issues. National Curriculum focuses on skills and values that the pupils should learn in school, the more detailed curriculum is drafted by each school.

In the national database on curriculums by topic gender equality, tolerance, human rights, equal treatment, identity and social justice are mentioned under Civic education¹²⁶ (concept of gender equality is often referred to as a binary concept and does not include an explicitly issues of trans people) and diversity of family and cohabitation forms is included under Family education¹²⁷ in upper secondary school level.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Universities decide what to include to teacher training curricula. All teacher training curricula include some psychology and communication subjects. In Tartu University, LGBT topics are included in one subject, Diversity in Education and this subject is compulsory for teachers who study "Teaching Humanities and Social Subjects in Basic School" and voluntary for teachers who study "Teaching Natural and Exact Sciences at Lower Secondary School".

As a result of that not all teachers feel confident with dealing with LGBTQI topics. A report on the social situation concerning homophobia and discrimination on grounds of sexual orientation in the country, showcase situations of teachers avoiding discussing LGBTQI issues with their students, because they were afraid of the consequences (i.e. reactions from parents, etc.).

¹²³ <https://www.riigiteataja.ee/en/eli/ee/525082015003/consolide/current>

¹²⁴ https://www.hm.ee/sites/default/files/noortevaldkonna_arengukava_2014-2020.pdf (p. 7)

¹²⁵ <https://www.riigiteataja.ee/en/eli/524092014014/consolide>

¹²⁶ <https://oppekava.innove.ee/pohiharidus/sotsiaalained/uhiskonnaopetus/>

¹²⁷ <https://oppekava.innove.ee/gumnaasiumiharidus/sotsiaalained/inimeseopetus/>

In 2013 and 2014 the LGBT Association piloted a project of LGBT human rights and anti-bullying training.¹²⁸ The Human Rights Centre (HRC) in partnership with the Equality Commissioner has carried out *ad hoc* trainings for teachers on equal treatment and legal remedies for discrimination victims, HRC has carried out a project on LGBTQI learners and school bullying¹²⁹.

5. Gender recognition

The **General Requirements on Medical Procedures for the Change of Gender Act** (1999) stipulates that to change one's gender a person must make a statement to the Ministry of Social Affairs and a medical expert committee of the Ministry must rule a decision. According to this document, the decision of the committee requires: (a) "the existence of a transsexual identity of at least two years", (b) "the decision of a psychiatrist to exclude the possibility of changing desire", and (c) the genetic and chromosomal studies. Medical treatment can begin once the committee has made its recommendation. There is no age restriction to enter this procedure.

6. Data collection of bullying and harassment and monitoring of policies

The government collects data on bullying and harassment¹³⁰, but there is no specific information about grounds of discrimination. In 2015 the Equality Commissioner ordered a study on experiences of LGBTQ people in Estonian society. The report of the survey hosts a chapter on bullying in school.¹³¹

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families. Support for the victim in case of school bullying should be offered by the school staff. The victim may also turn to a national child support hotline and the police.

8. Information and guidelines

In 2011, the Estonian LGBT Association opened an LGBT information and activity centre called OMA Centre ('broaden your world'), which connects LGBT people, questions, ideas, concerns and wishes. The homepage of OMA Centre provides advice for LGBT people, and their parents, educational materials for teachers, counselling opportunities, information materials, and a library database¹³².

The Chancellor of Justice has a department on children's and youth's rights where any child or adult may turn for help. There is a number of guidelines on explaining school bullying and how to stop it.¹³³ Most of these do not expressly mention bullying of LGBTQI learners.

¹²⁸ <http://www.lgbt.ee/10944/>

¹²⁹ <https://humanrights.ee/tegevused/inimoigused-lgbt-ja-koolikiusamine/>

¹³⁰

<http://www.innove.ee/UserFiles/%C3%9Cldharidus/Uuringud/%C3%95pilaste%20rahulolu,%20puudumised%20ja%20kooliv%C3%A4givalla%20kogemine%20p%C3%B5hikoolides%20ja%20g%C3%BCmnaasiumites%202016.pdf>

¹³¹ http://www.vordoigusvolinik.ee/wp-content/uploads/2016/03/LGBT_uuringuraport_LOPLIK_veeb.pdf

¹³² <http://www.omakeskus.ee/en>

¹³³ See, for example:

https://oef.org.ee/fileadmin/media/valjaanded/v2ljaanded/OMA_keskuse_koolitusmaterjal_opetajatele.pdf;

<http://www.oiguskantsler.ee/koolikiusamine/>; <http://kiusamisestvabaks.ee/spetsialistile>;

<http://www.kivaprogram.net/estonia/mis-on-kiusamine-ja-kuidas-seda-peatada>

In 2007, a guideline on how to discuss and teach about gender identity, gender roles and sexual orientation for people working with minors was published.¹³⁴

9. Partnership between governments and civil society

The government supports civil society organisations, providing funding for specific activities (such as teacher training).

10. International commitment

- Estonia has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Estonia is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

The Ministry of Education and Research got lots of angry and hostile letters in November 2015 for organising a conference on LGBT and education. In Estonia, the association called Foundation for the Protection of Family and Tradition is the key organiser of the movement opposing LGBTQI rights and legislative improvements.

¹³⁴ <https://issuu.com/jevgenisemtsisin/docs/kas---kaasatus.-avatus.-sallivus>

Finland

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

Finland has a **Non-Discrimination Act**¹³⁵ (2014) to promote equality and prevent discrimination as well as to enhance the protection provided by law to those who have been discriminated against. The act states that no one may be discriminated against on the basis of their sexual orientation and it specifies the duty of the educational provider to promote equality (section 6).

The **Gender Equality Act**¹³⁶ (2014), for its part, aims to prevent discrimination based on people's gender identity and gender expression and it applies to educational settings. According to this act, equality shall be promoted in education, taking into account the age and development of children. Schools are responsible for preparing an equality plan each year, in cooperation with staff and learners. The plan should be part of the curriculum and it must include: (1) an account of the equality situation of the institution; (2) the necessary measures to promote equality; and (3) an assessment of the implementation and results of the measures included in the previous Equality Plan.

2. Policies and action plans

KiVa¹³⁷ is a research-based anti-bullying program that has been developed in the University of Turku, Finland, with funding from the Ministry of Education and Culture. The program is targeted at different age groups (6-9, 10-12 and 13-16) and it encompasses materials for teachers, learners and parents. However, KiVa does not specifically mention specific grounds of bullying, such as sexual orientation, gender identity, or variations in sex characteristics. The program has been implemented in more than 1.000 schools and according to their own evaluation, it has been shown to reduce both self- and peer-reported bullying and victimisation significantly¹³⁸. There

¹³⁵ <http://www.finlex.fi/en/laki/kaannokset/2014/en20141325.pdf>

¹³⁶ <http://www.finlex.fi/fi/laki/alkup/2014/20141329>

¹³⁷ <http://www.kivaprogram.net/>

¹³⁸ <http://www.kivaprogram.net/is-kiva-effective>

is a current working group in the Ministry of Education and Culture to find new ways to tackle bullying in schools

3. Education curricula

In the national basic education core curriculum, it is stated that basic education should increase knowledge and understanding about the diversity of gender and that gender stereotypes should be questioned. In the upper secondary education core curriculum, there is also a demand to increase the knowledge and understanding of diversity of sexual orientation. In Health education, there is mentioned that learners should get knowledge about the diversity of sexual development. In religion, learners should think about what the church teaches about sexuality. In other subjects, there are no LGBTQI specific demands.

4. Teacher training on LGBTQI awareness

To be a secondary school teacher, you need to pass certain courses. No LGBTQI subjects are mandatory. The universities are independent and decide themselves about what to teach. There is no mandatory human rights education either. There have been various in-service trainings to tackle human rights education and LGBTQI topics. Currently one is organised partly by Seta.

5. Gender recognition

Currently, there are administrative procedures for changing one's name, and there are no age restrictions. According to the **Names Act**¹³⁹, any young person could change their name with the mere consent of their parents. However, the act states that for a name to be approved it should match the gender of the person¹⁴⁰. In regard to gender recognition legislation, the current process (**Legal recognition of the gender of transsexuals**¹⁴¹ Act, 2002) still includes sterilisation as a requirement and it makes it even more difficult for students to have their gender recognised within the educational institutions.

6. Data collection of bullying and harassment and monitoring of policies

The School Health Promotion (SHP)¹⁴² study monitors the well-being, health and school work of Finnish children and adolescents. The aim of the SHP study is to strengthen the planning and evaluation of health promotion activities at school, municipal and national levels. SETA has contacted the authorities to include a question about being LGBTQI, so that there would be comparative data.

The Ministry of Education and Culture gave funding to the Youth Research Fund to organise a survey about well-being of LGBTQI Youth in 2015.

¹³⁹ <http://www.finlex.fi/en/laki/kaannokset/1985/en19850694.pdf>

¹⁴⁰ *Names Act, Section 32 b*: "A name cannot be approved as a forename without a reason specified in subsection 3, if [...] the name is a woman's name given to a boy or a man's name given to a girl".

¹⁴¹ <http://www.finlex.fi/fi/laki/alkup/2002/20020563?search%5Btype%5D=pika&search%5Bpika%5D=laki%20transsek-suaalin>

¹⁴² <https://www.thl.fi/en/web/thlfi-en/research-and-expertwork/population-studies/school-health-promotion-study>

7. Support systems

There are several support systems for LGBTQI learners. SETA provides specific support for young people in regard to their sexual orientation, gender identity and expression and variations in sex characteristics. The nationwide support and advisory service Sinuiksi is a service open to anyone (not just young people) that also provides support in this regard.

8. Information and guidelines

Supported by the government, SETA provides information for LGBTQI young people through equality resources, training courses and other co-operation activities. The organisation works on issues concerning young people in order to take into account the diversity of youth and the implementation of equality. It also supports the development and launch of local youth activities by their member organisations in new locations. SETA is also responsible for the design and implementation of national youth work with the youth committee coordinator.

9. Partnership between governments and civil society

The government (Ministry of Education and Culture) gives yearly funding for youth work to SETA. The organisation also receives yearly funding from the National Lottery Company through the Ministry of Social affairs and Health.

10. International commitment

- Finland has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Finland is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

In February 2017, the youth section of the Finns Party/True Finns (PS; nationalist) launched a social media campaign against what the party referred to as ‘gender neutrality’. The *#tyttö_poika* campaign stated that there are only two sexes and that gender quotas should be abolished. President of the Union of General Upper Secondary Schools Students, Elli Luukkainen, criticised the PS campaign, saying it was “likely to cause a lot of resentment”.

Good practices and campaigns

KiVa [www.kivaprogram.net]

KiVa includes universal and indicated actions. The universal actions, such as the KiVa curriculum (student lessons and online games), are directed at all students and focus mainly on preventing bullying. The indicated actions are to be used when a bullying case has emerged. They are targeted specifically to children and adolescents who have been involved in bullying as perpetrators or victims, as well as to several classmates who are challenged to support the victim; the aim is to put an end to bullying.

It does not specifically mention SO, GIE or SC

France

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	7/10	Yes	No	No
Teacher training on LGBTQI awareness	7/10	Yes	No	No
Right to choose gender	7,5/10			
Data collection of bullying and harassment	8,5/10	Yes	Yes	No
Support systems	8,5/10	Yes	Yes	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	10/10			

Report

1. Anti-discrimination law

France's **Anti-discrimination law**¹⁴³ (2008) states that discrimination on grounds of sexual orientation and gender identity is prohibited in the field of education. According to this law, any person who has experienced direct or indirect discrimination on these grounds can submit to the competent court the facts. Furthermore, the **Law on Sexual Harassment**¹⁴⁴ (2012) modifies the article 255-1 of the Penal Code stating that any type of distinction made on grounds of "sexual identity" constitutes an act of discrimination.

2. Policies and action plans

The former Ministry of Education was actively engaged in the fight against discrimination on grounds of sexual orientation and gender identity, and published a guideline addressed to the teaching staff. The document, entitled **Understanding for action: homophobia**¹⁴⁵ (2015), urges school staff to act against discrimination on grounds of "sexual identity" in the frame of the School Climate¹⁴⁶ and provides some figures of harassment. The guide contains information about where to address homophobic violence and a specific campaign against homophobia at school (see *Information and guidelines*).

Despite these efforts, France currently has no specific policy against bullying on grounds of sexual orientation, gender identity and expression or variations in sex characteristics.

3. Education curricula

There are no national guidelines on how to include LGBTQI inclusive content across curricula, but there is specific information about sexual orientation when it comes to **Sex Education in**

¹⁴³ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000018877783>

¹⁴⁴ <https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026263463&categorieLien=id>

¹⁴⁵ http://cache.media.eduscol.education.fr/file/Valeurs_republicaines/17/7/guide_sco_harcelement_lutte_con- tre_l_homophobie_510177.pdf

¹⁴⁶ <http://www.reseau-canope.fr/climatscolaire/accueil.html>

schools, colleges and high schools¹⁴⁷. The Ministry of Education published a circular to establish how the implementation of sex education should take place. According to this document, this subject must be taught in a way that fights against homophobic violence.

Some organisations are accredited by the government as “complementary associations of public education” to design school-based interventions (IMS).

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, the referred **Sex Education in schools, colleges and high schools’** circular¹⁴⁸ states that initial and in-service training of staff is one of the components of the steering mechanism of sex education. This training must allow creation of teams with shared skills, be able to analyse their context and the needs of students, and build up a comprehensive and progressive approach to education.

The Ministry of Education has also established a network of experts to help teachers with their experience of gender equality and LGBTQI issues. The experts receive specific training on these topics and they are supposed to transfer it to other educational staff. Some organisations are also accredited by the government as “complementary associations of public education” to provide training for professionals.

5. Gender recognition

The **Law on 21st Century Justice Modernisation** (2016)¹⁴⁹ states that any adult or emancipated minor can apply to have their gender corrected in the acts of the civil registry. The person must demonstrate sufficient facts to support their claim. This can be done by demonstrating that they appear in public following the gender identity for which they apply; that they are known in that gender identity to family, friends and colleagues; or that they have changed their name to one of the affirmed sex. Activists state that “this procedure (...) continues to give judges a central role in determining and accepting the validity of an applicant’s gender identity. It is also particularly painful that young persons will continue to be barred from having their gender identity recognized in France”.¹⁵⁰

6. Data collection of bullying and harassment and monitoring of policies

According to the government, a calm school climate is an essential condition for ensuring the well-being and development of students, and good working conditions. With that perspective, the Ministry of Education collects specific information on the school climate at the national level. This data is not collected systematically, but it offers some specific information. The latest report¹⁵¹ shows that 30,2% of all complaints of violence have to do with witnessing homophobic insults. The rest of incidents are only segregated by the gender of the person who has declared the act and not by grounds of discrimination.

SOS Homophobia is a civil society organisation which acts as an observatory on violence and publishes an annual report with information in this regard. The latest report (2017)¹⁵² shows

¹⁴⁷ <http://www.education.gouv.fr/bo/2003/9/ensel.htm>

¹⁴⁸ <http://www.education.gouv.fr/bo/2003/9/ensel.htm>

¹⁴⁹ <https://www.legifrance.gouv.fr/eli/loi/2016/11/18/JUSX1515639L/jo>

¹⁵⁰ <https://tgeu.org/france-adopts-1st-gender-recognition-law-trans-people-continue-being-judged/>

¹⁵¹ http://cache.media.education.gouv.fr/file/2016/18/3/depp-ni-2016-31-Victimation-2015_671183.pdf

¹⁵² https://www.sos-homophobie.org/sites/default/files/rapport_annuel_2017.pdf

that 23% of all physical aggressions were experienced by people under the age of 18 (42% under the age of 25). The organisation is supported by the government to do this work.

7. Support systems

There are several support systems and helplines supported or launched by the government to support LGBTQI learners. For instance, the **Youth Health line**¹⁵³ was launched by the Ministry of Health to offer an individualised and confidential free listening line for young people and the **No to harassment line**¹⁵⁴ by the Ministry of Education to provide information to teachers, parents, or learners who have experienced school bullying (see *Information and guidelines*).

8. Information and guidelines

The Ministry of Education has developed the programme **No to harassment**¹⁵⁵ which is aimed to tackle all sorts of school bullying, but specifically mentions discrimination on grounds of sexual orientation and gender identity. The site provides several tips and resources addressed to education institutions, such as guidelines for teachers, prevention plans for schools, specific awareness tools and campaigns and links to relevant services. The programme provides a helpline for teachers, parents and learners.

In 2015, the Ministry of Education launched a national campaign to prevent violence and discrimination, and to support victims. The campaign **Homophobia has no place at school**¹⁵⁶ was developed to tackle the high numbers of learners who had experienced violence because of their sexual orientation, as reported by SOS Homophobia.

9. Partnership between governments and civil society

The Ministry of Education provides support to civil society organisations in the field of education and has signed concrete partnership agreements with those who provide lessons for students or teacher training (see *Education curricula* and *Teacher training*). The Ministry of Education and the Inter-ministerial mission to combat racism, anti-Semitism and homophobia and transphobia fund civil society organisations to develop concrete actions in the field of education.

10. International commitment

- France signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- France is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

In 2013-2014, the programme «ABCD de l'égalité» was piloted by the former Education Minister, Najat Vallaud-Belkacem, who was at the time, Women's Rights Minister. This programme aimed to combat gender stereotypes and promote gender equality, starting from preschool. The

¹⁵³ <http://www.filsantejeunes.com/>

¹⁵⁴ <http://www.nonaharcelement.education.gouv.fr/>

¹⁵⁵ <http://www.nonaharcelement.education.gouv.fr/>

¹⁵⁶ <http://www.education.gouv.fr/cid96664/lutte-contre-homophobie-une-campagne-pour-prevenir-les-violences-les-discriminations-accompagner-les-victimes.html>

programme, however, was interrupted at the end of the school year after months of debate. At the time, there were many controversies around the so-called 'gender theory' and a movement was initiated by a few activists, spreading false information on this programme, calling on parents to remove their children from school. It is unclear whether the current Education Minister will implement LGBTQI inclusive policies.

Good practices and campaigns

C'est comme ça [<http://www.cestcommeca.net/>]

C'est comme ça has been developed by SOS Homophobia. The website provides several resources (media, news, descriptions, tips, links, etc.) for LGBTQI young people.

Covers: SO, GIE and SC

MAG [<https://www.mag-jeunes.com>]

This association designs school-based interventions to fight prejudice and discrimination against LGBT youth in their schools. Concretely, the interventions are realised in the form of a debate between the students and the speakers, where subjects like trans identities, stereotypes of gender, and the discovery of sexual orientation are approached.

Covers: SO, GIE and SC

Georgia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10	Yes	No	

Report

1. Anti-discrimination law

The **Law of Georgia on the elimination of all forms of discrimination**¹⁵⁷ (2014) is intended to eliminate every form of discrimination and to ensure equal rights of every natural and legal persons under the legislation of Georgia, irrespective of sexual orientation, gender identity and expression, or other characteristics. In order to eliminate discrimination, educational institutions are obliged to respond promptly and efficiently to any alleged act of discrimination. Civil society organisations report, however, that there have been no effective measures in this regard.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

Civil society organisations report that LGBTQI topics are not included in the national curriculum.

4. Teacher training

There is no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

There is no law on legal gender recognition, however, the **Civil Registry**¹⁵⁸ (2015) office has a practice in place that requires documents proving gender reassignment surgery. Gender marker change is not possible for people under 18.

¹⁵⁷ <https://matsne.gov.ge/en/document/view/2339687>

¹⁵⁸ http://women.ge/data/docs/publications/WISG_discrimination_and_hate_crime_against_lgbt_persons_KA_EN_2015.pdf

6. Data collection of bullying and harassment and monitoring of policies

According to the **Law of Georgia on the elimination of all forms of discrimination** (2014), the Public Defender of Georgia shall monitor issues regarding the elimination of discrimination and ensuring equality. This body shall also prepare and publish once a year a special report on combating and preventing discrimination, as well as on equality situation in the country. Nevertheless, there is currently no available information on the extent to which LGBTQI young people are being discriminated in schools.

7. Support systems

There is a centre for psychological assistance of students. According to civil society organisations, this service is not sufficient in cases of homophobic, biphobic, transphobic or interphobic bullying because learners need the consent of their parents or teachers to access it and that would involve coming out to them. In addition, there is no available information about the knowledge and sensitivity of the psychologists working there in regard to LGBTQI issues.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to civil society organisations working in the area of education.

10. International commitment

- Georgia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Georgia is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

Several years ago, there was an initiative which aimed at introducing sexual education in schools, but the Georgian Orthodox Church protested and the project was never implemented (even though the manual was ready). In 2016, Georgian Orthodox Church started protesting against a new subject in schools, aimed at civil education of children, called "Me and Society". This new class was supposed to speak of human rights and identity. This group, together with some political figures from outside of the Parliament, however, intervened and managed to remove words like "liberalism" and "identity" from the text books.

Germany

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The equality of all human beings before the law is anchored in the **Basic Law of the Federal Republic of Germany** (1947, amended 2017)¹⁵⁹. The article 3 addresses diverse characteristics and states that no person shall be favoured or disfavoured because of these characteristics. This article not only provides protection from any discriminatory behaviour by the state but also places a duty on the state to protect the equality of all individuals in regard to these characteristics. Although sexual orientation or sexual identity is not part of the characteristics, the Federal Constitutional Court of Germany (*Bundesverfassungsgericht*) in case of a transsexual person has ruled, that the scope of protection the German state has to provide has to be sufficient in cases where the characteristics at hand are comparable to these expressly stated in the Basic Law. As a consequence, the German state has to provide sufficient protection from any unequal treatment an individual may experience due to the stated or similar characteristics. German legislation has to ensure equal treatment and to prevent discrimination to ensure that the provisions of the basic law are given full effect.

In 2006, the **General Equal Treatment Act**¹⁶⁰ came into force. The Act forms the legal framework for the almost uniform protection against discrimination. The Act explicitly applies to *sex* and *sexual orientation* as cause for discrimination. The protection against discrimination on the basis of sex extends to women, men and trans people. The term *sexual orientation* is given a broad definition by the Act. It is connected to the way a person relates sexually to others. All sexual orientations have legal protection from discrimination under the Act. The Act treats bullying as a form of harassment, which is always prohibited, when the person affected is bullied because they possess one of the characteristics cited in the Act. However, the Act provides direct protection in the field of education only to the extent that private contracts are involved. For example, if discriminatory behaviour is exhibited at a private school, the Act's protection applies directly. In the case of education in the state system, the constitutional law and the education legislation of the particular federal state applies (see *Policies and action plans*).

¹⁵⁹ <http://www.gesetze-im-internet.de/gg/BJNR000010949.html>

¹⁶⁰ <https://www.gesetze-im-internet.de/agg/BJNR189710006.html>

Based on the Act, the Federal Anti-Discrimination Agency (henceforth *FADA*) was founded. Tasks of the Agency are public relations in regard to discrimination, outlining of possible measures for the prevention of discrimination. Whereas the Act in general only provides protection if private contracts are involved, the Agency applies its competences in a much broader frame for the prevention from any discrimination based on the characteristics stated in the Act (see *Policies and action plans* for measures taken).

German education law is governed by the particular provisions of each of the 16 federal states (*Bundesländer*). Each of the federal states has its own school law (*Schulgesetz*). As a consequence, the applicable provisions differ in each state. Provisions in regard to diversity and/or LGBTQI have only been included to some of these school laws. The school laws of Berlin (Section 2 School Law Berlin), Brandenburg (Section 4 para 4 School Law Brandenburg) and Rhineland Palatinate (Section 1 para 1 School Law Rhineland Palatinate) contain provisions expressly referring to the right for education disregard the sexual identity of the person. The School Laws of Bremen (Section 5 School Law Bremen) and Saxony-Anhalt (Section 1 para. 1 School Law Saxony-Anhalt) further contain a general provision on the education of tolerance and non-discrimination.

2. Policies and action plans

As German school law is subject to the particular provisions of each federal state there is no national anti-bullying strategy or action plan. Also, on the regional level, actions against bullying are taken rather on a project-centred basis than on a concentrated strategy or action plan. See below for selected measures.

Announced Guideline of the FADA: The Anti-Discrimination Agency is currently working on a detailed Guideline for the prevention of discrimination in a school context. However, the guideline has not yet been published. Expert Study “Protection from discrimination in school settings. An analysis of regulations and protection gaps in school and social law as well as recommendations for their further development”. The FADA has published a Study on the protection from discrimination in school settings. The 2012 dated study shows regulations and protections gaps in school and social law as well as recommendations for their further development. The study is available in German language only.

3. Education curricula

Education curricula do not systematically include content on sexual orientation, gender identity and expression, or variations in sex characteristics. Although some schools might provide information in this regard, it is not compulsory.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, some regions organise courses for teacher on a regular basis, in partnership with civil society organisations¹⁶¹.

¹⁶¹ <https://rm.coe.int/16802f8125>

5. Gender recognition

The **Law on the change of the first name and the determination of the sex in special cases Transsexual**¹⁶² (amended in 2017) states that a person, with no age restriction, may ask for a gender marker change. Two independent expert opinions, however, are required under the law. These do not necessarily need to be psychological opinions or based on GID diagnosis. The law states specific criteria under which two the experts have to write their recommendations: firm conviction that the person belongs to the other gender, having lived three years in that gender, and likeliness that it will not change in the future.

The German Constitutional Court stated that Civil Status Law must allow a third gender option¹⁶³ in November 2017. Based on German constitution protection of those persons who do not identify as male or female, the Court suggested to either introduce a third gender option or to completely waive gender from the registration.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide systematic data on homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

The government provides no specific national support systems for LGBTQI learners or their families. However, there are several providers of counselling and support services. The State of Berlin, for instance, states that all schools should designate a person responsible to provide support to LGBTQI learners who have experienced violence.

Counselling Service of the FADA offers a nationwide support service for persons affected by discrimination. It supports free of charge and also can support in the search for a regional counselling or support service. A list of further regional support services can also be maintained on the FADA website. Regionally, the Berlin-based NGO Life e.V. provides counselling for learners or parents who have been discriminated in school free of charge. The organisation provides assistance via phone, e-mail or in their Berlin office.

8. Information and guidelines

No data could be found in relation to information or guidelines for LGBTQI learners at school.

9. Partnership between governments and civil society

The government provides support for LGBTQI youth led organisations in relation to education.

10. International commitment

- Germany has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Germany is member of the European Governmental LGBTI Focal Points Network.

¹⁶² <http://www.gesetze-im-internet.de/tsg/BJNR016540980.html>

¹⁶³ <http://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2017/bvg17-095.html>

Greece

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination law

There are no anti-discrimination laws that mention sexual orientation, gender identity and expression, or variations in sex characteristics as protected grounds of discrimination with regard to education.

2. Policies and action plans

According to the latest report of the European Commission against Racism and Intolerance, Greece does not have an effective policy for the protection of LGBT persons against discrimination in education¹⁶⁴. The Ministry of Education and Religious Affairs implemented the **Acts on Development and Operation of the Network for informing, training, preventing and dealing with bullying and school violence phenomena** in the general context of the Ministry's initiatives towards the prevention and treatment of bullying and school violence. The main goals of this plan are to develop a permanent structure for the prevention and treatment of bullying and school violence at national level; to train the executive educational executives as well as the educators in tackle bullying; to record, prevent, and tackle bullying at an early stage; and to raise awareness and strengthen the participation of the educational community, family and the wider local community. Although this plan is aimed to tackle all sorts of discrimination, it does not mention sexual orientation, gender identity and expression, or variations in sex characteristics as protected grounds.

3. Education curricula

The curriculum does not have any mandatory content on sexual orientation, gender identity and expression or variations in sex characteristics. When included, this content can be hostile¹⁶⁵.

¹⁶⁴ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Greece/GRC-CbC-V-2015-001-ENG.pdf>

¹⁶⁵ Civil society organisations report the case of a Social Science book that specifies "new types of family, such as unions that do not aim to reproduction (homosexual marriages), that are met mostly in West Europe, raise concerns regarding the legal provisions [...]" and "it is noted that for contemporary social scientists, and sociologists specifically, the term «social racism» is the most appropriate, because it also includes other characteristics (apart from colour)

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, some universities offer lessons that include content on sexual orientation, gender identity and expression and variations in sex characteristics. The Department of Early Childhood Education, National and Capodistrian University of Athens offers the following courses:

1. **“Gender Theories”**: This lesson focuses on the way social sciences analyse the aspect of gender in sociability. It focuses on gender, as the principle that organises social life, and the ways it interacts with other analytical categories, such as sexuality, race, etc.
2. **Thematic week “Gender, body, otherness”**: This thematic week covers issues related to norms about gender, bodies and sexual orientation. It features movies, lectures and presentations from experts of different fields. Colour Youth (along with other LGBTQ organisations) has participated in this week with presentations, for the past two years.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker. There are, however, some cases of adults who have been able to change their name/gender marker, and a Greek Court in 2016 declared in its ruling that sterilisation is not required for the legal change of gender in Greece anymore. However, the case law is still considered to be weak and easy to revoke. There are no reported cases of people under 18 who have successfully changed their gender officially.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying and there is no educational inspectorate to report on these issues. However, the Racist Violence Recording Network provide information about such cases in their annual report (see *Further information*).

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government does not provide support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Greece has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Greece is a member of the European Governmental LGBTI Focal Points Network.

that constitute criteria of evaluation of the «different» other (e.g. gender, age, ethnicity, religion, sexual preferences, disabilities etc.).”

Hungary

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Act on Equal treatment and the promotion of equal opportunities**¹⁶⁶ (2003) mentions sexual orientation and gender identity as specific protected grounds of discrimination. Following this act, the Equal Treatment Authority has found discrimination on grounds of sexual orientation in different cases. In 2014, for example, it found that a school refused entrance to a 13-year-old boy because he was being brought up by lesbian parents.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

The national curriculum includes elements on anti-discrimination, but it does not specifically address topics related to sexual orientation, gender identity and expression or variations in sex characteristics. According to a report of the Council of Europe's Commissioner for Human Rights¹⁶⁷, schools provide either biased or incorrect information in this regard or no information at all.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

The Eötvös Loránd University in Budapest offers two courses on diversity which are part of the teacher training curriculum (mandatory for all teaching students). In the course "Pedagogical experiences and approaches, representations of children, and individual specificities", diversity

¹⁶⁶ <http://www.egyenlobanasmod.hu/data/SZMM094B.pdf>

¹⁶⁷ Discrimination on grounds of sexual orientation and gender identity in Europe, September 2011.

and are mentioned, and usually LGBT youth is part of its content. The course "Everybody's society - everybody's school" may as well include LGBT youth issues, but it is more dependent on the professor.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government does not provide support to LGBTQI NGOs in relation to education. Despite this, civil society organisations continue to develop important work in the field of education. The programme 'Getting to know LGBT People' holds lessons at teacher training institutions (when invited by individual teachers) and develops lessons with young people to raise awareness on LGBTQI inclusion.

10. International commitment

- Hungary has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Hungary is not a member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

When the "Getting to Know LGBT People" school program was launched in 2000, the Education Minister gave a speech in Parliament in which he suggested that all school directors throw the information letter they received about the program into the dustbin. A few years ago, there was a series of articles in one of the right-wing daily papers (Magyar Nemzet) which mentioned the program in an unfavourable light, as part of the so-called "gender-ideology". This is the latest conservative approach seen in many European countries to create panic and fear around more liberal teaching materials. A teacher who invited the programme in 2016 wanted to have the lesson outside the school because he was afraid that the school director would cause problems if he found out about the invitation. The organisation declined to visit the school in such a manner.

Good practices and campaigns

"Getting to Know LGBT People" school program, by Labrisz Lesbian Association and Szimpozion Association

[<http://www.labrisz.hu/school-programme>]

The program visits schools and facilitates lessons about LGBT people's lives, specific issues affecting LGBT people, homophobic and transphobic bullying, discrimination and diversity in school.

Covers: SO and GIE

Iceland

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	7/10	Yes	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

Iceland **Compulsory School Act**¹⁶⁸ (2008) states that learning and teaching objectives, and how compulsory schools operate, must be as such to prevent discrimination on the basis of ethnicity, gender, sexual orientation, place of residence, social background, religion, health, disability, or general situation. Neither gender identity and expression nor variations in sex characteristics are mentioned.

2. Policies and action plans

In 2011, a regulation was made for the Compulsory School level on responsibilities and obligations of the school community concerning school atmosphere, school culture and a framework for work processes to prevent physical, mental, and/or social violence, including bullying in school. In early 2016, a similar regulation was made for the Upper Secondary School level¹⁶⁹. According to this regulatory framework, a positive school atmosphere should characterise all schoolwork and schools should form a holistic policy on good school climate by placing children's interest as priority. School leaders shall strive to contribute to positive communication, mutual trust, solidarity and mutual responsibility of staff, students and parents.

There is, however, no national bullying strategy other than stating that each school should have their own plan and work towards a positive atmosphere. It does not specifically mention any minority groups.

3. Education curricula

The national curriculum in Iceland is general and not specific. It is up to each school to develop their own programmes. The national curriculum only sets forth general guidelines¹⁷⁰. However,

¹⁶⁸ <http://www.althingi.is/lagas/nuna/2008091.html>

¹⁶⁹ www.olweus.is

¹⁷⁰ http://brunnur.stjr.is/mrn/utgafuskra/utgafa.nsf/xsp/.ibmmodres/domino/OpenAttachment/mrn/utgafuskra/utgafa.nsf/E7DE015E63AA2F2C00257CA2005296F7/Attachment/adalnrsk_greinask_ens_2014.pdf

six pillars of education are identified, which are supposed to be embedded within all teaching. One of the pillars is equality: equality includes sex and sexual orientation. Sexual orientation is therefore supposed to be included throughout teaching in elementary and secondary schools. There are no further guidelines, however, on how to include it, nor is there any follow-up to ensure this is happening. There is also a severe lack of appropriate teaching materials in the local language.

4. Teacher training on LGBTQI awareness

There is a distinct lack of teaching and learning materials that include any kind of LGBTQI content in the local language. This has not been a priority for the government and educational bodies. One of the teacher training universities now includes an elective course on queer pedagogy. It is a new subject and not mandatory. LGBTQI issues may be mentioned randomly by other teachers but it is not explicitly a part of the curriculum.

Samtökin '78 offers training for teachers in two municipalities: Reykjavík and Hafnarfjörður. One hour sessions for teachers in Reykjavík are available sporadically, but there is a six-hour training programme for teachers in Hafnarfjörður.

5. Gender recognition

The **Act on the legal status of transgender persons (2012)**¹⁷¹ states that applicants who are of legal age (over 18), have been diagnosed as transgender, and have received treatment from the National University Hospital Gender Identity Disorder Team, can apply to the Expert Panel on Gender Identity Disorder for recognition that they belong to the other gender. A report from the hospital's team stating that the applicant has been under its care for at least 18 months and that they have been living in the other gender for at least one year is required.

An elementary school in Reykjanesbær, however, took steps to become more gender neutral in January 2016. Gendered signs were taken down from bathrooms and stipulations for specific swim attire were removed (now learners can choose between swimming costumes or swimming trunks). The school's principal said that "...since there are currently children attending the school who are gender-fluid or trans, it's not up to us, the school, to force them or anybody else into a pre-designed form."¹⁷²

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. However, the Icelandic Centre for Social Research and Analysis (ICSRA), supported by the Ministry of Education, Science and Culture, and municipalities, has for more than 20 years conducted the national youth survey in Iceland among 10-20 year-old children and adolescents, consisting of extensive data collection and information dissemination concerning family and adolescent welfare. A set of core questions covers a wide array of demographic and social variables, including family structure, parental and peer support, structured and unstructured activities and pastimes, substance use, academic achievement, and psychosocial adjustment. The research has been extensively used by policy makers and at local level to co-ordinate actions with various stakeholders to improve the health and well-being of children and youth. The three

¹⁷¹ <http://www.althingi.is/lagas/142/2012057.html>

¹⁷² <http://icelandmag.visir.is/article/icelandic-elementary-school-adopts-a-gender-neutral-policy-removing-gendered-restroom-signs>

key aims of ICSRA are: (a) to advance and distribute knowledge on the social determinants of health, well-being and behaviour of young people; (b) to enhance the quality of life of young people by improving health and well-being through the process of education and social change; and (c) to create a venue for collaboration of scholars, specifically, for the education and training of young scholars.

In regard to the education inspectorate, there is very little if any follow-up on whether any of the curriculum guidelines are achieved, except in the main subject areas like math and reading. The result is that each school has a lot of independence in how they conduct their affairs. Some schools have robust and inclusive policies and programmes, while the next one might have nothing related to LGBTQI topics.

7. Support systems

The Ministry of Education, Science and Culture has set up a professional council as an advisory body on bullying. The body has for the last four years dealt with various difficult cases of bullying in schools at the Compulsory School Level and a similar body is now being set up for the Upper Secondary School level based on a new regulation. No specific identities or marginalising factors are specifically covered.

Samtökin '78 operates a drop-in youth centre where students can come and ask for help with issues they are experiencing.

8. Information and guidelines

With support from the Ministry of Welfare, Samtökin '78 offers information and guidelines for LGBTQI learners.

9. Partnership between governments and civil society

The Ministry of Welfare has supported Samtökin '78 financially to carry out its work. In addition, Samtökin have a contract with the Municipality of Reykjavík which includes financial support in exchange for extensive LGBTQIA education in schools. There is also a new contract with the municipality of Hafnarfjörður which includes financial support in exchange for extensive teacher training on the topic of LGBTQIA students and education as well as peer education for students. However, these are only two municipalities out of 75, but they are two of the largest ones.

10. International commitment

- Iceland has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Iceland is a member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

There was a concentrated, but very vocal, opposition to the inclusion of LGBTQI content in the curriculum in Hafnarfjörður compulsory schools¹⁷³. It resulted with charges of hate speech

¹⁷³ <http://icelandreview.com/news/2015/04/25/sex-education-and-gay-rights-row-iceland-bbc>
<http://www.ruv.is/frett/samthykkja-hinsegin-fraedslu-i-hafnarfirdi>

against ten individuals. These charges are still being investigated. The motion was accepted nonetheless and the program is currently taking place.

Good practices and campaigns

LGBTQIA education in Hafnarfjörður, by Samtökin '78¹⁷⁴

All teachers and school staff in Hafnarfjörður get six hours of training on SO, GI/E and SC. The intention is that they will be able to include these perspectives in their everyday teaching.

Covers: SO, GI/E and SC

Peer education, by Samtökin '78¹⁷⁵

Young trained volunteers go to schools and community centres with a 60-80 minute workshop on SO, GI/E, SC, stereotypes and prejudice to 13-16 year old students.

Covers: SO, GI/E and SC

<http://grapevine.is/news/2015/04/27/ten-charged-with-hate-speech-towards-lgbt-community/>

<http://grapevine.is/news/2015/11/10/police-will-investigate-hate-speech-charges/>

<http://icelandreview.com/news/2015/04/27/gay-rights-association-sues-over-hate-speech>

<http://icelandmag.visir.is/article/icelandic-talk-radio-host-faces-charges-hate-speech-against-lgbtq-community>

¹⁷⁴ <http://www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-78> <http://www.samtokin78.is/news-and-announcements/5888-queer-education-in-hafnarfjordur>

¹⁷⁵ <http://www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-78> <http://www.samtokin78.is/news-and-announcements/5888-queer-education-in-hafnarfjordur>

Ireland

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	7,5/10			
Data collection of bullying and harassment	8,5/10	Yes	Yes	No
Support systems	8,5/10	Yes	Yes	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	5/10			

Report

1. Anti-discrimination law

There are the **Equal Status Acts**¹⁷⁶ (2000-2015) which include the grounds of gender and sexual orientation; 'gender' has been interpreted to include 'gender identity'. Variations in sex characteristics are not included as protected grounds in these acts. They are meant to promote equality; prohibit certain kinds of discrimination (with some exceptions); prohibit sexual harassment and harassment on discriminatory grounds.¹⁷⁷

Furthermore, the **Education Act** (1998) and the **Education (Welfare) Act** (2000)¹⁷⁸ state that schools must use their resources to ensure that education is inclusive of all learners. Schools must promote equality of opportunity and establish guidelines to ensure that the principles of equality are respected. As of 2014, all public-sector bodies (which include schools) have a "duty" to eliminate discrimination¹⁷⁹.

2. Policies and action plans

The Irish government developed an **Anti-Bullying policy** in 2013 with specific procedures to tackle, among others, discrimination on grounds of sexual orientation and gender identity. According to the government, "the purpose of these procedures is to give direction and guidance to school authorities and school personnel in preventing and tackling school-based bullying behaviour amongst its pupils and in dealing with any negative impact within school of bullying behaviour that occurs elsewhere. These procedures apply to all recognised primary and post-primary schools and to centres for education (as defined in the Education Act 1998) which are attended by pupils under the age of 18 years".

¹⁷⁶ <https://www.ihrec.ie/guides-and-tools/human-rights-and-equality-in-the-provision-of-good-and-services/what-does-the-law-say/equal-status-acts/>

¹⁷⁷ <http://www.asti.ie/operation-of-schools/legislation/equal-status-act/>

¹⁷⁸ https://www.education.ie/en/Publications/Education-Reports/ge_schools_and_equality.pdf

¹⁷⁹ <http://www.ihrec.ie/our-work/public-sector-duty/>

The policy refers specifically to homophobic and transphobic bullying. In particular, requirements under the Procedures included: (1) all schools must develop anti-bullying policies and the definition of bullying includes homophobic bullying; (2) education and prevention strategies must explicitly deal with homophobic and transphobic bullying; and (3) schools are responsible of creating positive school culture and climates – may also need to address topics that are masked by prejudice and silence such as homophobic bullying.

Furthermore, the Irish Programme for Government (2016) has developed an LGBTI+ Youth Strategy. This is a key commitment from the Department of Children and Youth Affairs in the Programme for Government to strive for full inclusion of LGBTI+ people in Ireland. The **National Youth Strategy (2017)**¹⁸⁰ identifies LGBTQI young people as “a specific group to be considered in the context of focused provision for young people”. It draws attention to homophobic, biphobic, transphobic and interphobic bullying, and is currently developing measures to improve the inclusion of LGBTQI youth. So far, the government has published a report **of consultations with LGBTI+ young people in Ireland** which represents the views of 4000 young people. It entails a list of the positives aspects of being an LGBTQI young person in Ireland, the issues and the challenges faced and the changes that would improve their lives. This report is recognised as the primary focus of the strategy.

3. Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics. Relationship and sexuality education might include content on LGBTQI issues. The resource, **Growing Up LGBT**¹⁸¹ was developed in 2013 for teachers of this subject, but it is not required that they use this resource or cover LGBT topics. The resource includes print and video material for the classroom.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness, but university departments of education and individual instructors may choose to include this content in their modules.

BeLonG To’s teacher training includes information about how teachers can make referrals to BeLonG To’s National Network of LGBT+ youth services. BeLonG To has also begun to be invited to provide training to professional educational services such as the professional development service for teachers in the national educational psychological service, and the education welfare service. This not only provides skills, knowledge and confidence-building, it also expands the number of educational professionals who know that students can be referred to BeLonG To’s Youth Services.

5. Gender recognition

The **Gender Recognition Act**¹⁸² 2015 states that a person needs to have attained the age of 18 years on the date they make an application for a gender recognition certificate. For those over 18, gender is self-declared, but only binary choices are allowed. Applicants between 16 and 18 years of age can also apply for gender recognition, but they must provide consent from their

¹⁸⁰ <https://www.dcy.gov.ie/documents/publications/20171208LGBTIConsultationStrategyReport.pdf>

¹⁸¹ <http://www.pdst.ie/sites/default/files/LGBT%20English%20Print.pdf>

¹⁸² <http://www.irishstatutebook.ie/eli/2015/si/369/made/en/print>

parents/guardians, along with references from the applicant's primary physician and a psychiatrist unrelated to the case.

6. Data collection of bullying and harassment and monitoring of policies

According to the **Anti-Bullying Procedures**, each school must have an anti-bullying policy, the policy must name homophobic and transphobic bullying, and the recording of incidents must allow for the naming of homophobic and transphobic bullying. However, data is collected only at the school level and not nationally. This monitoring includes sexual orientation and gender identity/expression, but not variations in sex characteristics.

Several large research studies have shown that LGBTIQ-related bullying is widespread in Ireland. The incidence is more frequent than bullying among the wider population of school students. The most recent national study also found a correlation between such high rates of bullying and mental health difficulties such as self-harm and suicidal behaviour (which are higher for LGBTIQ young people than the general youth population)¹⁸³.

The Education Inspectorate's role¹⁸⁴, for its part, would include monitoring the requirements of the Anti-Bullying Procedures within individual schools. It collects information to assess the extent to which schools have an anti-bullying policy and whether this policy names homophobic and transphobic bullying.

7. Support systems

Pastoral care teams in schools may include teachers or guidance counsellors who have had previous training in LGBTIQ issues, and who may have knowledge of local and national LGBTI youth services. These are BeLonG To-accredited youth services to which teachers can refer the student for support. These resources and supports are not system-wide within schools.

BeLonG To Youth Services has a National Network of LGBT+ youth services which cover sexual orientation and gender identity and expression¹⁸⁵. Variations in sex characteristics are not yet addressed by BeLonG To or by any other service, although BeLonG To has recently initiated an internal learning process in order to become inclusive of intersex people.

8. Information and guidelines

BeLonG To provides guidelines and information for LGBT learners, parents and schools.

9. Partnership between governments and civil society

The Department of Education provides part-funding of BeLonG To's national awareness campaign, Stand Up Awareness Week.

10. International commitment

- Ireland has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Ireland is a member of the European Governmental LGBTI Focal Points Network.

¹⁸³ http://www.hse.ie/eng/services/list/4/Mental_Health_Services/connecting-for-life/publications/LGBT-Ireland-Report.html

¹⁸⁴ <https://www.education.ie/en/The-Department/Management-Organisation/Inspectorate.html>

¹⁸⁵ <http://www.belongto.org/pro/page.aspx?sectionid=4630>

Further information

Good practices and campaigns

LGBT Safe and Supportive Schools (SASS)¹⁸⁶

LGBT SASS was developed in 2016 by BeLonG To and Health Promotion within Ireland's national Health Services Executive. It is a comprehensive whole-school-community model for school change in order to become safe, supportive and inclusive of LGBT+ students. It was piloted in the NW of Ireland, in Donegal. Funding is now being sought to roll-out SASS nationally.

Covers: SO and GIE

Stand Up Awareness Week¹⁸⁷

BeLonG To's **Stand Up LGBTI+ Awareness Week** is a national event in November in secondary level schools across Ireland, now in its 8th year. Each year, BeLonG To sends Stand Up packs (with posters and teachers' booklets) to all secondary level schools in Ireland. Stand Up Week address sexual orientation and gender identity/expression. Based upon the organisation's data and a public attitudes poll conducted by an independent polling company, BeLonG To estimates that 30-35% of schools participate in Stand Up Week each year. The Department of Education statistics show that there were 352,257 students in Irish secondary level schools in 2016-17. That means that, in November 2016, Stand Up LGBTI+ Awareness Week reached between 105,000 and 123,000 students.

Covers: SO and GIE

¹⁸⁶ <http://www.belongto.org/campaign.aspx?contentid=13561>

¹⁸⁷ <https://www.education.ie/en/Publications/Statistics/Key-Statistics/Key-Statistics-2016-2017.pdf>

Italy

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10		No	
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	10/10			

Report

1. Anti-discrimination law

There is no anti-discrimination law that protects the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics that is applicable within education. The **Law on good schooling**¹⁸⁸ (2015) provides for the promotion of gender equality, the prevention of gender-based violence, and all forms of discrimination in schools at every level. The law does not explicitly mention the grounds of sexual orientation, gender identity and expression or variations in sex characteristics.

2. Policies and action plans

At the national level, an **LGBT Strategy** has been implemented with education as one of its main priorities. However, there has been no report to evaluate this strategy to date, and no information has been given concerning the training programmes to be implemented at the regional level in schools¹⁸⁹.

In 2016, the Italian Chamber of Deputies approved the bill by which schools could provide measures to tackle bullying and harassment in schools and monitor the implemented activities. The proposition of law is the first of its kind in Italy and it provides support to all learners who have experienced bullying in school.

3. Education curricula

Inclusion of LGBTQI content in the curriculum varies from school to school. Sex education is an extracurricular activity in which teachers and learners can decide whether they want to participate. Furthermore, while some schools invite LGBTQI civil society organisations to promote inclusive knowledge of sexual identity components, others work with movements and associations who promote more traditional family models.

¹⁸⁸ <http://www.gazzettaufficiale.it/eli/id/2015/07/15/15G00122/sg>

¹⁸⁹ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Italy/ITA-CbC-V-2016-019-ENG.pdf>

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The Ministry of Education verifies reports of discrimination in schools, but they do not monitor the incidence of homophobic, biphobic, transphobic and interphobic bullying. Research has only been conducted by LGBT associations (Arcigay in primis) with the support and financing of Italian Ministries. The first research, *Schoolmates*, was conducted in 2008 and aimed to analyse bullying in Italian schools. Similar research has been conducted in 2010 and 2015 by Arcigay.¹⁹⁰

7. Support systems

Supported by the government, Arcigay provides information for LGBTQI young people through equality resources, training courses and other co-operation activities. The organisation works on issues concerning young people in order to take into account the diversity of youth and the implementation of equality.¹⁹¹

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students provided by the government. The project **Schoolmates**, however, offers information for students. It was created by Arcigay, the Anti-discrimination office of the City of Vienna, the Polish Association KPH and the Spanish Organization Colegas. The project consists in manuals directed to school staff and students with tools to help them to prevent or to manage behaviours of psychological, verbal or physical violence against any person who is the target of bullying, with particular attention to homophobic bullying.

9. Partnership between governments and civil society

The activities of several civil society organisations (Arcigay, Famiglie Arcobaleno, Arcilesbica, Agedo, Rete degli Studenti Medi, Progetto Alice, Scosse, Uaar, Unar) are supported by the government. Italian Ministries provide free or financed sponsorship and partnerships for the creation of campaigns or workshops in schools. In some cities and regions, associations are supported to create curricular or extracurricular activities for students and teachers.

10. International commitment

- Italy has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Italy is a member of the European Governmental LGBTI Focal Points Network.

¹⁹⁰ <http://www.arcigay.it/materiali/dati-e-ricerche/>

¹⁹¹ <https://www.arcigay.it/en/cosafacciamo/giovani/agora/>

Latvia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

There are no anti-discrimination laws that mention sexual orientation, gender identity and expression, or variations in sex characteristics as protected grounds of discrimination with regard to education.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion. On the contrary, as reported in the latest ILGA-Europe annual report¹⁹², Latvia has approved guidelines to introduce a responsibility to ensure ‘moral upbringing’ in schools. According to this document, schools should promote values like family, marriage, culture and the Latvian nation. The guidelines also prohibit sharing materials which feature “propaganda of degrading or immoral activities”.

3. Education curricula

There are no guidelines on how to include LGBTQI issues within the school curriculum. Civil society organisations report that health is the only subject that includes sexuality, but not sexual orientation, and it is up to teachers to decide if they address this content and how to do it.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

¹⁹² <https://www.ilga-europe.org/sites/default/files/2017/latvia.pdf>

5. Gender recognition

The Latvian **Civil Code**¹⁹³ (2012) foresees that people have the right to change the designation of sex, only by confirming gender 'reassignment'.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. Some information is collected through individual studies or research by either local, national or international organisations, but it is not consistent and focusses on different variables.

7. Support systems

There are several helplines that are not specifically covering sexual orientation, gender identity and expression, or variations in sex characteristics, but are working with a positive and inclusive attitude towards all people and children¹⁹⁴. LGBTQI specific support is provided by Association of LGBT and their friends MOZAİKA¹⁹⁵, which can offer assistance and information in such cases, as well as legal support, but this is not publicly funded.

Although it is not forbidden to organise support systems for LGBTQI students, there was a case where high school students, with support of some teachers, tried to start a gay-straight alliance. It was met, however, with hostility and attempts to stop/forbid the initiative.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to civil society organisations working in the area of education.

10. International commitment

- Latvia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Latvia is not a member of the European Governmental LGBTI Focal Points Network.

¹⁹³ <https://likumi.lv/doc.php?id=253442>

¹⁹⁴ Helpline for children and teenagers - 116111;

http://www.bernskacietusais.lv/lv/pakalpojumi_var darbiba_cietusiem_berniem/uzticibas_talruni/bernu-un-pusaudzu-uzticibas-talrunis-vbta-116111-63/

Crisis helpline (general, but takes also calls from children) : +371 6 7222922; <http://www.skalbes.lv>

¹⁹⁵ <https://www.facebook.com/mozaikalv/>

Liechtenstein

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

International reports and available data do not provide evidence of any anti-discrimination law, that specifies sexual orientation, gender identity and expression, or variations in sex characteristics as protected grounds with regard to education.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics.

4. Teacher training

There is currently no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

The **General Requirements on Medical Procedures for the Change of Gender Act** (1999) stipulates that to change one's gender a person must make a statement to the Ministry of Social Affairs and a medical expert committee of the Ministry must rule a decision. According to this document, the decision of the committee requires (a) "the existence of a transsexual identity of at least two years", (b) "the decision of a psychiatrist to exclude the possibility of changing desire", and (c) genetic and chromosomal studies. Medical treatment can begin once the committee has made its recommendation. There is no age restriction to enter this procedure.

6. Data collection of bullying and harassment and monitoring of policies

There is no available data on the national monitoring of homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

There is no available data on specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Liechtenstein has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Liechtenstein is not a member of the European Governmental LGBTI Focal Points Network.

Lithuania

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	7/10	Yes	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Law on Equal Treatment** (2016, Art. 6)¹⁹⁶ states that educational, science and academic institutions must ensure equal conditions for persons regardless of their sexual orientation. In particular, it reflects that the institutions and those carrying out the informal adult education programmes must, within the scope of their competence, ensure that there is no discrimination on grounds of sexual orientation in the curricula and learning materials. This law does not mention discrimination on grounds of gender expression and identity, or variations in sex characteristics.

Moreover, the **Education Law** (2017, Art. 232)¹⁹⁷ establishes the objectives of education of the Republic of Lithuania, the principles of the education system, the structure of the educational system, the basis for educational activities, the relations of education, and the obligations of the state in the field of education. In the amendments of this law made in 2016, discrimination on grounds of sexual orientation is mentioned when stating that students have the right to report cyberbullying through an official website (www.draugiskasinternetas.lt). It states that the school shall ensure the implementation of the principles of inclusive education by providing an equitable access to all persons in full respect of any diversity.

However, the **Law on the Protection of Minors Against the Detrimental Effect of Public Information**¹⁹⁸ (2010) states that dissemination of information having a detrimental effect on the mental health, physical, intellectual or moral development of minors (i.e. the promotion of homosexual, bisexual or polygamous relations) shall be prohibited. This makes it complicated and often impossible to display non-heterosexual relationships in the public sphere. This limitation of information makes it difficult to objectively perceive the diversity of real life. It distorts young people's worldviews and promotes the formation of various misconceptions, stereotypes and negative attitudes concerning LGBTQI people.

¹⁹⁶ http://www.lygybe.lt/data/public/uploads/2016/10/law-on-equal-treatment_no.-ix-1826.pdf

¹⁹⁷ <https://www.e-tar.lt/portal/en/legalAct/7adbfe909cf411e69ad4c8713b612d0f>

¹⁹⁸ <https://www.iglhrc.org/sites/default/files/319-1.pdf>

2. Policies and action plans

The **Health and sexuality and family life education programme**¹⁹⁹, is a general program for the development of family health and gender approved by the Minister of Education and Science that sets out the objectives and areas of implementation for this education. According to this programme it is not allowed to discriminate someone on grounds of their sexual orientation. However, the document does not have special measures on how to tackle this discrimination or how to include content that is inclusive of LGBTQI people in the curricula.

3. Education curricula

The national curriculum does not include LGBTQI content.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness

5. Gender recognition

There are no legal measures for gender recognition and the current article of the Civil Code that should provide them, is not sufficient. Currently, gender recognition can only be obtained before the national courts, but medical services are not available.

On 10 November 2017, a group of 31 MPs in the Lithuanian Parliament registered a legislative proposal, which aims at banning legal gender recognition (i.e. change of identity documents for transgender persons) and all medical procedures pertaining to gender reassignment treatment. This proposal stands in contrast with the jurisprudence of the national courts, granting legal gender recognition based on self-identification of a trans individual and corresponding mental diagnosis.

6. Data collection of bullying and harassment and monitoring of policies

The government is not supporting data collection the situation of LGBTQI students in schools. This information is being collected by civil society organisations²⁰⁰. In 2015, the National LGBT Rights Organisation presented a publication (*Homophobic Bullying in Lithuanian Schools: Survey Results and Recommendations*²⁰¹), introducing one of the most pressing, yet unrecognised issues in Lithuanian schools. This publication was the first step towards tackling the problem of homophobic and biphobic bullying in Lithuanian schools and aimed to provide teachers and other professionals working with young people the knowledge to help the fight against violence in the learning environment. This publication was intended to determine the actual extent of this problem, to find out about teachers' needs and their experience with the issue of homophobia in their daily work, and to learn about the experiences, needs and views of non-heterosexual students on this matter.

¹⁹⁹ http://www.smm.lt/uploads/documents/darbo%20grupes/Programos%20preamble_projektas_galutinis.pdf

²⁰⁰ <http://www.lgl.lt/en/files/Patyciu-leidinys-anglu-internet-naujas1.pdf>

²⁰¹ <http://www.lgl.lt/en/?p=8793>

7. Support systems

The *Youth Line*²⁰² is a service that provides emotional support for young people, including students who face discrimination. The service is free of charge and is operated by a non-governmental organisation that operates through private individuals, business and government support. They support students who struggle with difficult situations at school, but it is not specifically for LGBTQI students.

8. Information and guidelines

LGL publication *Homophobic Bullying in Lithuanian Schools: Survey Results and Recommendations* is the first step towards tackling the problem of homophobic and biphobic bullying in Lithuanian schools and aims to provide teachers and other professionals working with young people the knowledge to help the fight against violence in the learning environment. This resource, however, was not funded by the public sector.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Lithuania has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Lithuania is not a member of the European Governmental LGBTI Focal Points Network.

Further information

Relevant information

According to LGL's publication "Homophobic Bullying in Lithuanian Schools: Survey Results and Recommendations", bullying based on sexual orientation is a common issue in schools. More than one-third of students who took part in the study stated that they feel unsafe at school, and more than half of them revealed their sexual orientation only to the people closest to them.

Bullying based on sexual orientation is faced by eight out of ten surveyed students. Homosexual and bisexual students primarily faced verbal bullying. Homophobic language is very common and often incites bullying based on sexual orientation. However, the fact that most non-heterosexual students have experienced name-calling, teasing or jokes based on sexual orientation should alarm all adults who work with youth. Homophobic language, especially when ignored by teachers and other school personnel, provokes stereotypes and negative attitudes towards LGBTQI people, and enables students to discriminate against non-heterosexual persons and those who do not reflect to the stereotypical image of a man or a woman.

Data

In Summer, 2017 LGL carried out a survey in which respondents – 580 LGBTQI high school students between the ages of 14 and 18 – elaborated on what is taught in moral education lessons,

²⁰² <https://www.jaunimolinija.lt/lt/apie-mus/>

and what LGBTQI adolescents who are still discovering their sexuality and gender identity face in Lithuanian schools. LGL's data reveals that when high school students struggle with bullying due to their sexual orientation and/or gender identity in the school environment, they're forced to take care of it on their own. 82% of LGBTQI students participating in the survey reported being bullied due to their sexual orientation and/or gender identity in the last year, and of these respondents, 90% reported feeling unsafe at school for this reason. 50% of survey respondents also declared that their teachers either did not respond, or did not respond appropriately to homophobic bullying. The report of the survey will be published in 2018.

Good practices and campaigns

In 2015, LGL sent out the publication, "Homophobic Bullying in Lithuanian Schools: Survey Results and Recommendations" to schools and educational institutions throughout the country. 250 Lithuanian schools, all of the pedagogical psychological service providers working in Lithuania, higher learning institutions training educators and social workers, the Ministry of Education and Science of the Republic of Lithuania, the Committee on Education, Science and Culture of the Parliament of the Republic of Lithuania, the Lithuanian School Students' Union and the Lithuanian Pupil's Parliament all received this publication.

Luxembourg

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Equal Treatment Act**²⁰³ (2008) consists of the implementation of the EU directives 78 & 43 introduced in 2000. It covers granted access to education regardless of sexual orientation. "Sex change" is also included as a ground of discrimination and civil society organisations report that this covers discrimination on grounds of gender identity, when the person has undergone reassignment surgery, but it does not include any other trans or non-binary gender identities.

2. Policies and action plans

The government of Luxembourg is currently developing an action plan on LGBTQI issues, but it has not been drafted as of yet.

3. Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, local civil society organisations offer various optional teacher trainings in regard to this topic.

5. Gender recognition

There are no specific legal proceedings for gender recognition or change of name in public records and official documents. The courts have laid down restrictive conditions regarding gender recognition: individuals require a transsexualism diagnosis issued by medical experts which must relate to physical transformation by means of hormone treatments and surgical procedures and

²⁰³ <http://legilux.public.lu/eli/etat/leg/memorial/2006/207>

to the psychological aspect, the details of which must generally be drawn up by a psychiatrist. The person concerned must also be sterile.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

The local ECPAT NGO is currently developing guidelines for the protection of minors against violence which explicitly mentions sexual orientation, gender identity and expression and variations in sex characteristics.

9. Partnership between governments and civil society

The government provides support to local LGBTQI civil society organisations working in the area of education.

10. International commitment

- Luxembourg has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Luxembourg is member of the European Governmental LGBTI Focal Points Network.

Further information

Good practices and campaigns

Awareness training for the educational staff at a day care centre

General training providing basic knowledge on SOGI & SC topics such as raising awareness and a better understanding on why and how to address these topics in daily work with children in a day care centre.

SOGI awareness training for a small group of children aged 8-12 in a day care centre

Naming/explaining and answering questions about LGBT keywords.

FYR Macedonia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Macedonian Constitution**²⁰⁴ (1991) provides protection, respect and promotion of basic human rights, but none of its articles explicitly mention sexual orientation, gender identity and expression, or variations in sex characteristics. Furthermore, the Law on protection from discrimination does not specifically include them as grounds for protection. The Commissioner for Protection from Discrimination, HERA and the Coalition on Sexual and Health Rights of Marginalised Communities, however, launched an **anti-discrimination protocol**²⁰⁵ that develops the specific steps to report discrimination based on sexual orientation in 2015.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.²⁰⁶

3. Education curricula

In 2011, the Coalition on Sexual and Health Rights of Marginalized Communities²⁰⁷ analysed six textbooks from secondary education curricula and eight textbooks from university. According to this study, most of the textbooks either have hostile or no LGBTQI content.

Since the establishment of the Commission for protection of discrimination in 2011, the Coalition have submitted four petitions on six different textbooks for homophobic content that is harassing and discriminatory towards LGBTQI people. In one of the two cases the content was removed but no affirmative content was added.

²⁰⁴ <http://www.wipo.int/edocs/lexdocs/laws/en/mk/mk014en.pdf>

²⁰⁵ <http://www.kzd.mk/mk/dokumenti>

²⁰⁶ <http://www.lgbti-era.org/content/macedonia>

²⁰⁷ <http://coalition.org.mk/wp-content/uploads/2015/10/Homoseksualnosta-vo-obrazovaniето.pdf>

4. Teacher training on LGBTQI awareness

There is only the Academy for secondary school teachers to acquire a license to work in education, recently established by the Ministry of Education. In this training, there is no mandatory content on LGBTQI awareness.

The Coalition on SHRMC provided specific teacher training only as part of one project conducted by HERA and Municipality Centar (Skopje) which focused on providing comprehensive sexual education in two elementary schools in this municipality. There has also been a programme for life-long skills, with an accompanying textbook, that was developed by university professors and supported by UNICEF; this course was assigned for secondary school students. It was not obligatory, but it included content such as anti-discrimination and increasing awareness on sexual health. Also, education for life-long skills was introduced as a separate subject in secondary school; there were training courses conducted for primary and secondary school teachers, and textbooks were developed²⁰⁸.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. Subversive front, a civil society organisation, with collaboration from Youth Educational Forum, however, conducted multi-method research that addressed discrimination, violence and bullying based on sexual orientation and gender identity among young people (18-30 years old) in Skopje. The results were alarming; the main findings highlighted that there are high levels of discrimination, bullying and physical violence experienced by LGBTQI youth. The consequences included, negative psychosocial outcomes, such as depression, anxiety, and higher levels of self-concealment. It was found that young LGBTQI in Skopje are under constant threats of discrimination and violence, which negatively influenced their ability to lead authentic lives and negatively influences their mental health and overall wellbeing.²⁰⁹

7. Support systems

Due to the difficulties in identifying bullying as a form of violence, educational psychologists in Macedonia mention that there are no support systems. Teachers and educational psychologists who work in secondary schools are responsible for recognising bullying, offering support and undertaking further actions and strategies in preventing future incidences. Psychologists imply that teachers and psychologists in schools should act as independent bodies since they have the capacities, competences, knowledge and possibility to provide help and support in dealing with this issue. Beyond this, there is no state support systems for victims of this kind of violence. However, some NGOs, including the Coalition on SHRMC provides free psycho-social and legal aid to victims.

²⁰⁸ <http://umd.gov.mk/wp-content/uploads/2013/10/Priracnik-za-obrazovanie-za-zivotni-vestini-od-VII-do-IX-oddelenie.pdf> and here: <http://umd.gov.mk/?p=2258#>

²⁰⁹ <http://s-front.org.mk/wp-content/uploads/2016/04/Report-from-the-survey-on-SOGI-based-discrimination-violence-and-bullying-among-youth-in-Skopje.pdf>

8. Information and guidelines

The government provides no specific support systems for LGBTQI learners or their families. The Coalition on SHRMC collaborates, however, with the Active of School Professional Services with aim to provide this kind of information and support. This is only available for schools in Skopje.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Macedonia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Macedonia is not a member of the European Governmental LGBTI Focal Points Network.

Further information

Significant news

One specific case can be perceived as very indicative of this problem. A transgender girl, who was student in a high school in Skopje, had experienced a long history of bullying and psychological, verbal and physical violence by peers and one teacher. The Coalition on SHRMC provided free psycho-social and legal aid, and their psychologist invested a lot of time and efforts in the school to create a supportive environment for the learner. The education inspectorate first recommended withdrawing the student from the school, but the psychologist strongly disagreed. She trained some of the teachers and the school psychologist in dealing with transgender issues, and also trained a group of peers to serve as a support team for this student. The learner succeeded in finishing high school as a girl. The teachers and students became more sensitive and provided as much of support as they could. The Coalition SHRMC will continue to work and help individual cases, but they still need systematic approach for resolving this kind of problems.

Good practices and campaigns

Comprehensive sexual education, by HERA-Health Education and Research Association²¹⁰

There was an assessment of the needs for sexual and reproductive health for teachers, parents and students. 48 civil society organisations signed the petition for including comprehensive sexual education in the education system. There was a training course on sexual education conducted for professors from Faculty of philosophy. The organisation has 20 accredited educators for sexual education and they organised training courses for 200 high school students in 2015/2016. The evaluation pointed out that the project was successful, the effect for the students was high, attitudes changed, and the level of knowledge was increased. Furthermore, there are four national strategies adopted by the Government in order to introduce comprehensive sexual education.

Covers: SO and GIE

Protocol for procedures in cases of protection from discrimination based on sexual orientation and gender identity, by HERA-Health Education and Research Association²¹¹

²¹⁰ <http://hera.org.mk/>

²¹¹ <http://hera.org.mk/wp-content/uploads/2015/11/Protokol-Zastita-od-diskriminacija-MK.pdf>

This document provides clear explanation on regulation, policies and procedures of protection from SOGI-based discrimination. The content includes: laws of conducting the procedure, international law practices for protection from SOGI-based discrimination, definitions of the terms used, relevant organisations that work on advocacy, and an example of form of complaint that can be used by persons discriminated on this basis.

Covers: SO and GIE

(Homo)sexuality in education in the Republic of Macedonia, by Coalition "Sexual and Health Rights of Marginalized Communities"²¹²

This is a textbook containing an in-depth research analysis of the presence of homophobic content in the literature used in secondary school education and universities in Macedonia. Six books were analysed from secondary school education: Citizen education, Introduction to law, Pedagogy, Sociology, Ethics and Philosophy (all of them used in different years). There was a further analysis of eight books used in different universities: Sociology, Social Pathology, Politics of human rights-general terms, Psychology of the childhood and adolescence, Psychology of the elderly and senescence, Psychology of gender: gender identity and gender roles, Medical Psychology and Psychiatry.

Covers: SO and GIE

²¹² <http://coalition.org.mk/publikacii/homoseksualnosta-vo-obrazovaniето-vo-republika-makedonija/>

Malta

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	10/10	Yes	Yes	Yes
Policies and action plans	10/10	Yes	Yes	Yes
Inclusive national curricula	10/10	Yes	Yes	Yes
Teacher training on LGBTQI awareness	10/10	Yes	Yes	Yes
Right to choose gender	10/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Constitution of Malta** (1964, amended 2016, Art. 45(3))²¹³ states that no law shall make any provision that is discriminatory either of itself or in its effect. In particular, it reflects that no different treatment should be given to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour, creed, sex, sexual orientation or gender identity whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description. Moreover, the **Education Act** (1988, amended 2017, Art. 89(6f))²¹⁴ states that the school shall ensure the implementation of the principles of inclusive education by providing an equitable access to all persons in full respect of any diversity

On June 2015, the Maltese government launched the **Gender Identity, Gender Expression and Sex Characteristics Act**²¹⁵. This is a comprehensive education policy focused on the needs of trans, gender variant and intersex children. Several needs are identified in this policy (i.e. including confidentiality, adequate facilities, support, inclusive policies, the possibility to amend documentation and access to information). The document contains a procedure, which outlines how the policy's provisions should be implemented uniformly in all schools. Both documents focus on how to address the issues faced by trans and intersex students in schools and how to accommodate their needs. This policy highlights the fundamental obligation placed on schools to provide all students with a safe and inclusive educational environment.

2. Policies and action plans

In October 2014, the Ministry for Education and Employment of Malta published a policy to **Address Bullying Behaviour in Schools**²¹⁶ that reflects a whole school approach philosophy. The document highlights the relevant legislation and legal instruments to tackle bullying at school

²¹³ <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>

²¹⁴ <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8801>

²¹⁵ http://tgeu.org/wp-content/uploads/2015/04/Malta_GIGESC_trans_law_2015.pdf

²¹⁶ <https://education.gov.mt/en/Documents/Addressing%20Bullying%20Behaviour%20in%20Schools.pdf>

and defines what should be considered as bullying, with a dedicated section to sexual, homophobic and transphobic bullying. In June 2015, a policy for **Trans, Gender Variant and Intersex Students in Schools**²¹⁷ was also published. Besides legal documentation, this document contains a section on how to make schools inclusive for trans, gender variant and intersex students to be shared by all stakeholders involved, including all teaching and administrative school staff (college principals, school management teams, educators, etc.) and support services.

3. Education curricula

Malta has a national framework of education which specifies the competences and knowledge that the students should work towards in each school year. According to these guidelines, most of the content for specific subjects should be inclusive of LGBTQI people. However, local NGOs report that the implementation of these competences is not being monitored and are, therefore, at the discretion of individual teachers and schools. When included in religion, for instance, sexual orientation, gender identity and expression or variations in sex characteristics still tend to be hostile.

4. Teacher training on LGBTQI awareness

Overall, inclusion of LGBTQI issues is limited and sporadic. Generally, teacher training involves a module on addressing diversity in the classroom and this includes some input on including LGBTQI learners. These sessions are delivered by the equality body and organisations are not informed of precise content covered.

Local civil society organisations (i.e. MGRM) have been involved in providing teacher training specifically in relation to the trans, gender variant and intersex students in school policy.

5. Gender recognition

The **Gender Identity, Gender Expression and Sex Characteristics Act (2015)** and the **Trans, Gender Variant and Intersex Students in Schools Policy (2015)**²¹⁸ state that schools should provide a safe environment for these learners and address topics like the use of inclusive language or the right of the students to disclose their gender. However, young people under the age of 18 need the consent of their parents to officially change their gender despite the principle of self-determination of the act and its policy.

6. Data collection of bullying and harassment and monitoring of policies

Malta is highlighted as one of the countries where data collection on racist crimes is limited to a few incidents and, in general, not published. It has no school climate surveys but relies on cases reported to the anti-bullying unit - these are generally the cases which are serious enough to warrant intervention from the central unit rather than being dealt with directly by the school.

Eventually, research studies might be conducted by NGOs or equality bodies. The **Victim Support for Youth (VS4Y)**²¹⁹ is a project carried out a Non-Governmental Organisation supporting

²¹⁷ <https://education.gov.mt/en/resources/Documents/Policy%20Documents/Trans,%20Gender%20Variant%20and%20Intersex%20Students%20in%20Schools%20Policy.pdf>

²¹⁸ <https://education.gov.mt/en/resources/Documents/Policy%20Documents/Trans,%20Gender%20Variant%20and%20Intersex%20Students%20in%20Schools%20Policy.pdf>

²¹⁹ <http://victimsupport.org.mt/wp-content/uploads/2016/05/VS4Y.pdf>

victims of crime (Victim Support Malta) and funded by the Malta Community Chest Fund. It provides data about LGBTI learners at school.

7. Support systems

The **rainbow support services**²²⁰ may receive referrals from schools particularly with respect to trans students. This service incorporates the Social Work service, a Youth Group for LGBTIQ persons aged between 15 and 25, Psychological Support, and a Legal Consultancy Service. The project also allows for the provision of workshops or training to schools and professionals involved in the provision of social welfare services.

8. Information and guidelines

Malta Gay Rights Movement, in association with the Maltese Government, have developed specific booklets for LGBTQI students and their parents²²¹.

9. Partnership between governments and civil society

The government works closely with local civil society organisations in the field of education. It also provides funding to NGOs for doing their work on teacher training (MGRM has been involved in providing teacher training specifically in relation to the trans, gender variant and intersex student in school policy), lessons with students (occasionally MGRM is requested to provide direct input to students generally as part of diversity initiatives or personal and social education classes), support for learners (Rainbow Support Services may receive referrals from schools particularly with respect to trans students) or education resources (MGRM has provided education resources to be used by schools).

10. International commitment

- Malta signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Malta is member of the European Governmental LGBTI Focal Point Network.

Further information

Opposition

In 2015, MGRM donated some books to the education ministry for use in schools. They were mostly story books on diverse family forms, gender stereotyping, gender expression etc. There was a public outcry by some groups against the distribution of the books in primary schools, which led to these resources being kept at the ministry rather than being handed out to the schools. The parents' association was supportive of the initiative. This opposition was also vocal in regard to the introduction of the trans, gender variant and intersex students in school policy.

²²⁰ <http://www.maltgayrights.org/latest.php?ref=arainbow14>

²²¹ <http://www.maltgayrights.org/cms/pdfs/booklet-for-parents-of-lgbtq-individuals.pdf>

Good practices and campaigns

Think before you speak [<http://www.maltgayrights.org/think.php>]

This project aims to address the difficulties encountered by LGBTQ youth related to the recognition of their sexual orientation and/or gender identity and raise awareness about the prevalence and the effects of homophobic and transphobic bullying. It is addressed to LGBTQ learners, their peers, the school staff and their parents. The promotional tools of the campaign include videos, posters and postcards.

Covers: SO and GIE

Trans, Gender Variant and Intersex Students in School Policy

The Maltese government is the first to tackle inclusion of trans, gender variant and intersex students in schools with a specific policy, procedures and strategy document (see above).

Covers: SO, GIE and SC

Republic of Moldova

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	10/10			

Report

1. Anti-discrimination law

The **Law on Ensuring Equality** (2012)²²² is a general anti-discrimination law aimed to prevent and tackle discrimination and ensure equality in various areas of life. It prohibits discrimination on the ground of sexual orientation only in employment. The **Education Law of Moldova** (1995, amended 2014)²²³ is a specific education law that outlines principles of the education system in Moldova. It mentions diversity in the context of education policy, but it does not mention sexual orientation, gender identity and expression or variations in sex characteristics as protected grounds.

2. Policies and action plans

The **Education Code of Moldova** (2014)²²⁴ is a general legal framework that outlines principles of the education system and sets minimum standards in Moldova. It mentions diversity in the context of inclusive education and cultural diversity, but there is no mention of sexual orientation, gender identity and expression, or variations in sex characteristics. There is no other national or regional bullying strategy or action plan. Civil society organisations report that bullying in schools is not recognised as a real problem by the local authorities.

3. Education curricula

There is no available data on whether it is compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics, but the lack of laws, policies and action plans would suggest that this is not the case.

²²² <http://lex.justice.md/md/343361/>

²²³ <http://lex.justice.md/index.php?action=view&view=doc&id=311684>

²²⁴ <http://lex.justice.md/md/355156/>

4. Teacher training

There is no mandatory teacher training on LGBTQI awareness in Moldova. GENDERDOC-M, an LGBTQI civil society organisation, however, carries out occasional trainings on SOGIE for school and university teachers and occasional trainings for school students on homophobic and transphobic bullying. This work is not publicly funded.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. The NGO GENDERDOC-M, however, publishes an annual discrimination monitoring report in relation to the areas of employment, housing, education, and access to goods and services.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families. The only support system for the victims of homophobic, biphobic, transphobic or interphobic violence is provided by GENDERDOC-M Information Centre. It includes free psycho-emotional and legal services.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students. GENDERDOC-M offers information despite receiving no support from the government.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Moldova has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Moldova is member of the European Governmental LGBTI Focal Points Network.

Monaco

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Monegasque Constitution** (1962, amended 2002)²²⁵ contains no specific legislation in relation to discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics, relating to education or otherwise.

2. Policies and action plans

The Prince's Government co-ordinates an anti-bullying awareness day across schools. The 'No to Bullying' day forms part of the initiative by the Department of Education, Youth and Sport to combat bullying in schools. Beyond this, there are no formal anti-bullying strategies, although the media commentary suggests that bullying within schools is becoming more of a focus of the government.²²⁶

3. Education curricula

There is no available data on LGBTQI inclusive education curricula.

4. Teacher training on LGBTQI awareness

There is no available data regarding mandatory teacher training on LGBTQI awareness

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

²²⁵ <http://www.gouv.mc/Gouvernement-et-Institutions/Les-Institutions/La-Constitution-de-la-Principaute>

²²⁶ <http://en.gouv.mc/Policy-Practice/Youth/News/Bullying-in-Schools-Breaking-the-Silence>

6. Data collection of bullying and harassment and monitoring of policies

There are no formal statistics in relation to bullying and harassment publicly available, but reference is made to a survey conducted which suggested that between two and four per cent of students in Monaco have experienced some level of harassment.²²⁷ The Department of Education, Youth and Sport is responsible for overseeing the organisation and administration of education.²²⁸ However, the absence of specific legislation in relation to LGBTQI discrimination in education means that it does not have a formal role in monitoring or implementing such measures.

7. Support systems

Monaco has an established Department of Social Welfare and Social Services which implements and supports decisions in respect of child protection. However, its powers do not specifically refer to in-school services. It is noteworthy that the curriculum of education in Monaco is largely based on the French system but that it does not include similar support functions.

8. Information and guidelines

There is no available data on whether the government provides information for LGBTQI learners or their families.

9. Partnership between governments and civil society

There is no available data on whether the government provides support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Monaco has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Monaco is not a member of the European Governmental LGBTI Focal Points Network.

²²⁷ <http://www.hellomonaco.com/news/measures-are-taken-against-aggressive-behaviour-in-schools-of-monaco/>

²²⁸ <http://en.gouv.mc/Government-Institutions/The-Government/Ministry-of-Interior/Department-of-Education-Youth-and-Sport>

Montenegro

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	8,5/10	Yes	Yes	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	0/10	No	No	No
International commitment	10/10			

Report

1. Anti-discrimination law

Legally, Montenegro has a fairly strong basis for the protection of LGBTQ persons within the educational system. The **Law on prohibition of discrimination (2014)**²²⁹ clearly mentions sexual orientation and gender identity as grounds of protection. Besides, the Law on general education strictly prohibits discrimination within the education system, and even though it does not mention sexual orientation, gender identity and expression, or variations in sex characteristics directly, it does naturally rely on the Law on prohibition of discrimination as the main state law within the matter.

Additionally, within the **Criminal code** (2003, amended 2012), discrimination on the basis of sexual orientation or gender identity and expression, has been observed in two ways; as an aggravating fact while determining the punishment (Hate crime concept) and through several sections which may be applicable within the educational system such as: Violation of equality under Article 159 of the Criminal Code, Violation of freedom of speech and public expression under Article 178 of the Criminal Code, Racial and Other Discrimination under Article 443 of the Criminal Code.

2. Policies and action plans

In 2011, the government formed the Council for Protection from Discrimination. The Council deals with strategic policies in the area and is followed by strategic and programmatic documents. In 2013, a five-year strategy for improving the quality of life of LGBT people was adopted. The strategy sets out objectives, individual measures and indicators of success to improve the legal and policy framework in several sectors, including education. Although the strategy foresees several measures in regard to teacher training and education curricula, its implementation is still not satisfactory according to the latest report of the European Commission against Racism and Intolerance²³⁰.

²²⁹ <http://www.legislationline.org/topics/country/57/topic/84>

²³⁰ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Montenegro/MNE-CbC-V-2017-037-ENG.pdf>

3. Education curricula

The civil society organisations Center for Civic Education and LGBT Forum Progress have created an in-depth analysis of the Montenegrin educational system in relation to LGBTQI inclusion²³¹. The research shows that the integration of human rights education within the school curriculum, including non-discrimination on the basis of sexual orientation and gender identity, is relatively low. Despite numerous initiatives made by the NGO sector to change the current situation, and include LGBTQI topics within the curricular and extracurricular system, no changes have been made thus far. One conclusion drawn from this is that the process of reviewing and remaking of the textbooks is deemed too expensive by the government.

4. Teacher training on LGBTQI awareness

Although the **LGBT national strategy** mentions teacher training on LGBT awareness as a measure, civil society organisations report that this has not been implemented yet.

5. Gender recognition

In 2014, Montenegro established a **Rulebook on determining the medical reasons for the change of sex**²³². The procedure is still medicalised and involves counselling, hormonal therapy, surgery and sterilisation as a final step. The change of name, on the other hand, is not conditional upon the change of gender marker²³³, but a minor can only ask a change on their name upon the request of their legal representative.

6. Data collection of bullying and harassment and monitoring of policies

There are some new measures in place to collect and analyse data on discrimination on grounds of sexual orientation and gender identity. In late 2014, the Ministry of Human and Minority Rights adopted a Rulebook²³⁴ obliging educational institutions to keep evidence on discrimination, including these grounds, and send it to the Ombudsman. This information is used to prepare a special section in the annual report.

Bullying and harassment on grounds of sexual orientation and gender identity and expression has also been collected in Montenegro from 2010 by LGBT Forum Progress. This process includes communication with all of the state institutions and gathering information on the cases of discrimination, hate crime, hate speech, bullying and any other forms of harassment towards LGBTQI persons. All of the cases have been published in three separate publications covering the time period between 2010 and 2016²³⁵.

7. Support systems

Psychological counselling has been made available in schools.

²³¹ <http://media.lgbtprogres.me/2011/03/LGBT-analyses-ENG-11.pdf>

²³² <http://www.sluzbenilist.me/PravniAktDetalji.aspx?tag=%7BF6A4E3A6-32E7-4A0E-94C3-76D1CFCEE87B%7D>

²³³ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Montenegro/MNE-CbC-V-2017-037-ENG.pdf>

²³⁴ Rulebook on contents and manner of keeping records on reported cases of discrimination (2014). The legal basis for this Rulebook is Article 33 of LPD.

²³⁵ These publications can be found on the following links:

<http://media.lgbtprogres.me/2011/03/Book-4-web.pdf>;

<http://media.lgbtprogres.me/2014/05/Myths-and-stereotypes-eng.pdf>;

<http://media.lgbtprogres.me/2016/08/prihvatanje-lgbt-osoba-u-crnoj-gori-web1.pdf>

8. Information and guidelines

NGO Juventas and the Ministry of Education have jointly issued the guidelines for psychologists and pedagogues for work with LGBTQI youth²³⁶.

9. Partnership between governments and civil society

The government provides support through the national lottery fund. Calls for project applications are released, but unfortunately, they have never tackled LGBTQI inclusion within education, so funds have to be sought from elsewhere.

10. International commitment

- Montenegro has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Montenegro is member of the European Governmental LGBTI Focal Points Network.

Further information

Relevant cases

Civil society organisations report the case of a young man who was attacked at school due to his perceived sexual orientation. Another young man hit him with a chair. The parents insisted on the school taking actions, which it did, but the young man never reported it as a case of harassment due to sexual orientation, for fear of being outed by the institution.

Good practices and campaigns

LGBT Forum Progress shelter for LGBTIQ youth deprived of support

[<http://lgbtprogres.me/lgbt-skloni%C5%A1te/>]

This project provides social services intended for the LGBT community in Montenegro, including the LGBT shelter for the community members who are denied of their families' support, due to their sexual orientation or gender identity. The shelter provides psycho-social support, counselling, mediation with the families, capacity building of the community, and accommodation for the beneficiaries.

Covers: SO and GIE

²³⁶ http://www.juventas.co.me/images/publikacijepdf/prirucnik_za_psihologe.pdf

Netherlands

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	7,5/10			
Data collection of bullying and harassment	10/10	Yes	Yes	Yes
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **General Act for Equal Treatment**²³⁷ (1994, amended 2015) is applicable within education settings and states that no person can be discriminated on grounds of sexual orientation (homosexuality is explicitly mentioned). The act is the elaboration of the first article of the Dutch Constitution and has general rules on how citizens should be protected against discrimination. It also includes provisions about discrimination on grounds of *gender*, but there is no specific mention to gender identity and expression, or variations of sex characteristics.

2. Policies and action plans

Safety at school Act (2015)²³⁸ is an action plan issued by the Ministry of Education, Culture and Science that explicitly mentions sexual diversity (LGBT). Its aim is to encourage schools to tackle bullying and to provide a safe environment for all learners and staff members. The action plan states that schools are required to implement a security plan, which should include (among other measures) a contact point to report bullying, the monitoring of the well-being and sense of safety of all learners, and the creation of a database with the interventions in this regard.

3. Education curricula

In 2012, the parliament decided that respectful **education about sexual diversity**²³⁹ should be mandatory in all schools (primary education and the first years of secondary education) by adding this topic to the Core Goals of Education. These core goals provide guidelines and minimum requirements for education and the level of knowledge and skills, by mentioning what students

²³⁷ wetten.overheid.nl/BWBR0006502/2015-07-01

²³⁸ www.rijksoverheid.nl/onderwerpen/veilig-leren-en-werken-in-het-onderwijs/documenten/jaarplannen/2014/10/03/actieplan-sociale-veiligheid-op-school

²³⁹ www.schoolenveiligheid.nl/po-vo/thema/seksuele-diversiteit

should know at the end of their school time. According to this guideline, schools must give information about sexual diversity (sexual and gender diversity are specifically mentioned, but variations of sex characteristics are not).

In 2016, the Inspectorate of education monitored how sexual diversity was being taught. The research highlights considerable difficulties involved in sexual diversity education, and the way sexual diversity is addressed varies from school to school. According to the study, sexual diversity education is insufficiently secured, the opportunities to address or educate about this matter remain unused, and it is unclear to what extent schools cover the topic effectively. The report concludes that what students learn about sexual diversity can vary greatly because schools are given considerable discretion, meaning this work can be arbitrary. Moreover, the study reports that one in five schools are not educating their students on this matter.

In April 2017, the Parliament ruled that there will be sanctions for schools that do not comply sexual diversity education and it also stated that this learning will be obliged on vocational secondary education.

4. Teacher training on LGBTQI awareness

Teacher training on LGBTQI awareness is not mandatory and its implementation is not included in national guidelines. Some universities, however, include extracurricular activities. Civil society organisations provide specific lessons on this issue (for instance, COC Netherlands and EduDivers). According to local civil society organisations, teacher training on LGBTQI issues should be provided to improve the current implementation of sexual diversity education and to ensure that teachers have the capacity to teach this topic.

5. Gender recognition

On 1 July 2014, a law entered into force simplifying the process by which people can change their gender on their birth certificate and other official documents. The law revises the Civil Code of the Netherlands. The amendment reinforces the right to self-determination and the right to physical integrity. A court order is no longer a necessity and the age limit has been lowered to the age of 16 years. However, children still need a statement from an expert that affirms the person's permanent decision to belong to another gender. During the evaluation of the law, attention will be paid to the experiences of children and their parents in relation to this age limit.

6. Data collection of bullying and harassment and monitoring of policies

Data is being collected by different institutions. There is a **Yearly safety monitor**²⁴⁰ that collects data in this regard. According to the **Safety at Schools Act (2015)**, schools need to collect the information too. Besides, the Netherlands Institute for Social Research has yearly themed researches on attitudes towards sexual diversity and well-being of LGBT people. In this research, young people in education are also being monitored.

There is an **Inspectorate of Education**²⁴¹ that monitors schools on different subjects. In 2009 and 2016 this body assessed specifically the situation of LGBTI students in schools and the inclusion of sexual diversity on the school curricula.

²⁴⁰ www.veiligheidsmonitor.nl

²⁴¹ english.onderwijsinspectie.nl

7. Support systems

The **Safety at Schools** action plan states that schools should provide support for students who have experienced bullying or harassment. Some civil society organisations (COC Netherlands, Movisie, Jong&Out) are supported by the government to develop networks of peer support, to provide information for learners, and to publish information in this regard.

The Gender and Sexuality Alliances (GSA) approach is a key element of the Dutch LGBT policy. GSAs strive together to improve the social acceptance of sexual and gender diversity in order to ensure that LGBT people feel safe at school. Through their cooperation GSAs manages to mainstream LGBT issues and reach people and organisations which would not be reached without an alliance. The Dutch LGBT policy has a GSA on Education, which promotes partnership between LGBT and mainstream organisations.

8. Information and guidelines

The **School & Safety Foundation**²⁴² is a Dutch centre of expertise for a ‘safe social learning environment’. It acts as a partner with the Dutch Ministry of Education, Culture and Science and the three education councils for primary, secondary, and vocational education. They have developed a website (**Gay & Schools**²⁴³) which contains specific and detailed information and guidelines to improve LGBTQI inclusion on education. The website encompasses lesson plans, help kits for students, and other learning materials.

9. Partnership between governments and civil society

The Ministry of Education, Culture and Science took a whole range of concrete measures to create an LGBT-friendly environment in schools by funding various organisations and projects. Among other measures, the government provides crucial support to civil society organisations (such as COC Netherlands, Edu Divers, Theater AanZ, LCC Projecten or School & Veiligheid).

The Dutch government is also committed to LGBTQI rights worldwide, providing financial support to European LGBTQI NGOs, such as ILGA Europe, Transgender Europe and IGLYO, and via Dutch embassies for local LGBTI organisations in countries where LGBTI people are at risk. It also strengthens networks such as the European Focal Points Network and European Rainbow Cities, and actively contributes to international organisations such as UNESCO, the OECD and UNICEF²⁴⁴.

10. International commitment

- The Netherlands has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- The Netherlands is member of the European Governmental LGBTI Focal Point Network since June 2015. This network is currently chaired by the Dutch government.

²⁴² www.schoolenveiligheid.nl

²⁴³ www.gayandschool.nl

²⁴⁴ www.government.nl/topics/gay-rights/lgbt-rights-worldwide

Further information

Good practices and campaigns

Gender & Sexuality Alliances in schools [www.gsanetwerk.nl]

COC Netherlands encourages students (and teachers) in schools to form GSAs and supports them. COC campaigns, brings GSAs together to share and learn, provides materials, organises nationwide joint campaigns, and gives direct support to students of GSAs in 80 % of Dutch secondary schools.

Covers: SO, GIE, SC

Storytelling in Dutch schools [www.voorlichtingindeklas.nl]

Twenty local COC branches go into schools to give informative classes about sexual and gender diversity. Classes are about the personal experiences of the storytellers.

Covers: SO, GIE

Sexual Diversity in vocational education

Theater AanZ, EduDivers and COC Netherlands support large schools for vocational education with programs that help these schools to make schools safer place for everyone. The program contains a well-received interactive theatre play by Theater AanZ, support for school management by Edu Divers and student support by COC Netherlands.

Covers: SO, GIE

Available data²⁴⁵

- 51 % of Dutch LGB youth who are open about their identity, have experienced bullying or negative remarks about their sexual orientation or gender identity.
- The number of LGB youth who attempted suicide is almost five times higher than amongst heterosexual youth.
- Only one out of ten students (11%) says it is safe enough to be open about being LGBT in schools.
- Half of the LGB young people say that at their high school there was no information about sexual diversity.

²⁴⁵ Sociaal en Cultureel Planbureau (2015) Jongeren en seksuele oriëntatie: Ervaringen van en opvattingen over lesbische, homoseksuele, biseksuele en heteroseksuele jongeren. Den Haag: Sociaal en Cultureel Planbureau.

Norway

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	8,5/10	Yes	Yes	No
Right to choose gender	10/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Equality Act (2007)**²⁴⁶ and the **Sexual Orientation Anti-Discrimination Act**²⁴⁷ (2013) both are applicable within education, and are aimed to promote equality irrespective of sexual orientation, gender identity and gender expression, and to address discrimination on these grounds.

2. Policies and action plans

The **Action Plan for Improving the Quality of Life among LGBT (2008)**²⁴⁸, established school, education and health as focus areas. Combating discrimination of sexual minorities internationally was also one of its goals. In 2011, an LGBT Knowledge Centre was set up as part of the plan, with the aim to increase knowledge about the lives of LGBT persons.

3. Education curricula

According to the **Action Plan for Improving the Quality of Life among LGBT (2008)**, curricula on sexual orientation and gender identity must be addressed. Several pieces of research, however, show that “sexual orientation is included in very selective ways when science textbooks deal with sex education. LGBTQI civil society organisations have stated that Norwegian textbooks conceptualise non-heterosexuals as ‘the other’, even though the current national curriculum represents inclusive intentions”²⁴⁹.

4. Teacher training on LGBTQI awareness

According to the **Action Plan for Improving the Quality of Life among LGBT (2008)**, equal opportunities and gender issues shall be part of the university curriculum for teacher training.

²⁴⁶ <https://www.regjeringen.no/en/dokumenter/the-act-relating-to-gender-equality-the-/id454568/>

²⁴⁷ <http://app.uio.no/ub/ujur/oversatte-lover/data/lov-20130621-058-eng.pdf>

²⁴⁸ <https://www.regjeringen.no/globalassets/upload/bld/homofile-og-lesbiske/hplhbtseptember2008eng.pdf>

²⁴⁹ <http://www.sciencedirect.com/science/article/pii/S0742051X16305315>

Sexual orientation was to be one of the topics for grades 1 to 4; by grade 4 at the latest, students were to be exposed to the concept of families with same-gender parents. Terminology was changed and new teaching material on sexual relationships was prepared.

5. Gender recognition

The **Legal Gender Amendment Act (2016)**²⁵⁰ introduced self-determination measures for legal gender recognition in Norway. No sterilisation, diagnosis, or medical treatments are required and the right to amend legal gender also applies if someone wants to change back to their previous legal gender. There is no set limit on the number of times one can change legal gender. Neither is there a proposed requirement of a latency period before one can revert back to the previous gender.

This procedure is open to persons who are over 16 years of age. Children aged 6 to 16, however, can have their gender legally recognised with the permission of both parents (or their tutor). If both parents have the custody of the child and one of them does not want to apply, the legal gender may still be amended if this is in the best interest of the child. The County Governor will in such cases assess what is in the best interest of the child, according to factors such as their age, maturity or gender expression.

6. Data collection of bullying and harassment and monitoring of policies

The government provides information²⁵¹ on bullying and harassment, but this is not properly segregated per grounds of discrimination.

7. Support systems

Helplines and chat services are available throughout the country. The Department of Children, Youth and Family Affairs also offers online support for young people through a website²⁵². All students have access to a school nurse, however their level of knowledge on LGBTQI youth issues might vary from school to school.

Skeiv Ungdom, funded by the government, offers the helpline Ungdomstelefonen²⁵³ to answer questions about sexuality, gender and identity (by phone, chat or message). This service is led by young adults who have experienced similar situations.

8. Information and guidelines

The Department of Children, Youth and Family Affairs has developed a website with specific information for LGBTQI young people, their families and educational staff. Civil society organisations, funded by the government, provide information for LGBTQI learners and guidance for the education sector on how to address bullying and harassment against LGBTQI students. The school project **Restart**²⁵⁴, for instance, is an initiative where we in Skeiv Ungdom to meet students and talk about sexual orientation, gender identity and gender expression. Through a mix

²⁵⁰ <https://lovdata.no/dokument/NL/lov/2016-06-17-46?q=lov%20om%20endring%20av%20juridisk>

²⁵¹ <https://skoleporten.udir.no/rapportvisning/grunnskole/laeringsmiljoe/elevundersokelsen/nasjonalt?enhetsid=00&vurderingsomrade=6&underomrade=48&skoletype=0&skoletypemenuid=0&sammenstilling=1>

²⁵² www.ung.no

²⁵³ <https://ungdomstelefonen.no>

²⁵⁴ <https://skeivungdom.no/prosjekter/restart/>

of lectures, discussions and exercises the organisation explores and challenge norms and expectations from students.

9. Partnership between governments and civil society

The government provides financial support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Norway has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence.*
- Norway is member of the European Governmental LGBTI Focal Points Network.

Poland

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Anti-Discrimination Act** does not provide protection against discrimination in education on the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics.

2. Policies and action plans

There are no policies or standards which would ensure equal treatment and safety of LGBTQI learners in Polish schools. There are no legal provisions that mention sexual orientation, gender identity and expression, or variations in sex characteristics as possible grounds for discrimination in the formal education system. Furthermore, the **Equality Act (2010)** does not protect LGBTQI persons in access to education.

3. Education curricula

Information about sexual orientation is to some extent present in the school curriculum. However, it is not provided in an objective or affirming manner. The school curriculum does not contain references to gender identity and expression, nor variations in sex characteristics. According to recent research²⁵⁵, teachers admit that they lack competence and skills to deal with homophobic and transphobic bullying at schools, stating that more trainings on the subject would help. More than half of the teachers interviewed admitted that the subject of sexual orientation is not present enough in the school curricula.

Sexual orientation or homophobia as a phenomenon are not discussed or counteracted – more than 60% of students admit that the subject is not brought up by teachers during classes. At the same time, in 3,5% of all cases of verbal homophobic violence the offenders were teachers, whereas 23,5% of cases of verbal violence happened at school. The situation is even worse when

²⁵⁵ FRA, Professionally speaking

it comes to physical violence – almost 40% of homophobic attacks take place at learning facilities. 76% of students admit that homophobic language is present in their school, 26% have noticed physical bullying such as kicking, spitting and pulling. Because of that, only 12,6% of students are completely 'out' in their school environment, the rest feels the need to conceal their sexual orientation in some way. There is no data on suicide of young people due to homophobic bullying, but studies show that LGB teens have suicidal thoughts up to 5 times more often than their straight peers (accordingly 62,7% and 12,3%).

4. Teacher training on LGBTQI awareness

The documents concerning the standards for teacher training do not require teachers to be appropriately qualified to conduct anti-discrimination education or combat discrimination in school and there is currently no mandatory teacher training on LGBTQI awareness. Some teachers' training centres, however, provide trainings on LGBTQI issues, non-discrimination or diversity. In most of the cases, these are the initiatives of the centres itself as opposed to be derived from centralised guidelines or regulations. Some pedagogical universities have declared to include LGBTQI issues into the training degrees (e.g. Pedagogical University in Cracow).

Various reports ("The Big Absent", TEA, 2011; "Equality Lesson. Attitudes and needs of school staff and youth in terms of homophobia in schools", KPH, 2012; "Discrimination in schools - presence unjustified", TEA, 2015) address the issue that school staff is not given any means to familiarize themselves with non-discriminatory education in the process of training as a professional group. One of the key findings of the researches proves that educators who have not received relevant trainings conduct ecological/democratic/preventive education mistaking it for non-discriminatory one.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

Data on homophobic, biphobic, transphobic and interphobic bullying is not being collected by the government. The Ministry of Education's project **Safe+**²⁵⁶ addresses the issue of bullying and harassment, including cyber-bullying. It however omits specific grounds of bullying and harassment, whilst focusing on reduction of alcohol and drug abuse, elimination of "pathological behaviour", etc. The most recent research conducted by the Association for Anti-Discrimination Education, however, summarises the cases of bullying or harassment based on actual or perceived sexual orientation, gender identity and expression and variations in sex characteristics²⁵⁷.

Each of the regions in Poland (Voievodship) has a Regional Superintendent whose role is to supervise the implementation of curricula provided by the Ministry. Since the last reform of education, superintendents are chosen by the Minister, as opposed to the open competitions, which increases the risk of "politicisation" of education in schools.

²⁵⁶ <https://bezpiecznaszkola.men.gov.pl/tematy/przeciwdzialamy-agresji-i-przemocy/informacje/>

²⁵⁷ http://tea.org.pl/userfiles/raporty/tea_raport_www_final.pdf

7. Support systems

Most schools contact civil society organisations when there is a need to address bullying and harassment against LGBTQI students specifically²⁵⁸.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students. Most schools rely on civil society organisations when there is a need to address bullying and harassment against LGBTQI students specifically²⁵⁹.

9. Partnership between governments and civil society

The only governmental institution that supported civil society led activities in the area of education is Human Rights Defender (patronages, providing space for meetings, letters to schools in need of support for non-discriminatory education, etc.)

10. International commitment

- Poland has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Poland is not a member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

MPs launched a project that would support schools "opposing gay propaganda"²⁶⁰, and the NGO "Ordo Iuris" declared legal support for parents who wish to sue schools that allow for "gay propaganda" to take place²⁶¹.

Research

According to KPH's research, sexual orientation continues to be a taboo in schools. LGBTQI learners and students are not provided with necessary information, protection or support to enable them to live as themselves. Many schools even deny the existence of LGBTQI students. Students who complain about homophobia at school often turn to the NGO, Campaign Against Homophobia (KPH). They experience homophobic behaviour, not only from students but also from teachers, educators, and especially priests, nuns and catechists conducting religion lessons. Teachers who admitted to being non-heterosexual become themselves victims of discrimination. There is no political climate conducive to the implementation of relevant equality policies in the educational system. The Ministry of Education is unwilling to cooperate with civil society organisations representing the LGBTQI community. Although many attempts of contact were undertaken by KPH – no cooperation has been launched so far.

²⁵⁸ <http://www.kph.org.pl/publikacje/lekcjarownosci.pdf>

²⁵⁹ <http://www.kph.org.pl/publikacje/lekcjarownosci.pdf>

²⁶⁰ <http://www.pch24.pl/teczowy-piatek-w-szkolach--w-imie-powszechnej-tolerancji-zaserwuj-dzieciom-homopropagande,46912,i.html>

²⁶¹ <http://gosc.pl/doc/3519685.W-szkole-Twojego-dziecka-organizuja-Teczowy-Piatek-Nie-badz>

KPH's most recent formal education projects, "Equal school - without discrimination and violence" (2014-2016), and "Equality lesson" (2012-2014) were designed to assist schools evaluate its culture with regards to existing equal treatment policies, plan and successfully address the needs of school in terms of non-discriminatory education and good practices. Nonetheless, the project also has shown that public institutions' support for such activities in the system of formal education is virtually non-existent. Currently schools are obliged to address the issues of inequality, discrimination and social exclusion and conduct non-discriminatory education (in accordance with the Decree of Ministry of Education regarding pedagogical supervision). Nevertheless, principals, teachers and school counsellors, who are responsible on the school's part, have little to no knowledge or skills regarding discrimination and exclusion, especially regarding LGBTQI persons, left alone methods of non-discriminatory education.

Portugal

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	7,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Constitution of the Portuguese Republic** (1976, amended 2005, Art. 13(2))²⁶² states that "no one can be privileged, benefited, discriminated, short of any right or duty on grounds of (...) sexual orientation". The **Law on the status of the student and school ethics** (2012), for its part, establishes that discrimination on grounds of sexual orientation and gender identity is prohibited and states as one of the duties of the student to "treat with respect and correction any member of the school community, avoiding discrimination on grounds of (...) sexual orientation (and) gender identity". Finally, the **Law on sex education in school context** (2009) sets "The respect for the differences between people and for different sexual orientations", "the elimination of sex discrimination or sex violence attitudes on grounds of sex or sexual orientation" as two of the main goals of this subject.

2. Policies and action plans

There is currently no national or regional strategy that tackles bullying in a direct way, but the Commission for Citizenship and Gender Equality —the public equality mechanism— has launched an anti-homophobic and transphobic bullying campaign, within the scope of the National Equality Plan.

3. Education curricula

"Citizenship" is an optional subject within the basic education program. It includes a general guideline to address LGBT issues on the topic Education for Gender Equality, but it is not mandatory. The official website of the General Education Directorate includes a link to the website of the "It Takes All Kinds" project, that provides resources on this subject both for students, teachers and school administrations²⁶³. Furthermore, the General Education Directorate provides some resources on the subject "Gender and Citizenship" that include several references

²⁶² https://www.constituteproject.org/constitution/Portugal_2005.pdf

²⁶³ <http://www.dge.mec.pt/projeto-todos-somos-precisos>

to sexual orientation and gender identity in an affirming way, to be used in different levels throughout basic education²⁶⁴.

There are also specific measures on the inclusion of sexual orientation and gender identity and expression issues in education on the National Equality Plan, and Portugal has signed the Recommendation of combating sexual orientation and gender identity discrimination produced by the Committee of Ministers of the Council of Europe. An ILGA Portugal report on this recommendation stated that there was no evidence that it was being implemented in the field of education²⁶⁵.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Two LGBT civil society organisations have produced and disseminated resources on LGBT issues for teachers: ILGA Portugal - project "It takes all kinds" and rede ex aequo (LGBTQI youth organisation) - project Inclusion and project LGBT Education²⁶⁶.

5. Gender recognition

The Portuguese **Law 7/2011**²⁶⁷ creates a procedure for change of gender and name in the civil registry and proceeds to the seventeenth amendment to the Code of Civil Registration. According to this procedure, the person must be over 18 to apply for a change of gender marker and the application be signed by at least one doctor or one psychologist.

In 2017, however, the government introduced a draft bill to allow legal gender recognition based on self-determination for people aged 16 and older. Among other measures, the text states that several measures shall be adopted to promote the exercise of the right to self-determination and to protect variations in sex characteristics²⁶⁸. The schools should prevent and address discrimination, develop mechanisms to respect learners' self-determination.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. Rede ex aequo, however, has developed an online observatory specifically aimed at monitoring discrimination on grounds of sexual orientation and gender identity in school texts, and releases a report every two years with the available data²⁶⁹. ILGA Portugal, is responsible for a general observatory on discrimination on grounds of sexual orientation and gender identity²⁷⁰.

Academic research has been covering the subject, but mostly focusing on attitudes on bullying, and not directly with people who have experienced it. Nevertheless, a study with 84 participants from a sample of 2996 high school students showed that half (48%) of gay/lesbian and about

²⁶⁴ <http://www.dge.mec.pt/guioes-de-educacao-genero-e-cidadania>

²⁶⁵ http://www.ilga-europe.org/sites/default/files/Attachments/portugal_monitoring_implementation_of_the_coe_recommendation_27_11_2012.pdf

²⁶⁶ <https://www.rea.pt/imgs/uploads/doc-pe-guia-professoras.pdf>

²⁶⁷ http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1308&tabela=leis&ficha=1&pagina=1&so_miolo=

²⁶⁸ <https://www.ilga-europe.org/sites/default/files/2017/portugal.pdf>

²⁶⁹ <https://www.rea.pt/observatorio-de-educacao>

²⁷⁰ observatorio.ilga-portugal.pt

one-third (33%) of bisexual Portuguese youth reported some form of homophobic victimisation in schools (Freitas e Fontaine, 2014)²⁷¹.

7. Support systems

On November 2016, the Secretary of State for Equality announced a permanent annual grant for three LGBT victims' support services based in three different NGOs (the LGBT Center, by ILGA Portugal; Casa QUI, focused on LGBT youth, both based in Lisbon, and Associação Plano I, in the city of Matosinhos). From January 2017, a new ILGA Portugal support service, aimed at LGBT youth, will start in Porto, with public funding. The project, called True Colours, will also provide resources for the creation and development of gay-straight alliances in schools from the northern region.

8. Information and guidelines

"Dislike homophobic bullying" is the name of the first public campaign addressing this subject. It features an awareness raising video and a website with information and resources.

9. Partnership between governments and civil society

The government provides support to local civil society organisations. The NGO rede ex aequo has received in the past some funding to produce materials for teachers and students, as well as for a specific project aimed at teachers' training and an awareness raising campaign that included posters and postcards. ILGA Portugal will soon start a new project aimed at the creation of GSAs in school context, with the support of public funding, and with several partnerships, including municipalities, other NGOs and victim support services.

10. International commitment

- Portugal has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Portugal is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

In 2010, the Ministry of Education cancelled the distribution of posters from rede ex aequo's project Inclusion, a campaign that had been funded by EEA Grants between 2009 and 2011. The campaign proceeded with local initiatives with the support of local school administrations.

²⁷¹ Other available academic articles on the subject:

Other António, R., Pinto, T., Pereira, C., Farcas, D., & Moleiro, C. (2012). Bullying homofóbico no contexto escolar em Portugal. *Psicologia*, 26(1), 17-32. http://www.scielo.mec.pt/scielo.php?pid=S0874-20492012000100002&script=sci_arttext&tlng=es

Liliana Rodrigues et al. Teachers' Discourses on Young Lesbians in the Portuguese School Context. *Volumen 15, Número 2 Mayo-Agosto* pp. 1-19

<http://revistas.ucr.ac.cr/index.php/aie/article/view/18535>

Gato, J., & Fontaine, A. M. (2012). Atitudes face à diversidade sexual no contexto psicossocial, jurídico, da saúde e educativo. *Exedra: Revista Científica*, (6), 81-103.

<http://dialnet.unirioja.es/servlet/articulo?codigo=3936708>

Significant news

In 2012, ILGA Portugal launched a call for a children's illustrated book portraying LGBTI lives. A jury chose a story about a five year-old girl with two fathers ("Primeiro Cresci no Coração" - First I grew up in their hearts"), from a total of 54 contestants. The book was published, with the financial support of a public funding for equality policies, and it has been handed out with no charge for primary schools and other public libraries, followed by a significant number of readings.

Good practices and campaigns

Tod@s Somos Precis@s (It takes all kinds), by ILGA-Portugal

[<http://ilga-portugal.pt/educacao/>]

Website with resources for teachers and students, to be used according to different subjects and age groups.

Covers: SO and GIE

Dislyke bullying homofóbico, by CIG - Commission for Citizenship and Gender Equality

[<http://www.dislikebullyinghomofobico.gov.pt/>]

Campaign includes an awareness raising spot and a website with resources.

Covers: SO and GIE

Educação LGBT rede ex aequo, ILGA Portugal

[<https://www.rea.pt/projeto-educacao/>]

Project includes storytelling and awareness raising sessions and brochures for teachers and students.

Covers: SO and GIE

Romania

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination law

The **General Statutory Order on preventing and combatting discrimination (2000)**²⁷² is applicable within education and it prohibits discrimination on grounds of sexual orientation. This law, however, does not explicitly establish gender identity and expression or variations in sex characteristics as protected grounds. The criteria protected from discrimination are organised in an open list, so students may argue they have been discriminated against on the basis of their gender identity or being intersex. That would add further burden in proving discrimination, as they would need to show gender identity, for instance, is a reason for which persons can be discriminated against.

Generally speaking, provisions in school regulations that prohibit discrimination usually refer to the OUG 137/2000, and omit to leave the list open for any other criteria. Even if one may argue that gender identity and expression or variations in sex characteristics are criteria to be protected from discrimination in front of the national equality body, it is more difficult to state that in front of school regulators.

2. Policies and action plans

Currently, there are no policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying. In the Universal Periodic Review submission for the Office of the High Commissioner for Human Rights' Compilation Report, ACCEPT reports that the main framework used to support efforts related to awareness raising to sexual orientation and gender identity was that of the **National Anti-Discrimination Strategy**. However, Romania failed to adopt a new strategy after the expiration of the previous one. A first draft of a new strategy was produced in 2014. It is a multi-annual policy document to be adopted by the government, following consultations between the National Council for Combatting Discrimination and civil society, including organisations of the Romanian Anti-Discrimination Coalition. However, to date, the new strategy and its annual action plan are not yet in force, and education programmes linked to anti-

²⁷² <http://www.polcomtim.ro/diverse/O137.pdf>

discrimination are therefore not implemented or monitored in schools. There may be a few exceptions, but the protection and security of certain groups, such as LGBTQI youth, remains problematic.

3. Education curricula

Romania has no comprehensive sexual education course and information on sexual orientation, gender identity and expression and variations in sex characteristics is rarely addressed within the school curriculum. Sexual orientation and gender identity might be addressed in the curriculum of education for health, but this is an optional subject that contains a very limited number of hours dedicated to sexual education. Actually, less than 6% of Romanian learners take this optional subject and LGBTQI topics are not always included.

4. Teacher training on LGBTQI awareness

There are currently no mandatory teacher training courses on LGBTQI awareness. Occasionally, some faculties offer workshops with sensitivity to LGBT content, but it is normally through the initiative of civil society organisations.

5. Gender recognition

Romanian **Civil Code**²⁷³ (2009) makes changing both first name and gender marker possible, but there is no specific trans legislation and the conditions are unclear. According to FRA, “the regulations implementing the law do not contain any express reference to this situation and do not clarify the procedures”.²⁷⁴ The current law is, therefore, vague in terms of standards applicable in a court of law for granting the sex and name change in civil status documents. The Romanian law on civil status refers only to sex, and not gender. Gender is not a differentiated concept for civil status documents, so the lawmaker uses male or female to refer to the sex of citizens.

Specifically, the article of this civil code in this regard states that “the change of mentions referring to sex on civil status documents can be made through the decision of a court of law”. As a result, trans people must sue the municipal council of their place of domicile in Romania, and need to prove in a contentious procedure that they are of the opposite gender than what is written in their paperwork. During the trial, judges may require the individual to submit to an invasive control performed by the medical legal institute in Romania, the body of medical experts who check victims of violence usually and provide a certifying medical document. A lot of times this procedure is humiliating and does not guarantee a favourable court decision, as many judges rule based on their prejudice.

In schools, learners have no way of asking teachers to use another name or gender on school documents. However, there are a small number of educators who use the name and pronouns requested by their students.

²⁷³ <http://www.euroavocatura.ro/print2.php?print2=lege&idItem=1182>

²⁷⁴ http://fra.europa.eu/fraWebsite/attachments/LGBT-2010_thematic-study_RO.pdf

6. Data collection of bullying and harassment and monitoring of policies

The government does not systematically collect data on homophobic, biphobic, transphobic or interphobic bullying. The civil society organisation, ACCEPT Romania, however, collected information during 2015-2016 to assess students' attitudes towards LGBT people in high school²⁷⁵. The research was based on the results collected from 613 respondents in 10 high schools across Romania, as well as 38 surveyed high school teachers and 38 youth workers. In addition, an online survey, targeted towards LGBT students in high schools was developed, and 154 valid responses were submitted from self-identifying LGBT students aged 13-19. **A safe high school for all: perception and attitudes regarding LGBT individuals in education**²⁷⁶ shows that, out of the biggest sample, 40% of high school students would be bothered if a teacher were gay and 35% if they were lesbian. Likewise, 61.5% of the respondents would do anything to overcome an attraction towards someone of the same sex. Out of the small sample (LGBT students), seven out of ten respondents think they are not safe at school and the vast majority of them (96%) thinks the term *gay* or *lesbian* is used as an insult in Romania.

7. Support systems

The government does not provide adequate support systems for people who have experienced homophobic, biphobic, transphobic or interphobic bullying. ACCEPT Romania provides support for LGBTQI learners and gives advice in cases of discrimination, despite receiving no public funding.

8. Information and guidelines

According to the latest ILGA-Europe report²⁷⁷, ACCEPT launched the first educational online platform with information on discrimination, sexual orientation and gender identity for learners and teachers²⁷⁸. "The website contains information on the history of the LGBTI community, advice on how to deal with bullying or harassment and the course[s] are available to be used by students, teachers, youth workers and the general public".

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Romania has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Romania is not a member of the European Governmental LGBTI Focal Points Network.

²⁷⁵ <https://www.ilga-europe.org/sites/default/files/2017/romania.pdf>

²⁷⁶ <http://www.acceptromania.ro/blog/2016/03/01/tinerii-lgbt-victime-ale-violentei-si-hartuirii-la-liceu/>

²⁷⁷ <https://www.ilga-europe.org/sites/default/files/2017/romania.pdf>

²⁷⁸ www.lgbtlearning.ro

Russia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination laws

Russia has no anti-discrimination law. In fact, an Anti-Propaganda Law was passed in 2013 which prohibits “propaganda of non-traditional sexual relations among minors, manifested in the distribution of information aimed at forming non-traditional sexual orientations, the attraction of non-traditional sexual relations, distorted conceptions of the social equality of traditional and non-traditional sexual relations among minors, or imposing information on non-traditional sexual relations which evoke interest in these kinds of relations”²⁷⁹. In the text of the law, “non-traditional sexual relations” are classified as harmful to children and pornographic in nature; the view that they are equal to “traditional relations” is seen as “distorted”. This representation makes LGBTQI people unequal before the law and goes against the rights of children, which should be protected by Russian Constitution.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics. In fact, the Anti-Propaganda Law prohibits the spreading of information about “non-traditional sexual relations” to children.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

²⁷⁹ http://www.sras.org/russia_gay_propaganda_law

5. Gender recognition

The **Federal Law on Acts of Civil Status (1997)**²⁸⁰ states that it is possible to correct/change one's civil gender status "with the presentation of certification by a medical institution, following procedure to be established by the authority for the region, and following state policy and legal regulation of public health". There are no clear conditions and most applications are therefore refused. Civil society organisations have reported that there is no such restriction in law. There is also no information about attempts of persons under 18 to obtain legal gender recognition in Russia. However, in 2015, the Russian Ministry of Health replied to request about requirements for legal gender recognition, stating that change of documentation could be allowed for a person of full legal age (18 years).

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. The European Commission against Racism and Intolerance has repeatedly encouraged the Russian Federation authorities to consider ways of establishing a coherent and comprehensive data collection system in order to assess the situation of the various vulnerable groups living in the Russian Federation, but these measures have not been implemented as of yet.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students. In fact, the Anti-Propaganda Law prohibits the dissemination of all information relating to "non-traditional sexual relations". Elena Klimova, a Russian journalist, created an online support project for LGBT teens, entitled Children 404. (The number "404" in the project title refers to the internet error message: Error 404 – Page Not Found). In January 2014, she was charged under a Russian federal law criminalising the distribution of "propaganda" of "non-traditional sexual relationships" among minors. On 21 February 2014, the charges were dropped after the court ruled in consultation with a mental health professional that the page "helps teenagers exploring their sexuality to deal with difficult emotional issues and other problems that they may encounter", and did not constitute "propaganda" under the law. In January 2015, Klimova was, again, charged with violating the propaganda law for operating Children-404, facing a fine of 50,000 rubles. The charges were dropped by the court after an appeal. However, in July 2015, Klimova was charged once more and convicted by the same court for violating the law, facing the same fine.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Russia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Russia is not a member of the European Governmental LGBTI Focal Points Network.

²⁸⁰ https://www.consultant.ru/document/cons_doc_LAW_16758/0fe05a683d844cb8169faec4b024047c065e4f3b/

San Marino

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

San Marino does not have any specific national education law that mentions sexual orientation, gender identity and expression, or variations in sex characteristics. In 2014, the government passed a **Law to protect the education of children with special needs** (law n. 142 of 2014). The law covers only the following conditions: dyslexia, dysorthography, dysgraphia, dyscalculia, language disorder, developmental coordination disorder, attention disorder, and attention deficit hyperactivity disorder (Article 1). The purpose of the law is to ensure that children affected by these conditions are given the opportunity to study while respecting their identity by, *inter alia*, ensuring equal opportunities, guaranteeing a proper education of the responsible teachers on their conditions, applying adequate educational techniques, adapting the curricula to the individual student where necessary, and reduce potential issues they may face in school (Article 2 and 4). Article 9 of the law set up the technical committee for school inclusion (Commissione Tecnica per l'Inclusione Scolastica), responsible for putting in place the necessary education paths and monitoring and evaluating them.

More generally, law n. 21 of 1998 on general education norms²⁸¹ includes some statements on non-discrimination and inclusion of all learners. That said, it only specifically mentions students with disabilities. Article 1 states that schools should respect the right to an education without discrimination of any kind and in the respect of the freedom and identity of each individual. Article 2 provides that students bearing disability have the right to develop their potential in full, benefitting from tailored educational curricula.

In sum, there is no specific national education law that mentions LGBTQI persons. The general norms on education mention that the right to an education means that each learner must be free from discrimination and that individual freedom and identity are respected. For the moment, though, the legislator seems to have applied this broad principle only to cover specific physical conditions, while leaving issues facing LGBTQI students unregulated.

²⁸¹ <http://www.consigliograndeegenerale.sm/on-line/home/archivio-leggi-decreti-e-regolamenti/documento17022069.html>

2. Policies and action plans

On 20 March 2017, “Grand and General Council”, San Marino’s parliament, passed unanimously an anti-bullying and anti-cyber-bullying action plan²⁸². The action plan requires the Congresso di Stato, the governmental branch, to liaise with the stakeholders, namely schools and other relevant authorities to promote studies to provide data on bullying and cyber-bullying activities in San Marino; raise awareness on these issues; realise a common project between the schools and health services institutions to include educational programmes to cover these issues; and to report on the activities listed above by 31 December 2017. It would thus seem like the right time to liaise with the relevant authorities to raise awareness on LGBTQI issues in schools.

3. Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression or variations in sex characteristics.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

In the preamble to the action plan, the Grand and General Council mentions that there is currently no national data available which would allow parliament to adequately respond (even with legislative actions) to the issue. This is why one of the action items of the plan is to run a study to understand and monitor potential bullying and cyber-bullying activities in San Marino.

The Technical Committee for School Inclusion (Commissione Tecnica per l’Inclusione Scolastica) set up under Article 9 of law 142/2014 is responsible for putting in place the necessary education paths, monitoring and evaluating measures for learners with special needs (special needs as defined in Article 1 of the law).

7. Support systems

Teachers are legally obliged to take care of the mental and physical well-being of the students, but there is no specific training. Psychological support systems (school psychologist, school social worker, etc.) might have specific services, but there is no regulation on how to support students who have faced discrimination on grounds of their sexual orientation, gender identity and expression, or variations in sex characteristics.

8. Information and guidelines

There is no available data regarding information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

²⁸² <http://www.libertas.sm/notizie/2017/03/20/san-marino-in-cgg-lodg-su-bullismo-e-cyber-bullismo.html>

9. Partnership between governments and civil society

There is no available data regarding partnerships with LGBTQI civil society organisations working in the area of education.

10. International commitment

- San Marino has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- San Marino is not a member of the European Governmental LGBTI Focal Points Network.

Serbia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	5/10			

Report

1. Anti-discrimination law

The **Anti-Discrimination Law**²⁸³ (2009) provides protection against discrimination on grounds of sexual orientation and gender identity and is applicable within education. However, variations in sex characteristics are not mentioned in this law. The **Law on Higher Education**²⁸⁴ (2005, amended 2017) guarantees the right to higher education to all persons who have completed their secondary education, irrespective of their gender or sexual orientation. Activities of higher education are based on the following principles: academic freedoms; openness to the public in general, and to citizens; recognition of humanistic and democratic values of European and national traditions and cultural heritage values; respect for human rights and civil liberties, including prohibition of all forms of discrimination.

Furthermore, the **Law on Pupil and Student Standard**²⁸⁵ regulates rights, duties and responsibilities of learners. The law prohibits discrimination, insults, violence and abuse (i.e. any activity of overt or covert threatening, belittling or discriminating against groups and individuals) on any grounds, particularly on the grounds of race, sex, ethnicity, social origin, birth, religion, political or other opinion, financial status, culture, language, age, sexual orientation, mental or physical disability, body shape, or any activity that encourages such behaviour.

2. Policies and action plans

The **Anti-Discrimination Strategy for 2013-2018** aims to respect the constitutional principle of non-discrimination against a person or group of persons in regard to their personal traits, especially vulnerable groups (LGBT people, among others). The Strategy defines the following specific objectives in the field of education: to ensure that the right to education can be effectively exercised without discrimination; in particular, to ensure protection of rights of children and youth to education in a safe setting, free from violence, bullying, social exclusion or other forms of

²⁸³ http://www.paragraf.rs/propisi/zakon_o_zabrani_diskriminacije.html

²⁸⁴ Official Gazette of RS, issues no. 76/2005, 100/2007 - authentic interpretation, 97/2008, 44/2010, 93/2012, 89/2013, 99/2014, 45/2015

²⁸⁵ Official Gazette of RS, issues no. 18/2010 and 55/2013

discriminatory and degrading treatment; to use education system to raise awareness among young people; to promote common tolerance and respect; to provide objective information in school curricula and textbook material; and to support and assistance in teaching LGBT pupils and students, as well as protection of academic staff from discrimination, harassment, dismissal due to actual or assumed sexual orientation and gender identity.

Furthermore, the **National Youth Strategy for the period 2015 – 2020** explicitly mentions young people with different sexual orientations and highlights the issue of bullying and violence against the LGBT community. It prohibits discrimination, but there is no explicit information about inclusive measures for LGBT people.

3. Education curricula

Civil society organisations report that there is no inclusion of LGBTQI topics in the school curricula. In 2014, there was an initiative to teach sexual education in several schools but this was stopped by the government. The Law on Textbooks guarantees equal opportunities and prohibition of discrimination in the sense that a textbook, manual, teaching material or teaching aid in its content and form should enable implementation of the equal opportunities principle, and that its content and form must not discriminate or put at disadvantage groups and individuals, or encourage such behaviour, in accordance with the law governing prohibition of discrimination. However, Labris conducted a textbook analysis in 2014 revealing that textbooks in the area of biology, medicine and psychology had discriminatory content. In 2017, the organisation requested the Ministry of Education to review the content of textbooks and teaching aids which contain discriminatory content. In the response Labris received, they commit to draw-up a proposal to define more closely the plan of textbooks and standards of quality of textbooks, manuals, teaching materials and didactic teaching materials, so that they do not contain of discriminatory content or approach in relation to all minority groups or individuals.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Labris, however, has been organising trainings for professors and other high schools staff on LGBTQI awareness since 2011.

5. Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide information about cases of bullying and harassment on grounds of real or perceived sexual orientation, gender identity and expression or variations in sex characteristics. In 2017, Labris conducted an analysis of the attitudes of high school students about the LGBT community: 54% of students believe that homosexuality is a disease, 53% opposes LGBT content in teaching material, and 40% believe that LGBT persons should not have the same rights as other persons. The study shows that most young people grow up learning hatred for difference. Based on this research, Labris concludes that such attitudes are not only a product of the social climate, but also of teaching materials that discriminate against the LGBT community.

7. Support systems

Every school has psychologist and/or education specialist and obligation to develop an action plan against bullying and create a school board to deal with the issue. LGBTIQ learners, however, are not explicitly mentioned.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students. Despite a lack of public funding, civil society organisations provide this information²⁸⁶, as well as presenting a living library in some high schools.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Serbia has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Serbia is not a member of the European Governmental LGBTI Focal Points Network.

²⁸⁶ <http://www.labris.org.rs/sr/e-biblioteka>

Slovak Republic

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	7/10	Yes	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	8,5/10	Yes	Yes	No
Partnerships between governments and civil society	8,5/10	Yes	Yes	No
International commitment	5/10			

Report

1. Anti-discrimination law

The **Act on Equal Treatment in Certain Areas and Protection against Discrimination (365/2004)**²⁸⁷ was adopted in 2004 and later amended in 2007 and 2008. It includes a provision banning discrimination in education and training on the basis of several protected grounds, including gender and sexual orientation. Furthermore, the **Education and Training Act (245/2008)**²⁸⁸ explicitly prohibits discrimination on the basis of all protected grounds and calls for equality when accessing education and training. It also contains a provision which calls for responsible education of individuals towards freedom, tolerance, equality between women and men, friendship among nations and ethnic groups, and tolerance to other religions.

2. Policies and action plans

The **National guidance on the prevention and resolution of harassment of students in schools and school facilities (2006)**²⁸⁹ does not include any provisions related to diversity or protected grounds. While this document does not have the force of a normative document such as a legal act, it serves as a soft-law strategy. The document provides general information on the topic of bullying and harassment. It also provides basic guidance to schools on solving cases of bullying and harassment, while adopting a zero-tolerance policy. The document also assigns each primary and secondary school with the task of building up a school strategy on preventing and tackling bullying and harassment, which is annually monitored by the State School Inspection).

Furthermore, the Slovak Ministry of Education annually issues **Pedagogic and organizational instructions**²⁹⁰ for primary and secondary schools which focus on numerous topics. These also include the prevention of harassment and bullying, as well as the demand for an intersectional

²⁸⁷ <http://www.zakonypreludi.sk/zz/2004-365>

²⁸⁸ <http://www.zakonypreludi.sk/zz/2008-245>

²⁸⁹ <https://www.minedu.sk/data/att/571.pdf>

²⁹⁰ <https://www.minedu.sk/pedagogicko-organizacne-pokyny-na-skolsky-rok-20162017-dodatok/>

approach towards human-rights education. The 2015/2016 instructions call for a systematic approach towards the topics of inequality, discrimination, racism, anti-Semitism, xenophobia and intolerance towards migration. However, sexual orientation, gender identity and expression and variations in sex characteristics are not stated as protected grounds²⁹¹.

According to civil society organisations, an analysis of the legal and strategic documents shows that the topics of bullying (harassment) and diversity (non-discrimination) tend to be separated without any inter-relation. The **National Guidance no. 7/2006, Art. 2** states that "bullying is defined as any bullying behaviour of pupils or students, whose intention is to harm another student or the students, including to intimidate them. This is a targeted and repeated use of violence to such a pupil or group of pupils who for various reasons cannot or will not defend themselves." As such, bullying is portrayed as a question of violent behaviour of individual students. The causes or contributing factors of bullying are never made clear and never feature as issues related to the diversity of learners.

While the legal and strategic documents call for an intersectional approach to education on human rights and tolerance, through various advocacy and educational activities, this is never related to bullying and harassment in class. Furthermore, while several protected grounds are implicitly mentioned (such as "racism"), when it comes to human rights education, sexual orientation, gender identity and expression and variations in sex characteristics are never mentioned.

3. Education curricula

Starting in September 2015, the Slovak Ministry of Education, Science, Research and Sport launched the Upgraded State Educational Programme for secondary grammar schools. This programme has been tested since 2015, starting with the 1st grade. In September 2016, the 2nd grade was included and this will continue to the following years to include higher grades. All three of these upgraded programmes (4-year, 5-year and 8-year programme) include new curricula for biology classes and require teachers to introduce a discussion on the topic of healthy lifestyle in relation to reproduction. Within this discussion, students are to focus on "the ethical principles of partnership and planned parenthood" - as such, questions of homosexuality and heterosexuality are to be discussed with regulation from the teacher²⁹².

The Methodological and Pedagogical Centre in Bratislava issued a number of methodological publications for teachers of Ethics at secondary schools. These include: *Lenka Rovňanová (2014): Výchova k manželstvu, rodičovstvu a etike intímnych vzťahov, časť 1.* (Education to marriage, parenthood and the ethics of intimate relationships, Part 1), *Lenka Rovňanová (2014): Výchova k manželstvu, rodičovstvu a etike intímnych vzťahov, časť 2.* (Education to marriage, parenthood and the ethics of intimate relationships, Part 2), and *Alena Molčanová, Jarmila Verbovská (2015): Výchova k manželstvu a rodičovstvu v edukačnom procese* (Education to marriage and parenthood in educational process). These publications mention homosexuality in a non-stereotypical manner and also call for a discussion about the harm of gender and sexuality stereotypes. Gender identity is also mentioned, but in a rather neutral way (trans persons are not mentioned). Sex characteristics are also mentioned, but as something that are always clear from birth and clearly determines the sex of an individual.

Furthermore, the **Pedagogic and Organizational Instruction of the Ministry of Education 2015/2016** calls for the inclusion of secondary schools in the National Olympics of Human Rights, which is organised annually. The competition has a regional and a national round which consists

²⁹¹ <https://www.minedu.sk/pedagogicko-organizacne-pokyny-na-skolsky-rok-20162017-dodatok/>

²⁹² <https://www.minedu.sk/data/att/7987.pdf>

of a number of questions and cases which the participants have to solve. The competition is organised in cooperation with UNESCO and the Comenius University in Bratislava. The last two years of the Olympics (2014-2015, 2015-2016) did not contain any cases or questions related to LGBTQI rights²⁹³.

Finally, the **Pedagogic and Organizational Instruction of the Ministry of Education 2015/2016** calls for primary and secondary schools to "involve children and pupils in activities in the field of human rights education by organising conferences, competitions, meetings, thematic exhibitions, visits to theatre performances on the theme of human rights" as well. However, within this context, LGBTQI issues are not mentioned explicitly.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Teacher training at universities and colleges in Slovakia is very subjective, as it is dependent on particular lecturers and their courses.

For example, university students in Slovakia can choose to study tutorial courses (e.g. Slovak language, foreign languages, geography, history, etc.) and non-tutorial courses (e.g. psychology, anthropology, IT and technical courses). Tutorial university courses provide students with the disposition to become teachers after gaining their university degree. Non-tutorial courses require students to seek the so-called Additional Pedagogical Studies in order to become teachers and this usually takes four semesters (2 years) when pursued full-time. The content of the training related to the Additional Pedagogical Studies is individual and depends on a particular university lecturer and their planning of lectures. There are no nation-wide guidelines for the Additional Pedagogical Studies, so the plans are prepared by individual universities.

The Faculty of Education at the Comenius University in Bratislava includes a number of courses for students of pedagogy on the topic of gender, sexual orientation and gender identity. These courses are taught by Mgr. Katarína Minarovičová, PhD. and are the following: *Rodové aspekty vzdelávania a výchovy* (Gender aspects of education), *Úvod do rodových štúdií* (Introduction to gender studies) and *Sociálne otázky sexuality a rodu* (Social questions of sexuality and gender)²⁹⁴.

5. Gender recognition

The **Personal Identification Numbers Act**²⁹⁵ (1995) establishes legal provisions to change the gender marker on the identification number. Such changes are made by the Ministry of Interior and are based on a written declaration of the person concerned and the presentation of a medical certificate stating that the person in question has undergone a sex change. The legislation is unclear in regard to specific medical requirements and the age limit for this procedure. According to ECRI and TGEU, "many doctors interpret this requirement in a strict manner and in order to provide a certificate require proof of permanent change of the original reproductive organs or that the person has been diagnosed as permanently infertile"²⁹⁶.

²⁹³ <http://www.iuventa.sk/sk/Olympiady/Olympiady-a-sutaze/OLP.alej>

²⁹⁴ <http://staryweb.fedu.uniba.sk/index.php?id=minarovicova>

²⁹⁵ <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/301/20040101>

²⁹⁶ <https://tgeu.org/wp-content/uploads/2016/07/Slovakia.pdf>

6. Data collection of bullying and harassment and monitoring of policies

Data on homophobic, biphobic, transphobic or interphobic bullying is not collected by the government. However, the State School Inspection addresses bullying and harassment in schools and also conducts surveys on this topic. While the data is not collected nationally, the Inspection conducted in recent years a number of surveys among students of primary and secondary schools²⁹⁷. Individual small-scale surveys are also conducted in the academic sector. The latest survey was published as a monograph in 2012 by Miroslava Adamík Šimegová and Peter Szeliga under the title *Výskum šikanovania v prostredí školy* (Research on bullying in educational settings)²⁹⁸.

The **National Guidance no. 7/2006** also calls on primary and secondary schools to prepare a school-wide strategy on prevention and elimination of bullying and harassment of students. This provision is annually monitored within the national report of the National School Inspectorate. This is a monitoring document based on the soft-law National Guidance 2006, and as such, it is not a strong normative document. However, it is taken into consideration by the Ministry of Education, Science, Research and Sport. Within the last report (2014-2015), the Inspection disclosed the inability of some primary and secondary schools to present the school-wide strategy on prevention and elimination of bullying and harassment. As schools are not obliged, however, there is currently no reliable register at their disposal.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families. However, primary and secondary schools are advised to contact the Pedagogic and Psychological Guidance Centres which are present in all eight regions of Slovakia. According to the National Guidance 2006, primary and secondary schools are also required to employ a guidance counsellor who is also trained on the topics of harassment and bullying. In most cases, schools employ one teacher who is also trained as a guidance counsellor. This individual is also in contact with the regional Pedagogic and Psychological Guidance Centre²⁹⁹.

8. Information and guidelines

There is generally a number of methodological tools available for teachers on the topic of bullying and harassment. For the purposes of their training, the Ministry of Education, Science, Research and Sport launched a website³⁰⁰, where teachers, parents and students can find information. Nevertheless, the information and materials available on this website rarely mention the topic of diversity. For example, the Methodological Material for Head Teachers issued in 2008, and promoted by the national institutions working within the area of education, focuses on bullying and harassment as a particular issue of aggression and violent behaviour of individuals. Within this material, on page 36, one can familiarise themselves with the "reasons for bullying", which primarily focus on boredom, need to gain power, peer pressure and individual cruelty. The issues of diversity are not mentioned at all.

Information is available to teachers through the work of the NGO sector. The non-governmental counselling centre for LGBTI persons Q-Centrum, for example, devotes a section of its website to the topic of homophobic bullying and harassment in schools. Here they explain in detail what are the particularities of homophobic harassment and provide examples of how to deal with

²⁹⁷ <http://www.ssiba.sk/Default.aspx?text=g&id=33&lang=sk>

²⁹⁸ <https://www.martinus.sk/?ulitem=146186>

²⁹⁹ <http://www.psychologickecentrum.sk/>

³⁰⁰ <http://www.prevenciasikanovania.sk/?mod=pedagogovia--teoria-sk--metodicka-prirucka-pre-triednych-ucitelov>

individual cases. The website also contains testimonies of young LGBT persons who have experienced homophobia and transphobia in schools³⁰¹.

9. Partnership between governments and civil society

Civil society organisations are able to gain funding through national grant schemes, including in the area of education. In recent years all of the aforementioned organisations applied for this type of funding and have gained financial resources in order to conduct advocacy and education programmes (also in the area of education and schooling).

10. International commitment

- Slovakia has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Slovakia is a member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

In June 2014, the draft National Strategy for the Protection and Promotion of Human Rights in the Slovak Republic was submitted for inter-ministerial consultation and was as such also commented upon by the Slovak Ministry of Education, Science, Research and Sport. With regards to the Annex No. 8: The Rights of Lesbian, Gay, Bisexual, Transgender and Intersex People, the Ministry provides the following (oppositional position):

'...Other requirements of education in schools are defined by the School Act, § 151. Regarding education about human rights, we draw your attention to paragraphs (3) and (4), which state that "in schools and educational institutions the following shall not be permitted: advertising which is in contradiction with the principles or content of education, or with other negative activities connected with education, advertising or sale of products that threaten the health, psychological or moral development of children or pupils", and also "in schools and educational institutions, it is prohibited to provide or make available information, or to abuse informational means in such a way, which could lead to the disruption of morality...'

'...And as the Ministry of Education is the guarantor of a healthy educational environment, it strongly disagrees that gender ideology and issues of LGBTI people to be introduced into the education process in schools in the Slovak Republic...'

'...The foregoing suggests the forced sexualisation of children and youth by state institutions, according to which the (Slovak) state should—through education and teaching—scarify/swing their (born congenital) gender identity. From the scientific, medical, psychological and pedagogical perspective, any experimentation with a child's mental development is immoral and unethical. This is particularly true in such a sensitive area as sexuality. Moreover, questionable interventions in the natural development of a child may induce undesirable mental disturbances or behavioural disorders, anxiety, depression etc. According to the experts who endorsed the Statement and Appeal of Doctors, Psychologists, and Other Professionals on the Impact of Gender Ideologies on the Mental Health of Children, it is an experiment whose "biggest risk is the deformation of children's psychosexual development"'

³⁰¹ <https://qcentrum.sk/homofobia-na-skolach/>

Civil society organisations report that the National Strategy has yet to be adopted for the lack of political interest.³⁰²

Good practices and campaigns

Prevention of homophobia and transphobia via education, by Iniciatíva Inakosť

In 2015, the NGO Iniciatíva Inakosť published a monograph titled *Predchádzanie homofóbie a transfóbie prostredníctvom vzdelávania* (Prevention of homophobia and transphobia via education), which was aimed at teachers, parents and anyone interested in the topic of LGBTI rights in schools. The main area of the publication is the schooling system - the publication familiarises the readers with the core issues of homophobia and transphobia and further provides the readers with interesting incentives and suggestions on how to tackle core issues within classrooms. The monograph is available in Slovak and can be provided by Iniciatíva Inakosť upon request.

Covers: SO, GIE and SC

Methodological and Pedagogic Centre in Bratislava³⁰³

In 2013, Ingrid Šoltysova published a study titled "Homofóbne šikanovanie na strednej škole na hodinách etickej výchovy" (Homophobic bullying during high school classes on ethics). The study was issued with the help of the national Methodological and Pedagogical Centre in Bratislava (supervised by the Ministry of Education). The study is presented as a methodological tool for teachers, while it presents specific cases of homophobic bullying and gives advice on how to tackle this issue. The tool also provides teachers with general information on LGB rights and raises awareness on the issue of homophobia in schools. The study is promoted by the Methodological and Pedagogical Centre in Bratislava and is available online.

Covers: SO

Non-governmental counselling centre Q-Centrum

[<https://qcentrum.sk/sluzby/psychologicke-poradenstvo/>]

Non-governmental counselling centre Q-Centrum in Bratislava provides social, psychological and legal counselling to LGBTI persons, including LGBTI youth and their families. Within psychological counselling, they provide counselling on various topics, including homophobia and transphobia in family environment or at school.

Covers: SO, GIE and SC

³⁰² <https://lt.justice.gov.sk/Material/MaterialHome.aspx?instEID=1138&matEID=7384&langEID=1&tStamp=20140625191835590>.

³⁰³ Link: http://mpc-edu.sk/shared/Web/OPSOSO%20IV.%20kolo%20vyzvy%20na%20poziciu%20Odborny%20poradca%20vo%20vzdelavani/4_OP_Soltysova%20Ingrid%20-%20Homofobne%20sikanovanie%20na%20strednej%20skole%20na%20hodinach%20etickej%20vychovy.pdf

Slovenia

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	10/10	Yes	No	

Report

1. Anti-discrimination law

The **Protection Against Discrimination Act**³⁰⁴ (2016) sets sexual orientation, gender identity and gender expression as protected grounds of discrimination in various areas of social life. This act is applicable within education. Furthermore, the **Organization and Financing of Education Act, Art. 2**³⁰⁵ mentions among the objectives of education mutual tolerance, awareness of gender equality, respect for diversity and cooperation with others, respect for children's and human rights and fundamental freedoms, and fostering equal opportunities for both sexes, thereby developing the ability to live in a democratic society.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion. However, the Ministry has prepared guidelines for analysing, preventing and dealing with violence in schools³⁰⁶.

3. Education curricula

Civil society organisations report that national curricula in Slovenia contains very few references to LGBTQI content. In the past years, there were several workshops on sexual orientation organised in some schools in Slovenia.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Students training to be teachers, however, have an opportunity to select an elective course on gay and lesbian studies

³⁰⁴ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7273%C2%A0>

³⁰⁵ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO445>

³⁰⁶ http://www.mizs.gov.si/fileadmin/mizs.gov.si/pageuploads/podrocje/razvoj_solstva/Smernice_nasilje.pdf

at the Faculty of Arts, University of Ljubljana.³⁰⁷ The faculty of pedagogy (University of Ljubljana) also includes topics on LGBT identities in their courses, although there is no specific course solely focusing on LGBTQI issues.

5. Gender recognition

According to the **Rules on the Implementation of the Law of the Central Register, Art. 37**³⁰⁸ sex change shall be entered on the basis of the decision of the competent authority. The decision must be confirmed by a competent institution or doctor, but there are no clear criteria of what must be included. Minors must provide consent from their parents or guardians.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Slovenia has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Slovenia is member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

There is very strong so called "anti-gender movement" in Slovenia which is constantly attacking the work carried out by LGBTQI organisations in the field of education.

³⁰⁷ <http://www.sociologija.si/studij/sociologija-enopredmetni/uvod-v-gejevske-in-lezbicne-studije/>

³⁰⁸ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV5572>

Spain

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	10/10	Yes	Yes	Yes
Policies and action plans	10/10	Yes	Yes	Yes
Inclusive national curricula	8,5/10	Yes*	Yes*	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	10/10*			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

* In some regions

Report

1. Anti-discrimination law

The **Law on the Improvement of Quality of Education**³⁰⁹ (2013) prohibits discrimination on grounds of sexual orientation or gender identity, and states this discrimination as a serious misconduct that should be sanctioned with a corrective measure. Several autonomous regions have also adopted laws against discrimination of LGBTQI people, that call on schools to develop concrete anti-discrimination policies and include elements in the curriculum to foster inclusion.

2. Policies and action plans

In 2015, the **Strategic Plan for School Coexistence**³¹⁰ was drawn up through a participatory process coordinated by the Ministry of Education. For this reason, a Technical Group was created, made up of representatives of the autonomous communities and cities of Ceuta and Melilla, as well as other government agencies. At present, the contributions made by this Technical Group and by civil society organisations have been incorporated. This Plan is structured around seven fundamental axes that are related to the prevention of all types of bullying and school violence. Its structure also includes the following lines of action with objectives and measures to be applied in each one of them: monitoring of the implementation of inclusive measures; development of educational policies to improve inclusion; incorporation of Educational Success Actions and practices based on scientific evidence for the improvement of school inclusion; teacher training; coordination and cooperation between administrations, civil society organisations and other institutions; prevention and control of violent incidents or harassment in educational centres and support for people who have experienced discrimination; communication, exchange and dissemination of information and knowledge about the impact of school inclusion in education; and research and scientific dissemination on school coexistence.

³⁰⁹ http://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-12886

³¹⁰ <http://www.mecd.gob.es/educacion-mecd/mc/convivencia-escolar/plan-convivencia/introduccion.html>

The government has also developed a comprehensive action guide to prevent, identify and tackle bullying in schools³¹¹. These guidelines contain recommendations for school management teams, teaching staff, students and families and sets up an intervention protocol in case of discrimination on grounds of sexual orientation, gender identity and expression, or variations in sex characteristics.

Some regions have also developed specific anti-bullying policies. The Autonomous Community of Madrid, for instance, has developed a law on LGBT rights which call on schools to include sexual and gender diversity in their curriculum³¹². Catalonia also has a Law to grant the rights of LGBTI people and to eradicate homophobia, biphobia and transphobia (see *Education curricula*).

3. Education curricula

The curriculum in Spain varies from school to school. Some regional governments have implemented anti-discrimination laws or policies in the education curriculum, stating that school content should be inclusive of LGBTQI people.

More specifically, Andalusia has become a national and international role model due to the production of the Action Protocol on Gender Identity in Andalusia's Education System, which is notable for addressing trans realities in schools in a detailed, comprehensive and depathologising manner. Catalonia also has a Law to grant the rights of LGBTI people and to eradicate homophobia, biphobia and transphobia. It contains measures that school must implement to be inclusive (such as inclusive education curricula). Extremadura has approved a Law of social equality for LGBTI people and of public policies against discrimination on the grounds of sexual orientation and gender identity in the Autonomous Community of Extremadura, which includes a specific chapter on measures to be taken in the educational environment. The Canary Islands' Board of Education has transversally incorporated the prevention and identification of homophobic and transphobic bullying into all of its courses of action, producing a teachers' Equality Accreditation. The Basque Country's government considers education as one of the areas for priority action and proposes various specific actions for the educational environment.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. However, some universities offer lessons for teachers on this topic.

5. Gender recognition

Specific laws in some regions of Spain promote a self-determination procedure to change the gender marker of a person. Andalusia provides whatever accreditation needed of their self-declared gender identity to avoid situations of *outing* or discrimination. The **Integral Law for non-discrimination on grounds of gender identity**³¹³ establishes that minor can apply to change their gender marker with the consent of their parents. The government of Catalonia stated in 2014 (**Law to grant the rights of LGBTI people and to eradicate homophobia, biphobia and transphobia**³¹⁴) that there must be regulations for trans and intersex people to be treated according to their own gender even if they are minors, especially in educational institutions.

³¹¹ http://www.inmujer.gob.es/actualidad/NovedadesNuevas/docs/2015/Abrazar_la_diversidad.pdf

³¹²

³¹³ <http://www.juntadeandalucia.es/boja/2014/139/1>

³¹⁴ http://dogc.gencat.cat/ca/pdogc_canals_interns/pdogc_resultats_fitxa/?documentId=672704&action=fitxa

These laws, however, are only regional. The Spanish government adopted a **Law regulating the Rectification of Mentions in the Registry of the Sex of Persons** (2007)³¹⁵, according to which the rectification of sex marker will be allowed upon proof of gender dysphoria to people who are over 18. For this reason, young people might not be able to change their own gender in many regions of Spain.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. In 2013, however, it published a diagnosis of bullying and abuse among adolescents in Spain based on reliable consensual indicators that included new types of bullying and abuse and the role of the group. The goal was to ascertain what the characteristics of victimisation are and how effective students expect different kinds of measures to be³¹⁶.

7. Support systems

There are several support systems for LGBTQI learners in Spain. The guidelines **Embracing diversity** set up a national framework of school intervention in this regard. For its part, the different regions have standard action protocols to tackle bullying and provide support to people who have experienced discrimination³¹⁷.

8. Information and guidelines

The government has funded the project **Red Educa**³¹⁸ co-ordinated by the NGO FELGTB. This project is aimed to provide information to learners and school staff in regard to sexual orientation, gender identity and expression and variations in sex characteristics.

9. Partnership between governments and civil society

The government supports LGBTQI civil society organisations working in the area of education.

10. International commitment

- Spain has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Spain is a member of the European Governmental LGBTI Focal Points Network.

³¹⁵ <https://www.boe.es/buscar/doc.php?id=BOE-A-2007-5585>

³¹⁶ <https://sede.educacion.gob.es/publiventa/detalle.action?cod=15996>

³¹⁷ Andalusia: <http://www.juntadeandalucia.es/educacion/webportal/web/convivencia-escolar/protocolos-de-actuacion>

Aragon: https://convivencia.files.wordpress.com/2010/04/conflictos_alumnos.pdf

Canary Islands: <http://www.gobiernodecanarias.org/educacion/web/servicios/prevencion-acoso-escolar/>

Castilla-La Mancha: <http://www.educa.jccm.es/es/maltratoiguales/protocolo-maltrato-iguales>

Euskadi: http://www.hezkuntza.ejgv.euskadi.eus/contenidos/informacion/dig_publicaciones_innovacion/es_conviden/adjuntos/600022c_Pub_EJ_guia_acoso_escolar_2015_c.pdf

Catalonia: http://xtec.gencat.cat/ca/centres/projeducatiu/convivencia/recursos/resconflictes/maltractament_inf_adolesc/index.html

Madrid: http://www.educa2.madrid.org/web/educamadrid/principal/files/da42c8c3-9188-4ed7-abff-84fab563cd36/RECURSOS_Preveni%C3%B3n_Acoso_Escolar%2020_10_16.DEF.pdf?t=1477043149741

³¹⁸ <http://www.felgtb.org/temas/educacion/red-educa>

Sweden

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	10/10	Yes	Yes	Yes
Right to choose gender	2,5/10			
Data collection of bullying and harassment	10/10	Yes	Yes	Yes
Support systems	10/10	Yes	Yes	Yes
Information and guidelines	10/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	10/10			

Report

1. Anti-discrimination law

The **Law on School** (2010, art. 5 and 8)³¹⁹ states that education should be designed in accordance with fundamental democratic values and human rights, such as the inviolability of human life, the freedom and integrity of the individual, equal value of all people, and equality and solidarity between people. Anyone who works in education should therefore promote human rights and actively counteract all forms of offensive treatment. In that sense, the law refers to the Swedish anti-discrimination provisions. The **Law on Discrimination** (2008)³²⁰ states that discrimination based on sexual orientation or gender identity and expression is prohibited. It also defines direct and indirect discrimination as well as harassment on these grounds and prescribes active preventive measures to be taken. This law is also applicable within education.

Finally, the **Criminal Code** (1962, amended 2017)³²¹ criminalises threats and disapproval of individuals and groups, and discrimination by company managers on such grounds as sexual orientation. It also classifies grounds such as sexual orientation as an aggravating circumstance to violate such groups.

2. Policies and action plans

The **Law on School** (2010, Chap. 6, 7-8§) imposes an obligation on principals to draw up an annual plan against abusive treatment. There are therefore some municipalities that have developed their own action plan. For example, the **Action Plan Against Violation and Bullying**³²² of the municipality of Nacka includes sexual orientation or gender identity and expression as

³¹⁹ http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/skollag-2010800_sfs-2010-800

³²⁰ http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/diskrimineringslag-2008567_sfs-2008-567

³²¹ http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsbalk-1962700_sfs-1962-700

³²² <https://www.nacka.se/4941dc/globalassets/valfard-skola/ekliden/dokument/handlingsplaner-och-politics/handlingsplan.pdf>

concrete reasons of harassment and **Action plan for bullying and all forms of violation**³²³ in the city of Malmö classifies homophobia as offensive treatment.

3. Education curricula

According to the fundamental values and tasks of the school, stated in the national guidelines, no one should be subjected to discrimination on the grounds of gender, ethnic affiliation, religion or other belief system, transgender identity or its expression, sexual orientation, age or functional impairment or other degrading treatment³²⁴. The guidelines also establish that it is necessary to endorse the value of the diversity that exists in society and that a norm-critical perspective is a good starting point for working with inclusion. In general, gender identity and expression or variations in sex characteristics are not mentioned in the national curriculum or the syllabuses, but these curricula are based on the idea that “education should impart and establish respect for human rights and the fundamental democratic values on which Swedish society is based. Each and every one working in the school should also encourage respect for the intrinsic value of each person and the environment we all share.”

More specifically, human relationships are included in the curriculum under the head teacher’s responsibility. *Gender, gender roles* and *gender patterns* are terms that recur in several places. Terms such as *norms, values* and *ethics* are also used, as are *gender equality* and *sexuality*. The term *identity* can be found in, for example, the syllabuses for sports and health, and for religious studies in upper secondary school. For its part, the term *sexual orientation* is not mentioned in biology but the content in the syllabuses is gender neutral. The syllabus includes human puberty, sexuality, questions concerning identity, relationships and love, and biology. It also has information about sexual health. The gender-neutral content allows for a broad view on sexuality, gender, the human body, and identity, so should include LGBTQI-perspectives. Literature is another subject that provides an insight into the conditions under which people live, and issues related to life and identity. Teachers, therefore, have an opportunity to include LGBTQI realities in the content.

4. Teacher training on LGBTQI awareness

All teachers must achieve 60 credits of basic education science. In this compulsory training, they receive information on how to prevent and tackle discrimination in schools. The National Agency for Education, for its part, provides lessons using a norm-critical approach, and it specifically addresses the inclusion of LGBTQI people in the class. Civil society organisations, like RFSL, offer specific workshops, as well, and provide teachers with certificates to prove their knowledge.

5. Gender recognition

In 2012, forced sterilisations were removed from Swedish legislation. The **Gender Recognition in certain cases Act**³²⁵ (2012) states that a person can have their gender recognised by avowing that they have felt they belong to a certain gender and that they have lived in this gender identity for a long period of time. Minors can apply with the consent of their parents or guardians.

³²³ <http://malmo.se/download/18.76105f1c125780a6228800030611/Handlingsplan+mobbing+Strandskolan.pdf>

³²⁴ https://www.skolverket.se/om-skolverket/publikationer/visa-enskild-publication?_xurl_=http%3A%2F%2Fwww5.skolverket.se%2Fwtpub%2Fws%2Fskolbok%2Fwpubext%2Ftrycksak%2Fblob%2Fpdf2687.pdf%3Fk%3D2687

³²⁵ <https://lagen.nu/1972:119>

6. Data collection of bullying and harassment and monitoring of policies

The government monitors homophobic, biphobic, transphobic and interphobic bullying through the Swedish School Inspectorate. The civil society organisation, Friends, also collects data at a national level about bullying and segregates its information on different grounds of discrimination. This work is done in collaboration with the government. The organisation currently runs a five-year research project together with the Department of Child and Youth Studies at Stockholm University that reports bullying amongst young people. In January 2015, Friends also embarked on a research project with the Department of Psychology at the University of Gothenburg, with the aim of developing effective ways of involving learners in the work to combat bullying online.

7. Support systems

The **Education Act** states that schools must provide health services to learners at all levels of education. They shall include medical, psychological and educational support. Young people who have experienced discrimination can, therefore, seek assistance from their school curator. Publically funded NGOs (like RFSL) also offers victim support services for LGBTQI learners³²⁶.

8. Information and guidelines

The government provides information and guidelines on a national level. The authorities developed a methodology called **Open School!**³²⁷ to provide teachers with support in the work on LGBTQI issues. Civil society has also developed many different materials aimed at the school.

9. Partnership between governments and civil society

The government provides financial support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- Sweden has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Sweden is a member of the European Governmental LGBTI Focal Points Network.

³²⁶ <https://www.rfsl.se/en/organisation/crime-victim-support/>

³²⁷ <https://www.mucl.se/publikationer/oppna-skolan>

Switzerland

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Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	7/10	Yes	No	No
Policies and action plans	8,5/10	Yes*	Yes*	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	8,5/10	Yes*	Yes*	No
Information and guidelines	8,5/10	Yes*	Yes*	No
Partnerships between governments and civil society	8,5/10	Yes*	Yes*	No
International commitment	10/10			

*In some regions

Report

1. Anti-discrimination law

Several articles of the **Federal Constitution of the Swiss Confederation**³²⁸ refer to the area of education and specifically prohibit discrimination on grounds of sexual orientation. Furthermore, the **Cantonal Act on Public Education** (a regional law from Geneva) states that all schools should have their own protocols to address discrimination, but it does not specifically mention homophobia or transphobia. Some schools have already developed specific measures to tackle such discrimination³²⁹.

2. Policies and action plans

The **Fight Against Bullying Action Plan** applies to schools in the state of Geneva. Civil society organisations report that this plan does not specifically protect any grounds of discrimination and does not address the causes of bullying. There are, however, several information circulars from the Department of Education, addressing the topic of homophobic and transphobic bullying and calling on schools to set up specific projects.

3. Education curricula

The **Plan d'Etudes Romand** is a curriculum but it is on the Romandie level (French-speaking states). It does not address LGBTQI issues specifically, therefore, it is dependent on individual schools or teachers as to whether such content is included. Civil society organisations have worked with a number of schools in Geneva to develop lessons on LGBTQI issues in different subject matters (history, French, philosophy, citizenship, etc.) but it is not yet systematically addressed due to the lack of governmental guidelines.

³²⁸ <https://www.admin.ch/opc/en/classified-compilation/19995395/index.html>

³²⁹ The school "EC Aimée-Stitelmann" prevents homophobic or transphobic behaviour: "Chaque élève s'abstient de toute violence physique, verbale ou psychologique à caractère raciste, sexiste, homophobe ou se rapportant à l'apparence physique, à l'identité du genre, à l'apparence sociale, religieuse, ethnique ou à tout autre critère"

On a more local level, the **Service Santé de l'Enfance et de la Jeunesse**³³⁰ is responsible for sexual education in schools in Geneva. They include LGBTQI issues in the curriculum. Sexual education differs from state to state, so, does not depend on the Plan d'Etudes Romand.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. The basic training (formation initiale) of teachers in Geneva has no obligatory courses, but there is a voluntary 90-minute seminar about gender equality and LGBT issues. Civil society organisations are working on including these issues on an obligatory basis and on setting a proper training. Furthermore, the continuing education program for teachers in Geneva includes a training about LGBT issues that they can take on a voluntary basis.

5. Gender recognition

People can change their gender marker, but the requirements are unclear and there is no specific information about age limit. Legal gender recognition is based on the **Swiss Civil Code, Art. 1 and 42**³³¹ which only contains general rules rather than trans specific ones. During 2016, however, several non-binary people were granted a name change by their canton's administration, after explicitly stating that they have a non-binary gender identity.

6. Data collection of bullying and harassment and monitoring of policies

There is an educational inspectorate in the Department of Education, "Chargée d'égalité et d'homophobie" in charge of supervising gender-equality and LGBT equality programs in schools. They work in close collaboration with the coordinator of the program in schools.

7. Support systems

Civil society organisations provide support to students throughout their programmes³³².

8. Information and guidelines

The government provides information to school staff in order to tackle homophobic and transphobic bullying³³³. Civil society organisations are currently working on developing guides for LGBTQI learners but this information is currently not available.

9. Partnership between governments and civil society

The Department of Education of Geneva provides support to civil society organisations and partnership agreements to set-up specific programmes to prevent homophobia and transphobia in schools in Geneva³³⁴.

³³⁰ <https://www.ge.ch/ssej/>

³³¹ <https://www.admin.ch/opc/de/classified-compilation/19070042/index.html>

³³² [http://www.federationlgbt-geneve.ch/qui-sommes-nous/associations-membres/
www.totemjeunes.ch](http://www.federationlgbt-geneve.ch/qui-sommes-nous/associations-membres/www.totemjeunes.ch)

³³³ <http://www.federationlgbt-geneve.ch/projets/education/>

³³⁴ <http://www.federationlgbt-geneve.ch/projets/education/ecoles/>

10. International commitment

- Switzerland has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Switzerland is a member of the European Governmental LGBTI Focal Points Network.

Further information

Good practices and campaigns

Programme d'actions de formation et de sensibilisation contre l'homophobie et la transphobie en milieu scolaire

[<http://www.federationlgbt-geneve.ch/projets/education/ecoles/>]

Setting up of actions against homophobia and transphobia in schools

Covers: SO and GIE

Turkey

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

There is no anti-discrimination law to protect LGBTQI learners on the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics. The LGBTI Equal Rights Association for Western Balkans and Turkey reports that there is a draft law on the grounds of anti-discrimination that the government is working on, but it is not clear whether the law will include such grounds³³⁵.

Furthermore, Turkey has no protection from discrimination in the education system. Laws and policies do not provide any adequate protection for learners who are LGBTQI. Current law is also threatening to LGBTQI teachers. According to one article, “teachers whose behaviours are deemed as impure shall be dismissed, on two conditions. In the first condition, if a teacher’s behaviour is accepted as impure against the students in the school, they shall be removed. In the second condition, if a teacher’s behaviour is accepted as impure and cannot fit the teaching profession outside the school (in relation to anyone) they shall be removed. In other terms, impure behaviour by the teacher at any time (even in private) can result in their dismissal. Since LGBTQI people’s identities or behaviours are often accepted as ‘immoral’ or ‘impure’, there is a pressure on such disciplines to punish LGBTQI teachers”³³⁶.

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion. Some studies are carried out in this area, however, there is no specific attention paid to violence against LGBTQI students.

³³⁵ <http://www.lgbti-era.org/content/turkey>

³³⁶ <http://www.lgbti-era.org/content/turkey>

3. Education curricula

The curriculum does not have any mandatory content on sexual orientation, gender identity and expression, or variations in sex characteristics. Furthermore, sexual and reproductive health education is not included in the current curriculum³³⁷. The Ministry of National Education does not allow peer education interventions on sexual and reproductive health at schools.

In recent years, the Turkish government has introduced trial programs for sexuality education. The Puberty Project (2010) has been extended nationwide. The program provides sexuality education in the last three years of the eight-year primary school cycle. During the program, students are provided a textbook on sexual health and receive instruction from trained sexual health experts. Civil society organisations report that, when included, references to sexual orientation or gender identity and expression, tend to be hostile.

4. Teacher training on LGBTQI awareness

Teachers are not trained on LGBTQI topics or on how to deal with bullying or harassment on grounds of sexual orientation, gender identity and expression or variations in sex characteristics. On the contrary, teachers are supposed to inform parents about students' identities if they are aware of it.

Despite this, some training has been carried out by local associations. Within the scope of the project of *Don't Hate Me*, a teachers' training took place in Eskişehir, hosted by Turkish Psychological Counseling and Guidance Association in 2015. Within the scope of Rainbow Project, teacher trainings were performed seven times in 2016. More than 500 teachers participated to the trainings at Kars, Eskişehir, Ankara, Malatya, Canakkale and Bursa. As supported by Swedish International Development Agency (SIDA) and Amnesty International, two trainings which aimed to the workers of social services in Turkey were conducted. 60 people participated in that mentioned training. In 2016, within the scope of Rainbow Project, Law Workshops were performed in Ankara, Trabzon, Antep, Van and Mersin and Thematic studies are also scheduled in 2017.

5. Gender recognition

Transgender persons must be over 18 years old, unmarried and sterilised to legally change their gender and name, according to the **Turkish Civil Code, Art. 40**³³⁸. Therefore, students cannot use their name or gender marker in school related documentation. Intersex people are registered as male or female after their birth according to their families' wishes. Parents can receive medical consultancy at state hospitals on the sex of their children, but they are not allowed to consciously choose their gender or go through an operation, if desired.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying. Some specific discriminatory cases have been internationally brought to light by local LGBTQI organisations working on education. There is a regular inspectorate, but it is not monitoring the implementation measures for LGBTQI inclusive policies, as there are none.

³³⁷ <http://www.lgbti-era.org/content/turkey>

³³⁸ <http://www.mevzuat.gov.tr/MevzuatMetin/1.5.4721.pdf>

7. Support systems

The government provides no specific support systems for LGBTQI learners or their families. However, ECRI latest report shows that some municipalities have started to provide protection for young LGBT persons and offer them anonymous and free health services³³⁹.

Furthermore, civil society organisations, like Kaos GL, provide support systems for people who have experienced discrimination, but they do not receive public funding to run such services.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students. There is some information available for students provided by civil society organisations, but it is not supported by the government (see *Good practices*).

9. Partnership between governments and civil society

There is no partnership between the Turkish government and local NGOs, but LGBTQI organisations are being supported by other public agents. Civil society organisations can, therefore, guarantee some specific work on teacher training, lessons, support for students, and information for people who has suffered violence because of their actual or perceived sexual orientation, gender identity and expression, or variations in sex characteristics.

10. International commitment

- Turkey has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Turkey is not a member of the European Governmental LGBTI Focal Point Network.

Further information

Good practices and campaigns

Kaos GL conducted activities in 26 cities, and offered consultancy to 1754 people in 2015. A total number of 840 people were reached thanks to trainings on human rights in 2015. The trainings that were carried out by Kaos GL Association and Pembe Hayat Associations were conducted in Ankara, Mugla, Trabzon, Antep and Van within the scope of Rainbow Project.

Through the Rainbow Project, seven teacher trainings were delivered with more than 500 teachers participating in Kars, Eskisehir, Ankara, Malatya, Canakkale and Bursa. As supported by Swedish International Development Agency (SIDA) and Amnesty International, two trainings which aimed to the workers of social services in Turkey were conducted. 60 people participated in that mentioned training. In 2015, within the scope of Rainbow Project, Law Workshops were performed in Ankara, Trabzon, Antep, Van and Mersin and Thematic studies will be kept organized in 2016 and 2017.

³³⁹ <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Turkey/TUR-CbC-V-2016-037-ENG.pdf>

Ukraine

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	0/10	No	No	No
Policies and action plans	0/10	No	No	No
Inclusive national curricula	0/10	No	No	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	0/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	0/10	No	No	No
Information and guidelines	0/10	No	No	No
Partnerships between governments and civil society	0/10	No	No	No
International commitment	0/10			

Report

1. Anti-discrimination law

The **Law of Ukraine on Education, Art. 3**³⁴⁰ states that 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, belonging to parties, attitude towards religion, religious conscience, state of health, place of residence and other circumstances. Legal norms of this law do not explicitly cover discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics in education. However, those grounds could be included in "other circumstances". Likewise, the **Law of Ukraine on Higher Education (2014, amended 2017, Art. 4)**³⁴¹ establishes the right to higher education is guaranteed, regardless of age, nationality, place of residence, sex, colour, social or economic status, nationality, language, origin, health status, religion, convictions availability and other circumstances. No one may be restricted in the right to higher education, except in cases established by the Constitution and laws of Ukraine.

Finally, the **Law of Ukraine on Principles of Prevention and Combating Discrimination in Ukraine (2013, Art. 1)**³⁴² states that discrimination is a situation of restriction of recognition, realisation and enjoyment of the rights and freedoms based on race, colour of skin, political, religious and other beliefs, sex, age, disability, ethnic or social origin, citizenship, family and property status, place of residence, language or other characteristics, which can be real or perceived. Again, the law does not include protection for discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics, but these grounds could be included in "other characteristics".

³⁴⁰ http://planipolis.iiep.unesco.org/upload/Ukraine/Ukraine_Education_law.pdf

³⁴¹ <http://zakon0.rada.gov.ua/laws/show/1556-18>

³⁴² <http://zakon2.rada.gov.ua/laws/show/5207-17>

2. Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion.

3. Education curricula

Civil society organisations report that it is not compulsory for education curricula to include content on sexual orientation, gender identity and expression, or variations in sex characteristics. Topics such as sex education or human rights education are not taught in secondary schools, as these subjects are not included in the national curriculum subjects list in Ukraine. Furthermore, other topics (i.e. biology, health or social science) do not include affirmative information on sexual orientation, gender identity and expression or variations in sex characteristics.

The national secondary school curriculum for grade 9 for biology covers the topic of "Human development and reproduction" (1 lesson, 45 mins) within which students learn about the changes experienced in puberty, primary and secondary sex characteristics, gain knowledge of the process of sexual reproduction and an understanding of pregnancy and birth. Intersex is not mentioned in the inclusion strategy³⁴³.

The national secondary school curriculum for grades 5-9 for health covers topics "mental and spiritual components of health" and "social component of health". Objectives of the topic "mental and spiritual components of health" include raising awareness of the uniqueness of the individual, promotion of tolerance, respect for self and others, self-esteem development. Despite diversity and sex characteristics being mentioned, sexual orientation, gender identity and gender expression are not mentioned.

The national secondary school curriculum for grade 11 for social science covers the topic "stereotypes and prejudices". One of the objectives of the course in general as mentioned in the curriculum is to promote socialisation and active youth inclusion in public life as well as tolerance promotion. However, the importance of tolerance in society in relation to LGBTQI people is not mentioned directly³⁴⁴.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.

5. Gender recognition

In 2016, the Ministry of Health published a **Protocol on Approval and Implementation of Medical-Technological Documents on Standardization of Medical Aid in the Case of Gender Dysphoria**³⁴⁵ to improve the health care system for trans people. The document proposed opening access to assessment for children and adolescents (those under 14 would need the consent of both parents; and those aged 14-18 would require both parents and child consent). Sterilisation and psychiatric assessment for at least two years is still required to change the person's gender³⁴⁶.

³⁴³ http://osvita.ua/doc/files/news/44/4439/1_14.doc

³⁴⁴ <http://mon.gov.ua/content/%D0%9E%D1%81%D0%B2%D1%96%D1%82%D0%B0/lud-svit-st-ak.pdf>

³⁴⁵ http://mtd.dec.gov.ua/images/dodatki/2016_972_GenDysfor/2016_972_nakaz_GenDysfor.pdf

³⁴⁶ According to ILGA-Europe, "the acting Minister of Healthcare Ulana Suprun met with LGBTQ NGO Insight on 30 September and promised to remove the requirements urgently. At the end of 2016, they remained in the protocol

6. Data collection of bullying and harassment and monitoring of policies

Despite a lack of public funding, Ukrainian LGBTQI civil society organisations have several projects to monitor LGBTQI human rights violations. Bullying and human rights violations data relating to LGBTQI people is collected by non-governmental organisations such as LGBT Human Rights “Nash Mir” (Our World) Centre, All-Ukrainian Organization Gay-Alliance Ukraine, All-Ukrainian Charitable organization Tochka Opory/Fulcrum, No Borders Project - Social Action Center Ukraine, Insight. GAU regional coordinators continue to monitor the situation with hate crimes in different regions of Ukraine. Due to the absence of official statistics, the reports on LGBTQI human rights violations, hate crimes and bullying remain unclear³⁴⁷.

Likewise, UNICEF youth initiative U-Report held a global poll on bullying in Ukraine in 2016. According to the results of the global poll, 5% of participants of the survey claim to have experience of being bullied due to sexual orientation³⁴⁸.

7. Support systems

Support systems for learners who have experienced discrimination on the grounds of sexual orientation, gender identity and expression or variations in sex characteristics is only provided by non-governmental organisations. In 2016 LGBT Human Rights “Nash Mir” (Our World) Centre and All-Ukrainian Organization Gay-Alliance Ukraine have developed Informational materials and two cartoons on how to act and react on particular cases of discrimination and acts of violence. GAU has also advertised a hotline set up to provide information and support to LGBT people, which was the first such service in Ukraine³⁴⁹.

8. Information and guidelines

There is no specific information for LGBTQI learners or guidance for the education sector on how to address bullying and harassment against LGBTQI students.

9. Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education.

text”.

³⁴⁷ http://www.gay.org.ua/publications/odihr_2014-u.pdf

<http://gay.org.ua/blog/2016/10/23/zaprosuiemo-lgbt-aktyvistiv-pryiednatsia-do-nashoi-monitoryngovoi-me-rezhi/>

<http://hatecrime.osce.org/ukraine?year=2013>

http://gay.org.ua/publications/lgbt_ukraine_2015-u.pdf

<http://t-o.org.ua/zlochunu-na-grunyni-nenavisti/>

<http://www.gay.org.ua/monitoring-doc/manual.pdf>

³⁴⁸ <https://ukraine.ureport.in/poll/566/>

<https://ukraine.ureport.in/poll/1382/>

<http://www.uaua.info/ot-9-do-16/shkola-ot-9-do-16/news-47150-polovina-ukrainskih-shkolnikov-stanovyatsya-zhertvami-travli-v-shkole-infografika-ot-unicef/>

³⁴⁹ <http://gay.org.ua/blog/2016/02/10/laifkhak-iaak-zakhyshchaty-svoi-prava/>

10. International commitment

- Ukraine has not signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- Ukraine is not a member of the European Governmental LGBTI Focal Points Network.

United Kingdom

Index

Indicator	Score	SO	GI/E	SC
Anti-discrimination law applicable to education	8,5/10	Yes	Yes	No
Policies and action plans	8,5/10	Yes	Yes	No
Inclusive national curricula	8,5/10	Yes	Yes	No
Teacher training on LGBTQI awareness	0/10	No	No	No
Right to choose gender	2,5/10			
Data collection of bullying and harassment	0/10	No	No	No
Support systems	10/10	Yes	Yes	No
Information and guidelines	8,5/10	Yes	Yes	Yes
Partnerships between governments and civil society	10/10	Yes	Yes	Yes
International commitment	5/10			

Report

1. Anti-discrimination law

The **Equality Act**³⁵⁰ (2010) is the basic framework of protection against direct and indirect discrimination, harassment and victimisation in education. It requires schools to advance equality for LGBT learners and to build up a concrete policy with measures to prevent bullying and discrimination on grounds of sexual orientation and gender identity. Likewise, the **Gender Recognition Act**³⁵¹ (2004) consolidates schools' statutory obligations for addressing homophobia via gender-based bullying, and the **Education and Inspections Act**³⁵² (2006) places a duty on Ofsted (inspectorate) to ensure that schools proactively prevent all forms of bullying, including homophobic and transphobic bullying.

The **Education (Independent School Standards) Regulations** (2014)³⁵³ states that the proprietor of an Academy or other independent school must ensure bullying at the school is prevented in so far as reasonably practicable, by drawing up and implementing an effective anti-bullying strategy.

2. Policies and action plans

According to the latest report of the European Commission against Racism and Intolerance³⁵⁴, in 2014 the government allocated £2 million to a programme to help build schools' capacity to tackle homophobic, biphobic and transphobic bullying, in cooperation with relevant NGOs, and a further £1 million in 2016³⁵⁵. In particular, the different regions of the United Kingdom have developed concrete policies and guidelines for school leaders and school staff to tackle bullying on grounds of sexual orientation, and gender identity and expression.

³⁵⁰ <http://www.legislation.gov.uk/ukpga/2010/15/contents>

³⁵¹ <https://goo.gl/wNELgm>

³⁵² <https://www.legislation.gov.uk/ukpga/2006/40/contents>

³⁵³ <http://www.legislation.gov.uk/uksi/2014/3283/schedule/made>

³⁵⁴ https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/United_Kingdom/GBR-CbC-V-2016-038-ENG.pdf

³⁵⁵ <https://www.gov.uk/government/news/awards-announced-from-2-million-homophobic-bullying-fund>

In July 2017, the Department for Education in England published a document (**Preventing and tackling bullying**³⁵⁶) addressed to head teachers, school staff, and governing bodies. It contains concrete definitions of bullying and provides specific guidelines on how to implement school inclusive strategies. Similarly, the **National Approach to Anti-Bullying for Scotland**³⁵⁷ contains references to LGBT inclusion and has been circulated pending the results from a judicial review of the Children and Young People (Scotland) Act 2014.

3. Education curricula

Public Sector Equality Duty requires that activities should be inclusive of sexual orientation and gender identity. Current research, however, shows that this is not always the case. According to Stonewall, two in five LGBT learners are never taught anything about LGBT issues at school, 76% have never learnt about or discussed bisexuality at school and 77% have never learnt about or discussed gender identity or what 'trans' means.

In Scotland, the curriculum is also not legislated nationally. The Scottish Government provides the framework for learning and teaching, while responsibility for what is taught rests with local councils. The **Curriculum for Excellence** is a series of national reforms in education that have been phased in over the past ten years. This framework or guidance for schools focuses on the experiences and outcomes for children and young people. LGBT inclusion in schools and anti-discrimination work supports the achievement of the experiences and outcomes outlined in **Curriculum for Excellence**.

More specifically, the Scottish Government Guidance **Conduct of Relationships, Sexual Health and Parenthood Education (RSHPE) in Schools**³⁵⁸ (2014) sets out clear expectations of the delivery of RSHPE in schools following the Marriage and Civil Partnership (Scotland) Act (2014). This is an update to the original guidance issued after the repeal in 2000 of section 2A of the Local Government Act 1986. This repeal meant that it is legal and permissible to discuss lesbian, gay and bisexual relationships in a positive manner within the school environment. This document clearly states that relationships, sexual health and relationships education should be inclusive of, and responsive to, all, regardless of their sexual orientation.

4. Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Some civil society organisations, however, work with universities or schools to provide this training. In England, Stonewall offers training to universities. LGBT Youth Scotland works with six of the eight teacher training universities in Scotland. Through lectures, workshops and seminars, trainee teachers are signposted to LGBTI inclusion resources and are given a basic overview of LGBTI inclusion. For the majority of these institutions this work is not mandatory, but each year, roughly 1.500 trainee teachers access these sessions. This work is currently funded by the government.

³⁵⁶ <https://goo.gl/ze7wAZ>

³⁵⁷ <http://www.gov.scot/Resource/Doc/330753/0107302.pdf>

³⁵⁸ <http://www.gov.scot/Resource/0046/00465948.pdf>

5. Gender recognition

The **Gender Recognition Act (2004)**³⁵⁹ states that a person of either gender who is aged at least 18 may make an application for a gender recognition certificate on the basis of their living gender or having changed gender under a law of another country. The application must include either a report made by a registered medical practitioner practising in the field of gender dysphoria and a report made by another registered medical practitioner, or a report made by a registered psychologist practising in that field and a report made by a registered medical practitioner.

In July 2016, the government published a **response to the Women and Equalities Committee Report on Transgender Equality**³⁶⁰. According to this document, the intention of the government is to develop a new action plan for transgender equality, which will include, a review of the Gender Recognition Act and will try to remove unnecessary requests for gender information.

The **original report**³⁶¹ had two specific recommendations about the age limit for gender recognition (recommendation 7 and 8): (a) “we recommend that provision should be made to allow 16- and 17-year-olds, with appropriate support, to apply for gender recognition, on the basis of self- declaration”; and (b) “We are very cautious about recommending gender recognition in respect of children aged under 16 (...), and believe the Government should further consider the possible risks and benefits”. Government’s response has stated that more evidence is needed on the case for change and the implications of altering the minimum age, moving to a self-declaration process and extending legal recognition to non-binary gender identities.

6. Data collection of bullying and harassment and monitoring of policies

The government does not provide data on homophobic, biphobic, transphobic and interphobic bullying.

7. Support systems

Educational Action Challenging Homophobia³⁶² provides a national helpline for victims of homophobic or transphobic bullying and training to schools on sexual orientation, gender identity matters, and cyber homophobia. In England, the Proud Trust provides support and training to LGBTQI learners to make a positive change for themselves and their communities through youth groups, peer support, delivering of training and events, campaigns, undertaking research and creating resources. LGBT Youth Scotland provides a national online support service and one to one support in most local authority areas for learners in Scotland.

8. Information and guidelines

The government provides different tools for schools on how to tackle bullying on grounds of sexual orientation, gender identity and expression and variations in sex characteristics. In 2014, the Department for Education of England and the Government Equalities Office published two

³⁵⁹ <http://www.legislation.gov.uk/ukpga/2004/7/contents>

³⁶⁰ <https://goo.gl/8nAHRE>

³⁶¹ <https://publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/390/390.pdf>

³⁶² <https://each.education>

pieces of research to look into effective ways of preventing homophobic, biphobic and transphobic bullying³⁶³. Likewise, the Ofsted, commissioned by the Department for Education, offered an overview of concrete measures to tackle discrimination in school in 2012³⁶⁴.

The Scottish Government and LGBT Youth Scotland has developed a **Toolkit for Teachers: Dealing with Homophobia and Homophobic Bullying**³⁶⁵ with information, guidance and specific lesson plans for teachers to include LGBT topics across all subjects. More recently, LGBT Youth Scotland, funded by the Equalities Unit, has also developed a **Guidance for Supporting Transgender Young People**³⁶⁶ aimed to help primary and secondary education staff in Scotland support trans and non-binary learners. It is based on the experiences of transgender young people and good practice approaches suggested by teachers, youth workers and others. The organisation is also one of the managing partners of Respectme (Scotland's anti-bullying service) and is jointly working on a new resource for Scottish schools with a focus on homophobic, biphobic and transphobic bullying. This is supported by the Scottish Government through their Learning Directorate.

9. Partnership between governments and civil society

The government provides funding and support to LGBTQI civil society organisations working in the area of education.

10. International commitment

- United Kingdom has signed the *Call for Action by Ministers – Inclusive and equitable education for all learners in an environment free from discrimination and violence*.
- United Kingdom is a member of the European Governmental LGBTI Focal Points Network.

Further information

Opposition

When the leading political party in Scotland made a manifesto commitment to provide age-appropriate guidance and resources to tackle prejudice and discrimination in regard to LGBTI inclusion, the Free Church of Scotland said they would resist it³⁶⁷.

Good practices and campaigns

LGBT Schools Charter Mark [<https://www.lgbtyouth.org.uk/charter-schools>]

LGBT Youth Scotland set up an accreditation programme for schools to be recognised for the LGBT inclusion work they are completing.

Covers: SO and GIE

Guidance for Supporting Transgender Young People³⁶⁸

A resource, developed by LGBT Youth Scotland, for primary and secondary teachers and school staff to support transgender and non-binary learners within education.

Covers: GIE

³⁶³ <https://www.gov.uk/government/collections/homophobic-biphobic-and-transphobic-bullying-review>

³⁶⁴ <https://goo.gl/ZdQvkN>

³⁶⁵ <https://www.lgbtyouth.org.uk/files/documents/Toolkitforteachers.pdf>

³⁶⁶ https://www.lgbtyouth.org.uk/files/documents/Supporting_Transgender_Young_People_-_Digital_version.pdf

³⁶⁷ <http://www.pinknews.co.uk/2016/07/04/scottish-free-church-will-resist-sturgeons-plans-for-lgbt-inclusive-education-in-schools/>

³⁶⁸ https://www.lgbtyouth.org.uk/files/documents/Supporting_Transgender_Young_People_-_Digital_version.pdf

Diversity Role Models UK [<https://www.diversityrolemodels.org/>]

Diversity Role Models deliver workshops in secondary schools led by positive LGBT or straight ally role models. They speak directly to young people about their experiences to educate around difference, challenge stereotypes, and reduce the misuse of language. They have worked in 220 schools and reached over 50,000 young people across the UK.

Covers: SO and GIE

Education Champions

[<http://www.stonewall.org.uk/get-involved/education/education-champions-programme-local-authorities>]

Stonewall's Education Champions programme provides support and guidance to local authorities to tackle homophobia, biphobia and transphobia in local schools and support LGBT young people in their community

Covers: SO and GIE

Annex 1



LGBTQI European Education Index Questionnaire for country leads

Description

A set of questions to evaluate LGBTQI inclusion is featured below. They are distributed in 6 areas (law, education curricula, teacher training, monitoring bullying and harassment, links to NGOs, and opposition). We are trying to build up a comprehensive picture of LGBTQI inclusion on education in each Council of Europe country and we need therefore as much information as you can provide.

We kindly ask you to fill up as many questions as you can, but do not worry if there are some fields for which you cannot answer. The information provided in this form will help us evaluate whether these indicators are applicable to all countries or not. In the event that any answers require to be double-checked or verified, let us know. **Please, use the open fields to report everything you want to be included in the final documents of the project.**

The following questions refer to sexual orientation (henceforth SO), gender identity/expression (henceforth GI/E) and sex characteristics (henceforth SC). **Sexual orientation** is to do with who you are attracted to emotionally or sexually. When using this label, we will therefore ask you about inclusion strategies where sexual orientation (such as lesbian, gay or bisexual) are specifically mentioned. **Gender identity** is the experience and definition of your own gender, which may or may not correspond with the sex assigned to you at birth, and **gender expression** is how people express their gender to the world. When using this label, we will therefore ask you about inclusion strategies where gender identity or expression (such as transgender and non-binary) are specifically mentioned. **Sex characteristics** refer to bodily anatomy such as outer genitalia, reproductive organs, chromosomes, etc. When using this label, we will therefore ask you about inclusion strategies where sex characteristics (such as intersex) are specifically mentioned.

You will see that there are several indicators for each area. If you do not have time to enter all the information at once, it is possible to introduce one section at a time, and save the form. You will need [Adobe Acrobat Reader](#) to edit this document. Please submit the completed questionnaire by attaching your file to ruben@iglyo.com.

Once we have received your information, we will contact you to discuss further details. We might request an online meeting (at your convenience) to ask further questions and get a clearer picture of the situation in your country.

Personal information

Full Name: _____ Type: Final questionnaire
Last First

Organisation or institution: _____
Name Country

Position/Role City

Phone: _____ Email: _____

Skype: _____ Other: _____
Please, specify

I am happy to be contacted for further information by: Phone Email Skype Other
Please tick all that apply

IGLYO is funded by the European Union, the Council of European Youth Foundation and the Government of the Netherlands. IGLYO aisbl is a registered charity in Belgium (N d'Entreprise: 808808665). IGLYO Rue de l'Industrie 10, Brussels 100 Belgium

1

Law

1. Is there any specific national education law (or any law that is applicable within education settings) which mentions diversity and/or LGBTQI? I have no information on this matter

	It mentions diversity	It mentions SO	It mentions GIVE	It mentions SC
Name of the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Select from the list

Please provide us with some evidence* Area of the law

Name of the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Select from the list

Please provide us with some evidence* Area of the law

Name of the law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Select from the list

Please provide us with some evidence* Area of the law

2. Is there a national or regional bullying strategy or action plan? I have no information on this matter

Select from the list

Name of the plan Areas of inclusion

Please provide us with some evidence*

Select from the list

Name of the plan Areas of inclusion

Please provide us with some evidence*

Use this field to point out further information on the subject of laws and policies. Data will be used in the final report.

* Include a link to the official document. If the document is not in English, please provide a short summary of the key provisions addressing LGBTQI inclusion. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Education curricula

3. Do national curricula include LGBTQI content for the following subjects?
Please select for each type whether the inclusion is hostile, neutral or affirming **

I have no information on this matter

	Sexual Orientation	Gender identity/expression	Sex characteristics
<u>Biology</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>History</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Literature</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Health</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Social Science</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Civic Education</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Relationships Education</u> <i>Please specify</i>	I have no information on that	I have no information on that	I have no information on that
<u>Add the name of any other subject</u>	I have no information on that	I have no information on that	I have no information on that
<u>Add the name of any other subject</u>	I have no information on that	I have no information on that	I have no information on that
<u>Add the name of any other subject</u>	I have no information on that	I have no information on that	I have no information on that
<u>Add the name of any other subject</u>	I have no information on that	I have no information on that	I have no information on that

If any, please provide us with some evidence for each:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

** Explicitly negative messages about LGBTQI people will be considered **hostile** (i.e. "Being transgender is a mental illness"). The inclusion of LGBTQI people with no negative nor positive connotations will be considered **neutral** (i.e. "The persecution of homosexuals continued throughout post-war"). Explicit positive representations of LGBTQI people and rights will be considered **affirming** (i.e. "The rights of intersex children and adults to bodily integrity should be respected by states, doctors and parents.")

4. Are there any initiatives or specific extracurricular activities that address LGBTQI inclusion?

I have no information on this matter

Tick which of the following areas are mentioned explicitly.

There are none	Sexual Orientation	Gender identity/expression	Sex characteristics
<input type="checkbox"/>	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming

Do national or local guidelines indicate that LGBTQI should be included in extracurricular activities? Yes No

If any, please provide us with some evidence:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Use this field to point out further information on the subject of curricula. Data will be used in the final report.

Teacher training

5. Are there any specific teacher training grades or courses required to become a secondary school teacher?

I have no information Yes No

If any, does the teacher training curricula include LGBTQI (irrespective of subject)?

Tick which of the following areas are mentioned explicitly.

Not included	Sexual Orientation	Gender identity/expression	Sex characteristics
<input type="checkbox"/>	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming	<input type="checkbox"/> Hostile <input type="checkbox"/> Neutral <input type="checkbox"/> Affirming

If any, please provide us with some evidence:

6. Do teacher training curricula for specific subjects include LGBTQI?

I have no information Yes No

Specify the name of specific subjects (i.e. Biology, Religion, etc.) and whether the inclusion is hostile, neutral or positive:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

7. In the absence of national guidelines, are there universities who include LGBTQI in their teacher training degrees?

I have no information on this matter

Tick which of the following areas are mentioned explicitly.

Not included	Sexual Orientation			Gender identity/expression			Sex characteristics		
<input type="checkbox"/>	<input type="checkbox"/> <i>Hostile</i>	<input type="checkbox"/> <i>Neutral</i>	<input type="checkbox"/> <i>Affirming</i>	<input type="checkbox"/> <i>Hostile</i>	<input type="checkbox"/> <i>Neutral</i>	<input type="checkbox"/> <i>Affirming</i>	<input type="checkbox"/> <i>Hostile</i>	<input type="checkbox"/> <i>Neutral</i>	<input type="checkbox"/> <i>Affirming</i>

If any, please provide us with some evidence:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Use this field to point out further information on the subject of teacher training. Data will be used in the final report.

Monitoring bullying and harassment

8. Is national bullying and harassment data collected? Select from the list

If yes, please tell us where it can be accessed:

	No	Yes, and SO is covered	Yes, and GI/E is covered	Yes, and SC is covered
Is bullying based on perceived SO, GI/E or SC specially included in data collection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are there any major policies and training on monitoring bullying and harassment, specifically for LGBTQI students?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If any, provide us with information about how bullying and harassment data is collected in your country.

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Are there any support systems for the victims of this kind of violence?

I have no information Yes No

Provide us with further information about support systems. Detail whether SO, GI/E and/or SC are specifically covered.

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Is there information available for the educational sector on how to address bullying and harassment against LGBTQI students specifically? I have no information Yes No

If any, provide us with information about any kind of support for the educational sector.

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Use this field to point out further information on the subject of bullying. Data will be used in the final report.

9. Did any relevant cases of bullying or harassment based on perceived SO, G/E or SC happen in the last 24 month? I have no information Yes No

If any, please provide us with some evidence:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Links to LGBTQI NGOs

10. Does the government provide support to LGBTQI NGOs in relation to education? Yes No

If any, could you name any NGO? _____

Please provide information on the way the government supports NGOs (financially, with partnerships, targeted help...).

11. Are there any specific links between LGBTQI NGOs and schools? I have no information on this matter

Teacher training: Yes No

If yes, please give details

Lessons with students: Yes No

If yes, please give details

Information and referrals for students: Yes No

If yes, please give details

Counseling/peer support for students: Yes No

If yes, please give details

Opposition

12. Are there any cases of public opposition to any of the policies or actions mentioned before? Yes No
Name here situations where any relevant agent (either individuals or groups) has opposed to any plan, law or policy to take LGBTQI issues into account (i.e. "Parents' association opposed the inclusion of LGBTQI content in Civic Education curricula").

If any, please explain it and provide us with any evidence (news, documents, reports, etc.):

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Education inspectorate

13. Please, tell us if there is an Education inspectorate who has a role in monitoring the implementation of the above measures I have no information on this matter
 There is one, but there is no monitoring Yes, there is one No, there is none

If any, please provide us with some evidence and give a brief explanation on how this inspectorate works:

Include a link to the official document. In the event no URL is available, upload the document in the following [link](#) with a descriptive name.

Contacts

Please list individuals or organisations that you think might be helpful for this project. If you think there is any gap in the information that you have provided (i.e. the scope of your organisation does not cover GI/E or SC and you can therefore not contribute with specific information on this matter), use this space to give us contacts that could add relevant data.

Full Name: _____ Country: _____

Email: _____ Phone number: _____

Organisation/Institution: _____

Full Name: _____ Country: _____

Email: _____ Phone number: _____

Organisation/Institution: _____

Full Name: _____ Country: _____

Email: _____ Phone number: _____

Organisation/Institution: _____

Best practices

A set of best practices and policies is likely to be included in the LGBTQI European Education Index report. Please list any good practices or experiences from your country that should be incorporated (all items need to be referenced).

		It applies to SO	It applies to GVE	It applies to SC
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Name of the project</i>	<i>Organisation/institution</i>			
_____	_____			
<i>Brief description</i>	<i>Please provide us with some evidence*.</i>			
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Name of the project</i>	<i>Organisation/institution</i>			
_____	_____			
<i>Brief description</i>	<i>Please provide us with some evidence*.</i>			
_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Name of the project</i>	<i>Organisation/institution</i>			
_____	_____			
<i>Brief description</i>	<i>Please provide us with some evidence*.</i>			

If needed, use this space to add more information:

Project

Thank you very much for the information provided and for your time. Your contribution is highly appreciated. If there is any further information that you think should be considered, please elaborate below or send an email to ruben@iglyo.com.

IGLYO – The International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex (LGBTQI) Youth & Student Organisation is the largest LGBTQI youth and student network in the world with over 100 member organisations in 40+ European countries.

As a youth development organisation, IGLYO builds the confidence, skills and experience of LGBTQI young people to become leaders in equalities and human rights work. Through cross-cultural exchange and peer learning, IGLYO also creates a powerful collective of youth activists across Europe and beyond, fostering values of international solidarity. Furthermore, IGLYO ensures the voices and experiences of LGBTQI young people are present and heard by decision-makers at European and international levels.

IGLYO achieves these outcomes through international trainings and events, targeted capacity building programmes, online learning and resources, and digital story-telling and campaigning.

IGLYO aibsl is registered as a non-governmental organisation in Belgium (No d'entreprise: 808808665).

**For further information, please contact:
education@iglyo.com**

www.iglyo.com

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