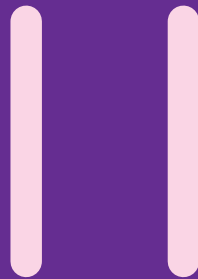


LGBTQI  
INCLUSIVE  
EDUCATION  
REPORT



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# LGBTQI Inclusive Education Report

Rubén Ávila  
Published by IGLYO in Brussels  
May 2018

Presented at the **Presented at the 6th Annual European IDAHOT Forum**, Lisbon, Portugal, May 2018

## IGLYO

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 95 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](mailto:education@iglyo.com)**

**[www.education-index.org](http://www.education-index.org)**

**[www.iglyo.com](http://www.iglyo.com)**

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## Foreword

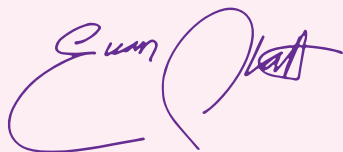
*“My school days were basically me hiding, hating myself and never really knowing why”* Mia, Sweden

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 several years. Over this time, we have worked directly with LGBTQI young people, teachers, youth organisations, academics, and governments to better understand the causes of bullying, its impact on learners, and possible solutions. This work has led to the creation of numerous resources, trainings and events, and while each activity has played a part in tackling the issue, far too many LGBTQI young people continue to suffer at school, as a result of homophobia, biphobia, transphobia or interphobia.

To effectively improve LGBTQI learners' experience of school, we realised a comprehensive overview of the situation within each Council of Europe Member State, including Belarus and Kosovo, was still needed. IGLYO, therefore, decided to create a resource, drawing on the knowledge of civil society organisations, to measure the levels of LGBTQI inclusion within schools and provide clearer guidance for governments and education ministries. The result is the LGBTQI Inclusive Education Index and Report. These two valuable instruments will help underline good practices and areas for development within each 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  
May 2018





# Acknowledgements

IGLYO would like to express its sincere thanks to everyone who helped make the LGBTQI Inclusive Education Index and Report possible. This project is the culmination of time, effort, expertise, and support from many different individuals, organisations and institutions. While it is not possible to name everyone, we would like to specifically thank the following.

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## Partners

Our esteemed European partners, ILGA-Europe, Transgender Europe (TGEU) and OII Europe have provided us with guidance, advice and support throughout the project. They have also played a vital role in reviewing and verifying a great deal of the data contained in the report.

## IGLYO Member Organisations and Country Leads

The majority of data presented in this report was researched and provided on a voluntary basis from individuals who work or volunteer for LGBTQI civil society organisations in the field of education. Without dedicated and knowledgeable people in each country, who were committed to the project, IGLYO would have been unable to produce such a comprehensive review. Everyone who wished to be named has been mentioned below.

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A previous version of this report was presented at the *Follow-up meeting to evaluate the education sector responses to violence based on actual or perceived sexual orientation, gender identity and expression, and variations in sex characteristics*, which took place at the European Parliament in January 2018. IGLYO thanks the following governments for providing feedback: Andorra, Austria, Belgium, Denmark, Estonia, Germany, Kosovo, Luxembourg, Malta, Montenegro, Netherlands, Norway, Portugal, Slovenia, Sweden and United Kingdom.

### **LGBTQI Inclusive Education Project**

Thanks to Rubén Ávila, IGLYO's Education Officer, for co-ordinating the project, liaising with all the contributors, and carrying out desk research to ensure that all the data is as current, relevant and accurate as possible.

## Acronyms

<b>FRA</b>	European Union Agency for Fundamental Rights
<b>GIE</b>	Gender identity and gender expression
<b>ILGA</b>	International Lesbian, Gay, Bisexual, Trans and Intersex Association
<b>ILGA-Europe</b>	European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association
<b>LGBTQI</b>	Lesbian, gay, bisexual, trans, queer and intersex
<b>NGO</b>	Non-governmental organisation
<b>OBESSU</b>	Organising Bureau of European School Student Unions
<b>OII Europe</b>	Organisation Intersex International Europe
<b>SC</b>	Variations in sex characteristics
<b>SDG</b>	The United Nations Sustainable Development Goals
<b>SO</b>	Sexual orientation
<b>SOGIESC</b>	Sexual orientation, gender identity and expression and variations in sex characteristics
<b>TGEU</b>	Transgender Europe
<b>UN</b>	United Nations
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation

# Summary

## Background

Everyone has the fundamental right to education. Schools, therefore, should be safe, inclusive and supportive of all learners. This is still not the case for many young people who are, or are perceived to be, lesbian, gay, bisexual, transgender, queer or intersex (LGBTQI). Research shows that the prevalence of violence is much higher among LGBTQI learners than among their non-LGBTQI peers. The Council of Europe Member States, however, are responsible for the care of all learners and have the duty to warrant the right to quality education for all students.

## The Research

IGLYO started working on the LGBTQI Inclusive Education Project in 2016 with the aim of providing information about the concrete measures that all Council of Europe Members States (as well as Belarus and Kosovo) have taken to ensure inclusive education and to tackle discrimination on grounds of actual or perceived sexual orientation, gender identity and expression, and variations in sex characteristics.

On this basis, IGLYO first developed a list of ten comparable indicators to assess the extent to which governments had implemented measures to ensure education is inclusive of all LGBTQI learners, and created a questionnaire based on them. Civil society organisations and education experts (henceforth *country leads*) were then asked to answer the survey and to provide evidence to ensure the accuracy of their responses.

With the information provided, a preview report was drafted in January 2018. The document was presented at the *Follow-up meeting to evaluate the education sector responses to violence based on actual or perceived sexual orientation, gender identity and expression, and variations in sex characteristics* held in the European Parliament and was then sent to governments. IGLYO received feedback from 16 governments and amended the preview report accordingly.

## The Report

The LGBTQI Inclusive Education Report is an in-depth account of the current situation on LGBTQI inclusive education in each Council of Europe Member State, as well as Belarus and Kosovo. The report is organised in two different chapters: “LGBTQI Inclusive Education Research” and “Country Files”. The first chapter examines several aspects of this project: Section 1 (*Introduction*) briefly defines the problem, followed by a general overview of the global commitments made by Member States. Section 2 defines the methodology and in section 3 an extended definition of each of the indicators used in this research, followed by an explanation of the scores that were used to create the index is outlined. Finally, section 4 (*General overview*) describes the main trends of Member States, focusing on the information obtained for each of the indicators. The second chapter contains the country files of the 47 council of Europe countries, together with Belarus and Kosovo.

This report is intended to be a resource for governments and civil society organisations to evaluate the current levels of inclusion within their own country, learn from good practice examples and build international commitment.

## The Index

The LGBTQI Inclusive Education Index is a table of countries and education indicators to easily illustrate the extent to which each Member State has developed LGBTQI inclusive education laws, policies and practices. It also provides a general overview of the general trends across Europe and help governments and civil society organisations identify the areas for improvement which require greater attention. One of the important elements of the Index is that the information is segregated by sexual orientation, gender identity and expression, and variations in sex characteristics, to ensure all learners within the LGBTQI spectrum are included.

## The Website

The Report and Index will be updated periodically. However, all this information is systematically collected and documented on the LGBTQI Inclusive Education website ([www.education-index.org](http://www.education-index.org)). Data on the website will be updated on a more regular basis to reflect any major developments within each Member State. IGLYO invites governments and civil society organisations to send any additional information to [education@iglyo.com](mailto:education@iglyo.com).

## Main Findings

A comprehensive school approach has been proven to be the most effective to prevent and address homophobic, biphobic, transphobic and interphobic bullying. The list of ten comparable indicators used in this research was, therefore, created based on the different elements of this approach. Below, the ten indicators are outlined, followed by their degree of implementation in Member States.

Some governments have already taken significant steps to ensure education is inclusive of all learners. In particular, 69.4% of the countries have implemented anti-discrimination laws or action plans. Other practices, however, still remain challenging in most countries. Overall, the main areas for improvement are **compulsory education curricula, mandatory teacher training** and **data collection** on bullying and harassment on grounds of actual or perceived sexual orientation, gender identity and expression or variation in sex characteristics.

Finally, there are only four countries (Malta, Netherlands, Norway and Sweden) that provide most of these measures across Europe as of yet. Some regions in Spain have also developed inclusive laws and policies, but they have not been implemented nationally. By contrast, eleven countries have failed to implement any measure at the time of writing this report (Armenia, Azerbaijan, Belarus, Latvia, Macedonia, Monaco, Poland, Russia, San Marino, Turkey and Ukraine).

### Anti-discrimination law applicable to education

A legal framework is 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, gender identity and expression or variations in sex characteristics. **Civil society organisations report that 30 Member States as well as Kosovo have developed anti-discrimination laws that are applicable to education and protect at least one of these grounds.**

### 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. **Civil society organisations report that 22 Member States have developed national or regional action plans to prevent and address discrimination in, at least, one of the mentioned grounds.**

### 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 26 Member States of voluntary or arbitrary inclusion of LGBTQI issues, they have only been embedded throughout the full curriculum or, at least, been compulsory for all students in 19 Member States.**

### 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. **Although civil society organisations report that more than 20 countries have provided some training, only 4 Member States have introduced mandatory teacher training.**

### 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. **Self-determined legal gender recognition for LGBTQI young people under 16 has only been reported in 4 Member States.**

### 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. **Although several countries have evidence of data collection, civil society organisations report that only 5 Member States are either systematically collecting data directly through governments, a funded institution, or NGOs that received government funding to work on inclusive education.**

### 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 equipped 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. **Civil society organisations report that 20 Member States provide services or have funded projects that provide support.**

### 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, with relevant websites accessible from all school computers. This is also helpful for creating an environment that encourages greater understanding and respect from all learners. **Civil society organisations report that 22 Member States directly provide guidance or fund projects that offer such information.**

### 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. **Civil society organisations report that 25 Member States have partnered with civil society organisations to develop strategies and/or develop projects in the field of education.**

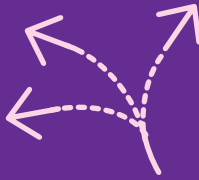
### International commitment

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 **European Governmental LGBTI Focal Points Network (28 Council of Europe Member States as well as Kosovo)** 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 (signed by 29 countries)**, both highlight such commitment on LGBTQI inclusive education.



# Chapter 1

## LGBTQI Inclusive Education Report





# Introduction

Everyone has the fundamental right to quality education, and all forms of discrimination or violence in schools are an obstacle to this fundamental right. School violence and bullying is one of the most important problems taking place inside educational institutions. According to UNESCO, it is estimated that 246 million children and adolescents experience school violence and bullying in some form every year [1] [2]. Although this form of violence is motivated by many different factors (gender, religion, ethnicity, etc.), research shows that learners who are, or are perceived to be, lesbian, gay, bisexual, trans, queer or intersex still face a daily struggle at school [3] [4] [5].

## **Discrimination on grounds of sexual orientation, gender identity and expression or variations in sex characteristics in schools**

The most current data suggests that young people still experience negative comments because of their actual or perceived sexual orientation, gender identity and expression or variations in sex characteristics at school, and there is often little or no representation of LGBTQI people within the school curricula [1] [3] [5]. Specifically, the prevalence of violence is between three and five times higher among LGBTQI learners than among their non-LGBTQI peers [1].

In a survey carried out by the European Union Agency for Fundamental Rights [5], at least 68% of LGBT learners reported experiences of homophobic or transphobic bullying, while more than 8 in 10 of all respondents had witnessed negative comments or conduct during their time at school because someone was perceived to be LGBT. Furthermore, 2 out of 3 LGBT respondents hid or disguised being LGBT at school. Although discrimination can be higher in countries where human rights of LGBTQI people are not being respected, this problem is widespread around Europe. A recent research in Norway [6], for instance, shows that between 15% and 48% of LGBT learners were bullied, compared to 7% of their heterosexual peers. Available data from other countries show similar trends [7] [8] [9] [10].

Due to this discrimination or a lack of representation, LGBTQI learners tend to hide their sexual orientation, or gender identity and expression or act to match the norm. Violence and bullying based on actual or perceived sexual orientation, gender identity and expression, and variations in sex characteristics can also have an impact on LGBTQI youth mental health (i.e. depression, low self-esteem, etc.), concentration and academic achievements, levels of attendance and school-drop out, and the opportunities to enter higher education and employment (*cf.* [1] [2] [4] [11] [12] [13] [14]).

Learners might also be obliged to use gendered-spaces or wear school uniforms, inconsistent with the gender with which they identify, and might not be given the possibility to choose their own name or gender marker at school. Violence or invisibility faced by intersex young people also leads to health and educational problems [15] [16].

Likewise, school staff report a lack of confidence to tackle such discrimination or to include topics like *sexual orientation, gender identity and expression or variations in sex characteristics* within their lessons. Educational professionals interviewed by the European Union Agency for Fundamental Rights, for instance, stress that many education systems still lack policies, guidelines and training on LGBTQI inclusion [17]. Teachers from European countries report a lack of objective information about sexual orientation, gender identity and expression, and variations in sex characteristics, which often leads to low levels of awareness among professionals or lack of confidence to deal with these issues. This supports research carried out in specific countries [18] [19].

## European commitments

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. Council of Europe Member States, however, have made specific commitments to warrant the right to education for all students. The *Universal Declaration of Human Rights* (1948) [20], the *Convention against discrimination on Education* (1960) [21] or the *Convention on the rights of the child* (1990) [22] are the most relevant binding documents to protect the human rights of learners in schools. More recently, the *Council of Europe Committee of Ministers Recommendation 2010(5)* [23] stated 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.”*

For its part, 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 concerning sexual orientation and gender identity, and by introducing measures to address homophobic and transphobic bullying” (*Resolution 2097 (2016)* [24]. Likewise, the Parliamentary Assembly *Resolution 2048 on discrimination against transgender people in Europe* [25], called on Member States to explicitly prohibit discrimination based on gender identity, and to develop quick, transparent and accessible procedures, based on self-determination, for changing the name and registered sex of trans people on educational certificates and other similar documents.

The *Proposal for a Council recommendation on promoting common values, inclusive education, and the European dimension of teaching* (COM(2018) 23) states that “high quality and inclusive education and training, at all levels, is essential in ensuring social mobility and inclusion, in offering our citizens knowledge and skills to succeed in the labour market, but also in promoting the competences of critical thinking and a deeper understanding of our common values”. It recognises that Education plays a pivotal role in promoting and teaching common values and call on Member States and their education ministries to provide inclusive quality education to convey the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Finally, by signing the *Call for Action by Ministers to ensure inclusive and equitable education for all learners in an environment free from discrimination and violence* [26], 56 countries globally, 28 of which are in Europe, have already committed to reinforce their efforts to tackle violence based on actual or perceived sexual orientation, gender identity and expression or variations in sex characteristics in schools, within the broad framework of a comprehensive education sector response.

Particularly, the call recognises that “any form of discrimination and/or violence including bullying in educational settings are an obstacle to the enjoyment of the right to education and to equal access to educational opportunities of learners, and that no country can achieve inclusive and equitable quality education or equal access to educational opportunities, if any learners are discriminated against or experience violence because of their actual or perceived sexual orientation and gender identity/expression”.

Member States signatories of the *Call for Action* have committed to work towards developing and implementing **comprehensive responses to ensure inclusive education for all learners**. The *Call for Action* describes a series of concrete actions that Member States have pledged to implement:

1. Monitoring systematically the prevalence of violence in educational settings
2. Establishing comprehensive policies at the appropriate level
3. Providing learners with inclusive curricula and learning materials
4. Providing training and/or support to teachers and other educational and school staff
5. Taking actions to support for learners and their families
6. Evaluating the efficiency, effectiveness and impact of education sector responses

### Aim of this report

In 2016, IGLYO started working on the LGBTQI Inclusive Education Project with the aim of providing information about the concrete measures that all 47 Council of Europe Members States (as well as Belarus and Kosovo) have taken to ensure inclusive education and to tackle discrimination on grounds of actual or perceived 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 and 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.

This report is an in-depth account of the current situation on LGBTQI inclusive education in each country and has been organised in two chapters. This first chapter describes the most relevant aspects of the research (background, overall goal, methodology and main findings), while the second chapter contains the country files of all countries.

# Methodology

As indicated above, UNESCO has stated that a **comprehensive education approach** to prevent and address homophobic, biphobic, transphobic and interphobic bullying is 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 measures [1] [2] [27].

Similarly, IGLYO and OBESSU produced the *Inclusive education guidelines*, first in 2006 and revised in 2015 [28]. They set out the minimum standards that should be met to ensure education is safe, inclusive and supportive of all LGBTQI learners. According to this resource, students throughout Europe should receive comprehensive human rights, sex and relationship education, all curricular materials should include LGBTQI perspectives, anti-bullying policies should be in place, students should have access to information and support and schools should provide a safe environment, ensuring the visibility and participation of all students.

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 data<sup>1</sup>. A survey was then drafted and tested in seven countries (Bulgaria, Croatia, Hungary, Malta, Slovenia, Spain and United Kingdom). The final questionnaire<sup>2</sup> was then refined and sent to IGLYO's member organisations and other relevant civil society organisations and educational experts from the Council of Europe Member States, as well as Belarus and Kosovo.

IGLYO received completed questionnaires from all countries, except France, Germany, Liechtenstein, Monaco, Russia and San Marino. In some cases, 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 collected data, two different resources have been created. First, a narrative report, with the most relevant information, has been produced for each country (the **LGBTQI Inclusive Education Report**). Second, IGLYO has developed a map and table to easily highlight and compare the situation in each country, based on the ten indicators (the **LGBTQI Inclusive Education Index**).

1. 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).

2. A final version of the questionnaire is to be found at <https://goo.gl/8EkpEX>.

This project is 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 relies on **qualitative information**. IGLYO has worked closely with its member organisations and partners to gather data on legislation, policies and practices at a national level. When needed, desk research was also carried out to verify the accuracy of the information or to supplement the data provided. Final results have also been reviewed and verified by other partners and lawyers.

A preview edition of the report and index was presented at the *Follow-up meeting to evaluate the education sector responses to violence based on actual or perceived sexual orientation, gender identity and expression, and variations in sex characteristics*, which took place at the European Parliament in January 2018. Both documents (Index and Report) were sent to governments and civil society organisations, inviting feedback before the final version was produced. This has been 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. IGLYO received feedback from 16 governments and amended the preview report accordingly.

## Indicators

IGLYO worked with an international group of experts to develop the first edition of the LGBTQI Inclusive Education Indicators on basis of previous research [1] [2] [28]. 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.

### 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 <b>one</b> 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 <b>two</b> 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 <b>all</b> of the following grounds as being protected: SO, GIE or SC	10/10

### 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 <b>one</b> 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 <b>two</b> 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 <b>all</b> of the following grounds as being protected: SO, GIE or SC	10/10





## 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 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 compulsory curricula.

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



## 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 <b>one</b> of the following: SO, GIE or SC	7/10
There is evidence of mandatory teacher training on LGBTQI awareness which covers <b>two</b> of the following: SO, GIE or SC	8,5/10
There is evidence of mandatory teacher training on LGBTQI awareness which covers <b>all</b> of the following: SO, GIE or SC	10/10



## 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 self-determined legal gender recognition has yet to be achieved in most 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 based on self-determination, but only for people who are over 16-year-old	7,5/10
There are laws and provisions based on self-determination, including people under the age of 16	10/10



## 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	
There is no evidence of national or regional bullying and harassment data being collected or SO, GIE and SC are not specifically mentioned	0/10
National or regional bullying and harassment data is collected and segregated for <b>one</b> of the following: SO, GIE or SC	7/10
National or regional bullying and harassment data is collected and segregated for <b>two</b> of the following: SO, GIE or SC	8,5/10
National or regional bullying and harassment data is collected and segregated for <b>all</b> of the following: SO, GIE or SC	10/10



## 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 <b>one</b> 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 <b>two</b> 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 <b>all</b> of the following: SO, GIE or SC	10/10



## 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, with relevant websites 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 <b>one</b> of the following: SO, GIE or SC	7/10
Publicly funded information and guidelines for LGBTQI learners and their families on <b>two</b> of the following: SO, GIE or SC	8,5/10
Publicly funded information and guidelines for LGBTQI learners and their families on <b>all</b> of the following: SO, GIE or SC	10/10



## 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	
There is no evidence of the government providing funding to or partnering with LGBTQI NGOs	0/10
The government provides funding and works in partnership with NGOs in relation to education on <b>one</b> of the following: SO, GIE or SC	7/10
The government provides funding and works in partnership with NGOs in relation to education on <b>two</b> 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 <b>all</b> of the following: SO, GIE or SC	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 <b>or</b> is a member of the LGBTI Focal Points Network	5/10
The country has both signed UNESCO's call for action <b>and</b> is a member of the LGBTI Focal Points Network	10/10

## General overview

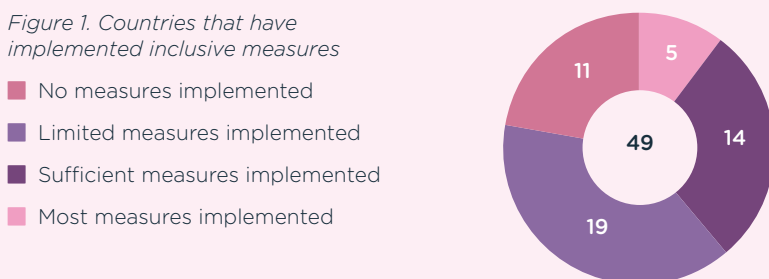
Although the aim of this report is not to provide comparable data between countries, general trends have been identified. In this section, we will summarise some of the research findings to describe the extent to which governments have implemented comprehensive inclusive measures within their educational systems.

### General trends

Some governments have already taken significant steps to ensure education is inclusive of all learners. In particular, the 70% of Member States have implemented anti-discrimination laws or action plans. Other practices, however, still remain challenging in most countries. Overall, the main areas for improvement are **compulsory education curricula**, **mandatory teacher training** and **data collection** about bullying and harassment on grounds of actual or perceived sexual orientation, gender identity and expression or variation in sex characteristics. Likewise, **legal gender recognition** based on self-determination is only available in 4 countries for learners under 16.

Out of the 49 countries reviewed, there are only four (Malta, Netherlands, Norway and Sweden) that provide most of these measures across Europe as of yet. Some regions in Spain have also developed inclusive laws and policies, but they have not been implemented nationally. By contrast, eleven countries have failed to implement any measure at the time of writing this report (Armenia, Azerbaijan, Belarus, Latvia, Macedonia, Monaco, Poland, Russia, San Marino, Turkey and Ukraine) and two have made international commitments without implementing any other measures (Liechtenstein and Moldova).

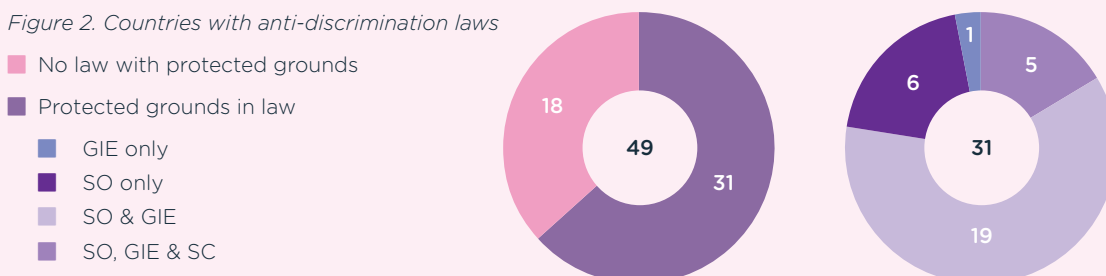
Figure 1. Countries that have implemented inclusive measures



### Anti-discrimination law applicable to education

At the time of drafting this report, 30 Council of Europe Member States as well as Kosovo have anti-discrimination laws in place that specifically set sexual orientation, gender identity and expression or variations in sex characteristics as protected grounds: Albania, Austria, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Kosovo, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Portugal, Romania, Serbia, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom. Out of these countries, 23% protect only one ground (19,5% only sexual orientation and 3,5% gender identity), 61% sexual orientation and gender identity and expression and 16% include also variations in sex characteristics in their anti-discrimination laws.

Figure 2. Countries with anti-discrimination laws

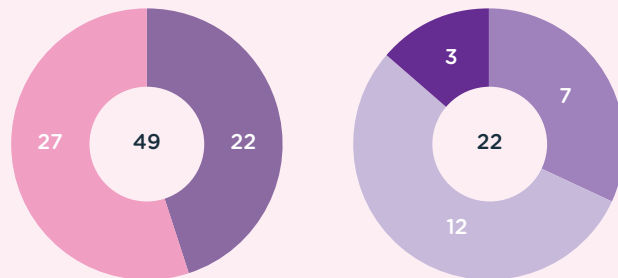


## Policies and action plans

However, only 22 Council of Europe Member States have implemented concrete policies or action plans to make schools safe, inclusive and supportive of LGBTQI learners: Albania, Andorra, Austria, Belgium, Bosnia & Herzegovina, Croatia, Cyprus, Czech Republic, Denmark, Germany (some regions), Ireland, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Serbia, Spain, Sweden, Switzerland and United Kingdom. Out of these countries, 13,5% refer only to sexual orientation, 54,5% to sexual orientation and gender identity and expression, and 32% refer to variations in sex characteristics as well.

Figure 3. Countries with policies and action plans

- No policies or action plans with protected grounds
- Policies or action plans with protected grounds
  - SO only
  - SO & GIE
  - SO, GIE & SC

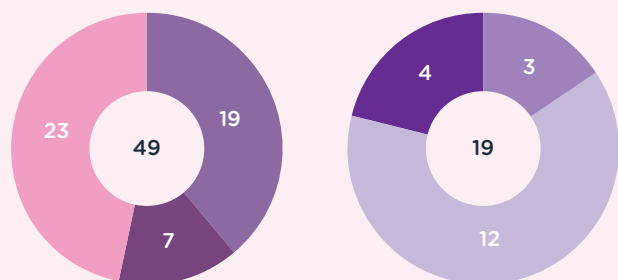


## Inclusive national curricula

Although 26 Member States have developed voluntary or arbitrary inclusion of LGBTQI issues, they have only been embedded through-out the full curriculum or, at least, been compulsory for all students in 19 Member States: Albania, Andorra, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany (some regions) Iceland, Malta, the Netherlands, Norway, Slovak Republic, Spain (some regions), Sweden and United Kingdom. Out of these countries, 21% only are inclusive of sexual orientation, the majority (63%) have developed inclusive curricula for sexual orientation and gender identity and expression, and only 16% have also included positive inclusive materials for variations in sex characteristics.

Figure 4. Countries with inclusive national curricula

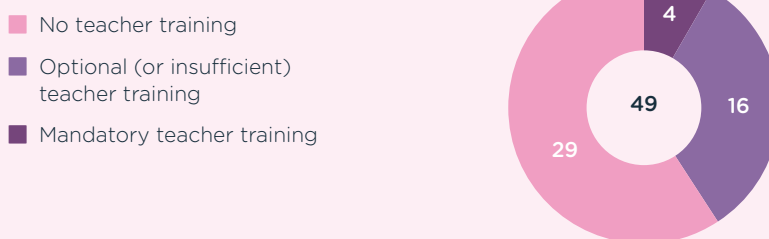
- No inclusive curricula
- Optional inclusive curricula
- Compulsory inclusive curricula
  - SO only
  - SO & GIE
  - SO, GIE & SC



## Teacher training on LGBTQI awareness

Civil society organisations report that teacher training on LGBTQI awareness is only present in less than half of the Council of Europe Member States (20 have provided some training). However, only 4 Member States have introduced mandatory teacher training (France, the Netherlands, Norway, Sweden). Malta has also introduced mandatory pre-service teacher training, but this has not been extended to teachers who are currently practicing.

Figure 5. Countries with teacher training



## Gender recognition

Legal gender recognition for minors based on self-determination has only been recognised in 3 Member states (Belgium, Malta, Norway) and in one of the regions of Spain (Andalusia). Denmark, France, Ireland and Portugal have implemented procedures based on self-determination for minors over 16. The rest of the countries have still not adopted laws based on self-determination.

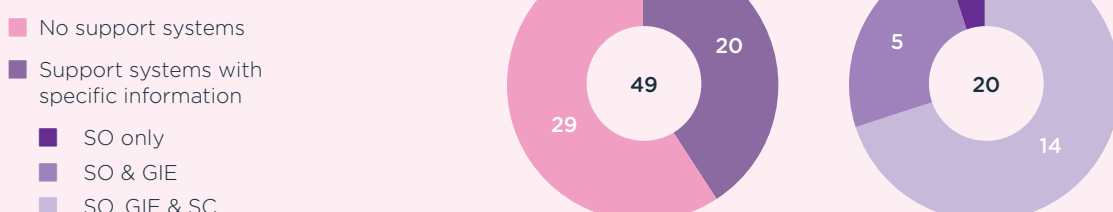
## Data collection on bullying and harassment

Although data collection is essential to develop specific programmes and design interventions that take into account the specificities of each country, only 5 Council of Europe Member States provide data on bullying and harassment in schools segregated on the grounds of discrimination at the time of drafting this report: Albania, France, Montenegro, the Netherlands and Sweden.

## Support systems for young people

Civil society organisations report that 20 Member States provide services or have funded projects that provide support: Albania, Andorra, Belgium, Czech Republic, Finland, France, Germany, Iceland, Ireland, Italy, Malta, Montenegro, the Netherlands, Norway, Portugal, Slovenia, Spain, Sweden, Switzerland and United Kingdom. Out of these services, 70% are addressed to LGBTQI students, but 25% are exclusively addressed to LGBT learners and in one country (5%) support systems are not inclusive of trans youth.

Figure 6. Countries with support systems for LGBTQI youth

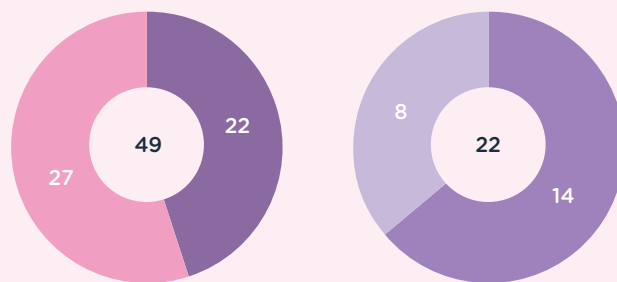


## Information and guidelines

Civil society organisations report that 22 Member States directly provide guidance or fund projects that offer such information: Andorra, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Luxembourg, Malta, Montenegro, the Netherlands, Norway, Portugal, Slovak Republic, Spain, Sweden, Switzerland and United Kingdom. Although 64% of these countries provide information and guidance to all LGBTQI learners, in the rest of the countries there is no specific content for intersex learners.

Figure 7. Countries with information and guidelines

- No information
- Specific information for LGBTQI learners
  - SO & GIE
  - SO, GIE & SC



## Partnership between governments and civil society

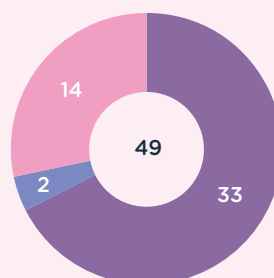
Civil society organisations report that 24 Member States as well as Kosovo have partnered with civil society organisations to develop strategies and/or develop projects in the field of education: Albania, Andorra, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Kosovo, Luxembourg, Malta, the Netherlands, Norway, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland and United Kingdom. Most of these associations (64%) are considered LGBTQI, but the rest do not provide services for intersex learners.

## International commitment

Only 23 Council of Europe Member states have signed the *Call for Action by Ministers to ensure inclusive and equitable education for all learners in an environment free from discrimination and violence* and are also members of the European Governmental LGBTI Focal Points Network. Specifically, 29 Council of Europe Member States have signed the *Call for Action by Ministers to ensure inclusive and equitable education for all learners in an environment free from discrimination and violence*, and 29 countries are members of the European Governmental LGBTI Focal Points Network. Finally, two countries have made specific international commitments but have not implemented any further measures to ensure inclusive education for LGBTQI learners.

Figure 8. Countries that have shown international commitment

- No commitment
- Commitment with no other measures
- Commitment with other measures





## Chapter 2

### Country reports





# Albania



## Anti-discrimination law


The **Law on pre-university education** (2012, art. 4) [29] 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** (2010) [30] states that discrimination on these grounds is prohibited, emphasising the role of the Ministry of Education and the duties imposed on the directors of educational institutions across the country. According to the law, the Council of Ministers and the Minister of Education and Science are each responsible for taking measures of a positive nature in order to combat discrimination in connection with the right to education and the inclusion of anti-discrimination concepts and practices in the relevant teaching curriculums. The directors of educational institutions are 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 (which actions are to be taken within one month of receiving knowledge thereof); 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 of such directors.



## 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 organisations involved in the promotion of equal rights, 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 issues was presented. The **National Action Plan on LGBTI People 2016-2020** [31] defines the inclusion of LGBTI issues 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** [32] specifically mentions 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.



## Education curricula

The **National Action Plan on LGBTI People 2016-2020** [31] states that schools should ensure inclusive curricula and teacher training. However, civil society organisations report that this is still not properly implemented. At this stage, the subjects of history, civic education and Albanian language classes 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** (2008, Art. 13) [33] 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 that the extent to which these materials must be inclusive of LGBTQI people is not mentioned.



## Teacher training on LGBTQI awareness

Although the **National Action Plan on LGBTI People 2016-2020** [31] (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 teachers still make homophobic, biphobic, transphobic or interphobic statements [34]. 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 universities and civil society organisations offer affirming teacher training on LGBTQI awareness [35]. 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 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.



## Gender recognition

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



## Data collection of bullying and harassment and monitoring of policies

The **Law on protection from discrimination** (2010) [30] 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** (2016) [36] 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, 82.3% of the students knew about the **Law on Protection from Discrimination** (2010) [30], but only 5.3% thought that it protected the LGBTQI community.



## Support systems

LGBTQI learners who have experienced violence, have the possibility to report it to the **Commissioner for Protection from Discrimination** ([www.kmd.al](http://www.kmd.al)). Likewise, **ALO 116** ([www.alo116.al](http://www.alo116.al)) 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.



## Information and guidelines

There is no specific information or guidelines for LGBTQI learners



## 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.



## 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

*Covers: SO, GIE and SC*

[www.pinkembassy.al/en/lgbt-stories/bullying](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, Durrës, Elbasan and Shkodra.

# Andorra



## Anti-discrimination law

The **Andorran Constitution** (1993) [37] states that all persons have the right to education, which shall be orientated towards the dignity and full development of the human personality, thus strengthening the respect for freedom and fundamental rights (art. 20). It also states that no one may be discriminated against on grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition, but it does not mention sexual orientation, gender identity and expression or variations in sex characteristics as protected grounds.

The **Law on qualified education** (1993, art. 4) [38] 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. This law does not specifically mention LGBTQI learners, but civil society organisations report that they are still protected by this law. Likewise, the **Law on the Regulation of the General Educational System** (1994) [39] 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** (2007) [40] specifies that students should learn the principles and democratic values of society including respecting diversity.




## Policies and action plans

Andorra has an **Anti-Bullying Action Plan** (2016) [41]. 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 their needs, civil society organisations report that they are included.



## Education curricula

The educational curriculum is based on the promotion of human rights values and it transversally works to promote respect for diversity among all learners. Civil society organisations report that LGBTQI issues are included in different subjects. The curriculum, however, does not specifically mention sexual or gender diversity. 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 LGBTQI issues are not included in any other subject. The **Anti-Bullying Action Plan** (2016) [41] foresees some specific training activities with students to learn how to tackle bullying and violence at school.



### 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. The training provided teachers and other educational staff with tools to work the topic of sexual orientation in schools. This workshop was run in collaboration with the Ministry of Education as part of the **Anti-Bullying Action Plan (2016)** [41] 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 specific pre-service training for school staff.



### Gender recognition

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



### 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)** [41]. The first is to report a case of bullying and 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.



### Support systems

The **Anti-Bullying Action Plan (2016)** [41] 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 (i.e. Som com som) offer specific support for LGBTQI learners to address specific situations. The Ombudsman can also receive complaints of discrimination based on sexual orientation or gender identity and expression.





## Information and guidelines

Andorran authorities have implemented measures designed to promote understanding of and respect for LGBTQI people. The European Commission against Racism and Intolerance reports that information (such as circulars), protection, and support is available to all learners, as well as protection and support [42].



## 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 area of education. (see *Teacher training* and *Information and guidelines*).



## 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 not member of the European Governmental LGBTI Focal Points Network.

# Armenia



## Anti-discrimination laws

The **Armenian Constitution** (1995, rev. 2005) [43] 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.



## Policies and action plans

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



## 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 schools [44]. 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 life [45].

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 the 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.



## Teacher training

There is currently no mandatory teacher training on LGBTQI awareness.



## Gender recognition

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




## 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 research carried out by civil society organisations shows that LGBTQI people experience discrimination within education. A study conducted by 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 [46].




## Support systems

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



## 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.



## Partnership between governments and civil society

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



## 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.

# Austria



## Anti-discrimination law

The **Fundamental Decree on Sexual Pedagogy** (2015) [47] 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 (Vienna [48], Burgenland [49], Styria [50], Carinthia [51], Salzburg [52], Tyrol [53], Vorarlberg [54], Lower Austria [55] and Niederösterreich [56]) offer comprehensive protection from discrimination in the field of education (mentioning sexual orientation). Vienna also offers protection from discrimination mentioning sexual identity. 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, Vienna is the only regional state with a specific legislation currently in place. If transgender persons feel discriminated against, their complaint is accordingly filed under the discrimination ground of gender, except in Vienna. 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*).



## 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** (2008) [57] 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. In 1998 the city of Vienna established the **Viennese Antidiscrimination Unit for Lesbian, Gay and Transgender Issues** (WAS<sub>t</sub>) [58]. Its main objective is to tackle prejudices and discrimination directed towards LGBT people. As well as holding public discussions, workshops and speeches, the agency held 31 trainings at different educational institutions within Vienna [59].



## 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. A recent research carried out by TGEU indicates that LGBTQI issues are not addressed in a systematic or standard way in schools even though sexual education is part of the curriculum [60]. 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.



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

The **Teaching Principles** (*Unterrichtsprinzipien*) function as relevant teaching guidelines for any school subject of a certain school form. According to the European Commission against Racism and Intolerance [61], 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 Ausgesprochen is an association that creates a platform for LGBTQI teachers in Austria. They provide specific workshops and guidelines for teachers.



## 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 basis (*Constitutional Court No. V4/06, 08.06.2006*). In 2014, the Federal Ministry for Health issued recommendations according to which a medical opinion is needed prior to any change in the personal status [62].




## 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** (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.




## 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.



## Information and guidelines

Recently, the government has presented guidelines in the framework of the networking meeting of the national strategy for school violence prevention with specific information about LGBTQI learners [63] [64]. From 2006 until 2008, the **Schoolmates** [65] 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)**.



## 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 **FAmOs** ([www.regenbogenfamilien.at](http://www.regenbogenfamilien.at)). 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**<sup>3</sup> 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.

3. [www.parlament.gv.at/PAKT/VHG/XXV/J/J\\_04672/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04672/index.shtml) (Ministry of Health)  
[www.parlament.gv.at/PAKT/VHG/XXV/J/J\\_04670/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04670/index.shtml) (Ministry of Families and Youth)  
[www.parlament.gv.at/PAKT/VHG/XXV/J/J\\_04671/index.shtml](http://www.parlament.gv.at/PAKT/VHG/XXV/J/J_04671/index.shtml) (Ministry of Labour and Social Affairs)



## 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 violence [66]. 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' associations [67].

### Good practices and campaigns

#### Queerconnexion

*Covers: SO, GIE and SC*

[www.queerconnexion.a](http://www.queerconnexion.a)

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

#### HOSI Linz

*Covers: SO*

[www.hosilinz.at/schulworkshops](http://www.hosilinz.at/schulworkshops)

HOSI Linz offers workshops on sexual orientation in schools.



# Azerbaijan



## Anti-discrimination laws

The **Constitution of Azerbaijan** (1995, Art. 25) [68] 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 law or regulation explicitly mentions these grounds or includes specific provisions on the implementation of the right to equality for LGBTQI persons.



## Policies and action plans

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




## 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” [69].




## 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.



### Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker. Civil society organisations report there have been some cases in which trans individuals could change their ID card after their transition, but this is based on bribe culture. Providing the individual can afford to do so, it is possible to give a bribe and get the decision from court for authorising the new ID with changes to personal information.




### 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).



### Support systems

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



### Information and guidelines

The only sources of information for LGBTQI learners are from other countries. According to the latest report published by the European Commission against Racism and Intolerance in 2016 [70], 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 have experienced violence are, therefore, unlikely to report it.



### Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education. GoNGO has received some funding from the Ministry of Health, while other civil society organisations report that it does not cooperate with the LGBTQI community. Gender and Development, an LGBTQI NGO has applied for registration to the Ministry of Justice since 2012, but the application has been denied without any reasons being given.



## 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 not member of the European Governmental LGBTI Focal Points Network.



## Further information

### Relevant cases

In September of 2017 authorities in Azerbaijan’s capital, Baku, began a vicious crackdown on the LGBTQI community. Police raids based on “public health concerns” quickly turned into an inexplicable and terrifying hunt. They arrested or apprehended many LGBTQI people, 83 of which were officially confirmed. They were beaten, tortured with electric shocks, and forced to undergo traumatic “medical examinations, head shaving, and sexual abuse.” [71]

Within quick and closed court hearings they were charged under provisions of the Code of Administrative Offences – contempt of cop (Section 535.1 of COA), hooliganism (Section 510 of COA). The UN rights experts called on Azerbaijan to stop “Arbitrary Arrests” [72]. Council of Europe urged Azerbaijani government to investigate allegations of human rights violations of LGBT persons [73].

### Relevant cases

Civil society organisations report the case of a person who experienced physical assault at the Medical University, because they were suspected 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 preferences [74].

### Opposition

On 25 January 2001, Azerbaijan became the 43rd Member State of the Council of Europe, and as a result, were issued with certain obligations from the Council of Europe, including focussing on LGBT issues. Unfortunately to date, the Azerbaijani authority has of yet 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.

# Belarus



## Anti-discrimination laws

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.



## Policies and action plans

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



## Education curricula

There is no evidence of compulsory education curricula that include content on sexual orientation, gender identity and expression or variations in sex characteristics.



## Teacher training on LGBTQI awareness

There is no evidence of mandatory teacher training on LGBTQI awareness.



## Gender recognition

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



## Data collection of bullying and harassment and monitoring of policies

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



### Support systems

There is no evidence of support systems specifically designed to meet the needs of LGBTQI learners.



### Information and guidelines

There is no evidence of publicly funded information and guidelines for LGBTQI learners and their families.



### Partnership between governments and civil society

The government does not provide funding to or partner with LGBTQI civil society organisations working in the area of education.



### International commitment

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

# Belgium



## Anti-discrimination law

The federal Belgian anti-discrimination legislation consists of three acts, all of which are of equal value. The **Act Prohibiting certain forms of discrimination** (2007) [75] prohibits discrimination on grounds of sexual orientation. The **Gender Equality Federal Act** (2007, Art. 4), for its part, protects in particular discrimination based on a *gender identity and gender expression* since 2014 [76]. The act states that discrimination based on gender identity or expression is equated with discrimination based on sex. Neither of these acts, however, specifically mention variations in sex characteristics as protected grounds of discrimination. Despite this, the government reports that the academic field is currently analysing the added value of introducing *sex characteristics* to know which specific cases would this cover that are not currently covered by sex, state of health or physical/genetic characteristics.

The competences of education are transferred to the communities of the country. The three different communities (French [77], Flemish [78] and German [79]) 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 since 2008 and include gender identity and gender expression since 2013.



## Policies and action plans

The **interfederal action plan against homophobic and transphobic violence** (2013) [80] 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, which has already taken place (see *Anti-discrimination law*).

Flanders has its own horizontal policy plan, with a particular focus on the federated competences, such as education [81]. One of the objectives in the action plan is the wellbeing of LGBT people, focusing on residential elderly care, sports, education (training and coaching for educational organisations) and a new children's and youth's rights policy plan.



## Education curricula

According to the aforementioned inter-federal action plan, the Flemish Community is committed to paying adequate attention to the teaching of LGBT and gender issues by conducting an integral policy, collaborating with all educational networks (umbrella organisations) and relating to various aspects within educational institutions and organisations. Within Flemish education, this work is predominantly ensured through the cross-curricular final objectives and development goals as well as by all leading educational organisations' Joint Declaration on a policy regarding gender and LGB in education (2012).


The French Community has published a teaching guide [82] 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 schools [83] 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.



## 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** has a special training program for teacher training degrees within the Flemish Community [84]. The organisation gives around 20 guest lectures a year, but this not a mandatory subject and not all not all teacher training colleges and schools of education will include topics. 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.



## Gender recognition

Since 2007, the **Transgender Federal Act** (2007) [85] provided people with a legal basis for the registration of the change of their gender and name. This law, however, made legal gender recognition dependent on a certification by a psychiatrist and a surgeon stating 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.

On 1 January 2018, **new gender recognition legislation** (2017) [86] based on self-determination came into force. According to the new legislation, a minor aged 16 or older can make an application to have their registered gender changed, but a child 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 their gender identity does not match the one assigned at birth, that they are aware of the administrative and legal consequences of changing their birth certificate and that they know this change is irrevocable [87]. Additionally, the public prosecutor can advise against the procedure. An absence of advice equals a positive advice (Legal Gender Recognition is granted). Returning to one’s original gender marker happens through a court proceeding. Legal Gender Recognition is possible starting at 16, provided a psychiatrist constitutes that the minor has “the necessary capacity to have the lasting conviction” that their gender identity is different than the one at birth. This is not a diagnosis. Changing one’s first name is possible starting at 12. The **new gender recognition legislation** (2017) [86] also puts an end to the sterilisation requirements and the mental health diagnosis previously required in order to have access to legal gender recognition in terms of the **Transgender Federal Act** (2007) [85].



## Data collection of bullying and harassment and monitoring of policies

The **Action plan against homophobic and transphobic violence** (2013) [80] 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** (2018) [88] to monitor discrimination on grounds of sexual orientation, and gender identity and expression. This tool reviews existing work in relation to diversity policies and practices on inclusive education. The barometer mostly studies sexual orientation, and addresses gender identity in a more limited way. This is because the inter-federal centre for equal opportunities has more expertise in the field of sexual orientation.”






## Support systems

All three Communities have support systems for LGBT learners. The French Community has a free helpline and other support systems. The LGBTQI NGO CHEFF also organises activities outside school for learners and offers listening sessions. 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.



## 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 school [89]. The French Community has also some specific campaigns to tackle bullying in schools [90].



## Partnership between governments and civil society

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



## 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.



## Further information

### Good practices and campaigns

**çavaria education project**

*Covers: SO, GIE and SC*

[www.schooluitdekast.be](http://www.schooluitdekast.be)

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

**SoWhat?! The Gayme**

*Covers: SO and GIE*

<https://shop.aanstokerij.be/publicatie/453-sowhat-the-gayme.html>

During #SoWhat?! The Gayme youngsters get the opportunity to discuss and get to know more about sexual diversity and gender. These themes are made discussable using a playful and light-hearted approach.

**Declaration gender and sexual diversity in education**

*Covers: SO, GIE*

[www.genderklik.be/Portals/genderklik/Kijkwijzer/Engagementsverklaring%20Gender%20ondertekend.pdf](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.

**GrIS Wallonie-Bruxelles**

*Covers: SO*

[www.griswallonie.be](http://www.griswallonie.be)

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

# Bosnia and Herzegovina



## Anti-discrimination law

The **Anti-Discrimination law** (2009) of Bosnia and Herzegovina [91] 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.



## 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, however, reports that none of these measures have been fully implemented as of yet [92].




## Education curricula

According to civil society organisations, the national curriculum does not include LGBTQI issues. However, a subject called **Healthy lifestyles** [93] 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 [94].



## 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*).



## Gender recognition

The **Law on Personal Name FBiH** (2012) [95] 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 abroad [96]. The public health care system does not cover any of the costs.



## 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) [97], 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** [98], the organisation reports a rise in homophobia and transphobia and peer violence in educational institution (see *Significant news*).



## Support systems

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



## 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.



## 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.



## 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: suicide and 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 an attempt to provoke reactions and violence.

## Good practices

### Guide on responsible and professional treatment of LGBTI people

*Covers SO, GIE and SC*

Towards responsible and professional treatment of lesbian, gay, bisexual, transgender and intersex persons, by Dajana Cvjetković is a guide [99] 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.

### Numbers of Equality

*Covers SO, GIE and SC*

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 community [100]. With a sample of 366 persons, the organisation offers an overview of self-reported discrimination experienced by LGBTI people in BiH.

# Bulgaria



## Anti-discrimination law

The **Anti-Discrimination Act** (2009) [101] prohibits any direct or indirect discrimination on the grounds of sexual orientation. The Act defines sexual orientation as “heterosexual, homosexual or bisexual orientation.” It does not, however, specifically mention gender identity or variations in sex characteristics<sup>4</sup>. The Act provides that the Ministry of Education and Science shall take all the necessary measures to prevent discrimination on grounds of sexual orientation. 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 educational institution is liable under the Act.



## Policies and action plans

The **Unified Mechanism for Counteraction against Bullying at School** (2012) [102] [103], as implemented by an order of the Minister of Education and Science, obliges every school to adopt specific measures aimed to tackle bullying at school. The document includes a definition of bullying and its types (i.e., physical, psychological, sexual and cyberbullying). Civil society organisations report that the mechanism calls for the creation of educational spaces where students can openly discuss bullying and can form empathy, tolerance and respect for differences, as well as can build conflict resolution skills that prevent bullying. The Unified Mechanism does not, however, specifically mention gender identity or variations in sex characteristics. LGBTQI people are, therefore, not specifically protected by this action plan (see *Data collection*).



## 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 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. Although the category “gender” may also include in practice “gender identity”, civil society organisations report that such inclusive definition of “gender” is only identified in very few schools.




### 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.



### Gender recognition

The law on **Bulgarian Personal Documents** (1998, amended 2010) provides that a person must submit an application for new identity documents within 30 days of changing their gender. The Civil Registration Act provides that name and gender can only be changed through court proceedings. Most recent court cases have relied on self-identification as a primary criterion to decide applications for change of civil status. In particular, three transgender youth were granted legal gender recognition by the courts in 2016 without having to undergo sterilisation [104]. However, as there are no clear legal procedures for deciding applications for change of civil status based on gender identity and variations in sex characteristics, courts decide on a case-by-case basis.



### 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 research (2015) [105] 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".



### Support systems

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





## 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.



## 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*).



## 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

Covers: SO, GIE and SC

[www.ittakesallkinds.eu/info/bg](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.

## Croatia



### Anti-discrimination law

The **Anti-Discrimination Act** (2008) [106] 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 establishes a central body, the Ombudsman's Office, to tackle it. However, there remain issues in educational institutions including the discriminatory content of textbooks with respect to "gender stereotypes, presenting only two-parent families as a complete family, and stigmatization of gay people." [107]



### Policies and action plans

Croatia has a **Protocol on the procedure in abuse among children and youth** (2004) [108] and a **Protocol on the procedure in case of abuse and neglect of child** (2014) [109]. 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. These protocols establish that all educational institutions shall continue implementing existing preventive and intervention policies and procedures, as well as develop new ones consistent with the protocols 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. To address these issues, the protocols further call for cooperation between educational institutions and entities including nursing homes, social welfare centres, child care centres, family counselling centres, police stations, health facilities, state attorneys, governmental bodies, non-governmental organisations, and religious communities.



### Education curricula

The **National Curriculum Framework** [110] establishes that sexual orientation and gender identity should be discussed as part of secondary education. The study **LGBT Topics in High School and Elementary School Textbooks** [111], 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.


After failed attempts by successive Governments to reform the education system, the initiative 'Croatia can do better' organised a protest on 1 June for the second time. As on the protest the year before, thousands of people gathered in Ban Jelačić Square in support of the curricular reform. Work on the reform was continued by the new Minister of Science, Education and Sport, Blaženka Divjak, appointed on 9 June. The draft of the Act regulating the implementation of the new reform contains a regulation saying that if the Education and Teacher Training Agency estimates that a topic or module has a distinct impact on the child's beliefs and values, they will be defined as non-obligatory and alternative lessons must be provided. Thus, the parents will have the option to decide if the child will attend these lessons or not. This regulation has been interpreted as an influence from conservative member of the group that drafted the Act, and in general conservative groups such as 'In the Name of the Family' that are attempting to reinforce the influence of the parents on the curriculum. The new curriculum should start with an experimental implementation in 2018.

No extracurricular activities have been funded in regard to LGBTQI topics. Out of a list of sixty **educational programmes** [112] that received governmental financial support, none of them address content on sexual orientation, gender identity and expression, or variations in sex characteristics.

### **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 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 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. They also 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**.



## Gender recognition

The **Regulation on the method of collecting medical documentation and determining the terms and conditions of a sex change or life in different gender identity** (2013) [113] 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. If the person asks for gender recognition based on sex reassignment, then they need the opinions of a psychologist, psychiatrist, endocrinologist and social worker. If they ask for legal gender recognition based on the “life in a different gender identity”, then they need the opinions of the psychologist, psychiatrist and social worker. In the case of a child, a parent or guardian’s consent is required, together with the opinion of a paediatrician.




## 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 organisations [114].



## Support systems

The government provides no specific support systems for LGBTQI learners or their families. However, Zagreb Pride established a peer-to-peer support group for students for psycho-social support facilitated by two social workers. It is for persons aged 14-21, and was established at the beginning of 2017.



## Information and guidelines

There is information available for learners who have experienced violence [115]. 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.



## Partnership between governments and civil society

The government provides support to civil society organisations to develop work in the field of education. However, civil society organisations report that this support is not continuous. Lesbian Organisation from Rijeka (LORI) and Zagreb Pride organise teacher training, lessons with students and provide information for LGBTQI learners, regardless of the governmental support to carry out these activities.



## 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.



## 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. 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. 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 also rejected by other high schools, but only 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

*Covers: SO, GIE and SC*

[www.zagreb-pride.net/hr/portfolio/za-skole-bez-homofobije-transfobije-i-predrasuda/](http://www.zagreb-pride.net/hr/portfolio/za-skole-bez-homofobije-transfobije-i-predrasuda/)

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 LGBTIQ 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.

### Reducing LGBTphobia in High Schools

*Covers: SO and GIE*

[www.lori.hr/smanjenje-homo-bi-transfobije-u-srednjim-skolama](http://www.lori.hr/smanjenje-homo-bi-transfobije-u-srednjim-skolama)

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.

# Cyprus



## 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 aid the elimination of (among others) homophobia, transphobia, in-school violence, and delinquency.



## 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** (2000) [116]. 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.

In March 2017, the Cyprus Police signed a memorandum of Cooperation for the Protection and Promotion of Human Rights with 12 NGOs including KISA, ACCEPT-LGBT and Hope for Children [117]. In January 2018, the Council of Ministers approved the proposal of the Ministry to implement the "National Strategy for the Prevention and Management of Violence in Schools" ("**National Strategy**") aimed to ensure that schools are democratic, safe and child-friendly [118]. The National Strategy has a duration of four years and includes legal, administrative, educational and social measures.



## 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-olds) may take the optional subject of 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.



## 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.



## Gender recognition

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



## Data collection of bullying and harassment and monitoring of policies

The **Observatory on Violence in School** (under the Ministry of Education and Culture) was established in 2009 [119]. 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** in Cyprus to highlight the high impact of discrimination on grounds of sexual education in the life of LGB learners.



### Support systems

There is a domestic educational psychologist for all educational levels, as well as a 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 reported that psychologists are often unable to deal with LGBTQI issues.



### 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.



### Partnership between governments and civil society

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



### 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

## Anti-discrimination law

The **Education law** in the Czech Republic does not specifically mention diversity or LGBTQI people 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”<sup>5</sup> shall also include sexual orientation.

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<sup>6</sup>.

## 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 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** (2016) [120] 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 headteacher is further obliged to

5. 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.”

6. 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.”

ensure the safety and protection of their employees and to prevent bullying towards teachers<sup>7</sup>. 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 headteacher 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** (2016) [121]. This document summarises the individual corrective measures available to schools in order to end violence. 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.

### Education curricula

The subjects “People and the World” and “Arts and Culture” provide information on sexual orientation and gender identity and are mandatory components of the curriculum for all learners at elementary and secondary levels.

### 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.

### Gender recognition

According to the **Civil Code, Art. 89/2012** [122], “the change in the sex of a person occurs by surgical intervention while simultaneously preventing the reproductive function and the transformation of the genital organs”. There are no clear age restrictions.

7. This follows from Section 29 of the Education Act, which states: “In providing education and directly related activities and in providing school services, schools and school facilities shall be 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.”



## Data collection of bullying and harassment

The information available shows that there is no 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<sup>8</sup>. As already mentioned above, the guideline is not legally binding on schools, and as a result, 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*)<sup>9</sup> 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.<sup>10</sup> The first part of this extensive research comprised of an online quantitative 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 school climate.

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

8. 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.”

9. 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>

10. 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.

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.

### 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.

### Information and guidelines

Several books and guidelines 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 online.
- “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.

### 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.



## 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

*Covers: SO and GIE*

[www.duhoveseminare.cz](http://www.duhoveseminare.cz)

PROUD offered over 100 school seminars (attended by more than 3000 pupils) during 2013–2016 on LGBT awareness.

#### Rainbow Training

*Covers: SO*

[www.duhoveseminare.cz](http://www.duhoveseminare.cz)

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

# Denmark

## Anti-discrimination law

The **Act on Prohibition of unequal treatment in the Labour Market** (1996) [123] provides protection on grounds of sexual orientation<sup>11</sup>. Gender identity is not mentioned, but the Act of the Board of Equal Treatment covers the ground of gender and has dealt with discrimination cases related to gender identity [124]. 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.

## Policies and action plans

Denmark developed the **Action Plan for Preventing and tackling bullying in schools** [125] which states that the government wants all children and young people to have a safe childhood without bullying, giving specific recommendations for teachers. The action plan mentions sexual orientation and gender identity as possible grounds of discrimination.

Currently, the Ministry of Education has, together with a number of professional organisations, drawn up a joint action plan against bullying. Likewise, a legislative amendment has been implemented which obliges the school board of all schools to set an anti-mob strategy, including against digital bullying. A complaint facility has also been introduced to the Center for Educational Environment if the school board or municipality does not comply with the teaching environment law in relation to bullying [126].

## 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.


11. Employment protection includes retention, promotion, and equal pay. Specifically, a mandate that if an LGBT employee is paid less than half of a non-protected person with a similar role, they are legally entitled to the difference. [www.retsinformation.dk/Forms/R0710.aspx?id=81555](http://www.retsinformation.dk/Forms/R0710.aspx?id=81555)



## 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. According to the government, students of teacher training education will be offered courses regarding health and sexuality and family education [127]. Teacher training will include knowledge on diversity in relation to gender roles, body image, and sexuality.

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.



## Gender recognition

In 2014, there was a **Motion to amend the Act on the Civil Registration System** [128], 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 [129].

ILGA-Europe reports that “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.



## Data collection of bullying and harassment and monitoring of policies

National data on the well-being of students is collected by the government [130], but this data contains no concrete information about the well-being of LGBTQI learners.

However, as a follow-up to *Ministerial Call for Action on Inclusive and equitable education for all learners in an environment free from discrimination and violence*, a feasibility study will be carried out to reveal how LGBTI students' well-being in primary and secondary education could be measured and monitored through validated data. The feasibility study must reveal how this can be done in an ethically and legally sound manner. The preliminary study will thus be prepared with the involvement of the Data Inspectorate and the National Board of Health and, in addition to legal assessments, will include desk research and interviews with persons, experts and organisations working on LGBTQI issues. Based on the study, the Centre for Educational Environment will summarise the most important recommendations and attention points in a report for publication in middle of 2018 [131].





## Support systems

The government provides no specific support systems for LGBTQI learners or their families. However, the Danish government has announced an application fund (approximately 1 million euros) targeted NGOs and voluntary organisations with the purpose to increase the well-being through counselling and network initiatives for LGBTI people, especially for young LGBTI people around the country, and combating prejudice against LGBTI people in schools, youth educations, clubs, associations, etc. [132]



## 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.



## Partnership between governments and civil society

The municipalities of Copenhagen and Aarhus provide financial support to the project “Normstormerne” which offers norm critical LGBTQI+ courses to schools and higher institutions of learning.



## 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



## Anti-discrimination law

The Estonian Constitution enlists the grounds of protection against discrimination, including gender, but not sexual orientation. The Chancellor of Justice gave an authoritative opinion in 2011, claiming that the open list of grounds of discrimination in Article 12 of the **Estonian Constitution** (1992) [133] includes sexual orientation.

The **Equal Treatment Act** (Chapter 1, Section 2, 2009) [134] prohibits discrimination on the basis of sexual orientation in vocational guidance, vocational training, advanced vocational training and retraining, but not in elementary, secondary or upper secondary schools. Chapter 3, Section 13 of the Equal Treatment Act states that *“educational and research institutions and other entities and person organising training shall, upon determination of the content of studies and organisation of studies, take account of the need to promote the principle of equal treatment”*. 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 the ground of sexual orientation in the above mentioned general educational institutions.

For its part, the **Gender Equality Act** (2004) [135] has a wide scope of application, including the field of education. The law does not explicitly mention the term “gender identity”, but states that direct discrimination based on sex means also less favourable treatment of a person in connection with *other gender-related circumstances* (§ 3, sub 1 (3)). The first two Equality Commissioners’ have interpreted this law broadly to cover discrimination on the grounds of gender identity and hence investigated in their practice cases of discrimination of trans people.

The **Basic Schools and Upper Secondary Schools Act** (2010) [136] does not prohibit discrimination on the grounds of sexual orientation, gender identity and expression or variations in sex characteristics, but it states that schools, in accordance with their internal rules, should ensure and protect the mental and physical security and the protection of the health of students during their stay at school and take measures to prevent mental and physical violence. Supervision over students throughout the school day should also be ensured for this purpose.



## 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 one of its underlying principles [137]. However, it does not enlist any grounds of protection against discrimination.

A **Foundation Against Bullying in Schools** was created in 2011 with the aim to raise awareness about school bullying and how to stop it. The foundation is partly financed by the government through grants to civil society.



## Education curricula

The **Decree on National Curriculum** (2011) [138] 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 contain content on LGBTQI issues. National Curriculum focuses on skills and values that the learners should learn in school, the more detailed curriculum is drafted by each school.

In the national database on curricula by topic, gender equality, tolerance, human rights, equal treatment, identity and social justice are mentioned under civic education [139] (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 education [140] in upper secondary school level.




## 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, 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, highlights examples of teachers avoiding discussing LGBTQI issues with their students, because they were afraid of the consequences (i.e. reactions from parents, etc.).

In 2013 and 2014 the LGBT Association piloted a project of LGBT human rights and anti-bullying training [141]. 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 also carried out a project on LGBTQI learners and school bullying [142].




## Gender recognition

The **General Requirements on Medical Procedures for the Change of Gender Act** (1999) stipulates that in order to change gender a person must apply to the Ministry of Social Affairs. The applicant must present the following evidence: (i) a certification of transsexual identity covering a period of at least two years prior to the application; (ii) a psychiatrist's opinion that excludes the possibility that the wish to undergo gender/sex change is caused by psychiatric disorder; and (iii) compatibility of chromo-somatic gender/sex certified by genetic research.

A medical expert committee appointed by the Ministry of Social Affairs will then make a decision. There is no age restriction to enter this procedure. No surgical operation is required. If the medical expert committee reaches a favourable decision it will then be followed by a decree by the Ministry of Social Affairs, which authorises medical acts to change a person's gender/sex. Once the authorisation of the Ministry of Social Affairs has been obtained, the change of gender and name will be carried out.

Name change is performed by the civil registrar office. This possibility is provided by Section 15 of the Estonian Names Act (2005) [143]: "If the gender of a person is changed, on the basis of a written application of the person, the parent(s) of the minor or of the guardian of the minor ward, a new given name shall be assigned to the person and a foreign-language surname of the person may be changed if the gender feature is reflected in the surname pursuant to the national tradition of the person"<sup>12</sup>.



## Data collection of bullying and harassment and monitoring of policies

The government collects data on bullying and harassment [144], 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 [145].



## Support systems

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

12. For more information see European Parliament Directorate General for Internal Policies' report, Transgender Persons' Rights in the EU Member States, available at <http://www.lgbt-ep.eu/wp-content/uploads/2010/07/NOTE-20100601-PE425.621-Transgender-Persons-Rights-in-the-EU-Member-States.pdf>



## Information and guidelines

In 2011, the Estonian LGBT Association opened an LGBT information and activity centre called OMA Centre ('broaden your world'), which aims to respond to the questions, concerns and wishes of LGBT people. The homepage of OMA Centre provides advice for LGBT people, and their parents, educational materials for teachers, counselling opportunities, information materials, and a library database [146].

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 (for instance [147] [148] [149]). Most of these do not expressly mention bullying of LGBTQI learners.

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 [150].



## Partnership between governments and civil society

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



## 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 received numerous 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.

# Finland



## Anti-discrimination law

Finland has a **Non-Discrimination Act** (2014) [151], which aims to promote equality and prevent discrimination by authorities, education providers and employers. Amongst other things, the act prohibits discrimination based on sexual orientation (section 8) and includes a positive duty of educational providers and institutions to promote equality (section 6). The law also provides for compensation for victims of discrimination (section 23).

The **Gender Equality Act** (2014) [152], which prohibits discrimination based on a number of different grounds, including gender identity and gender expression, also applies to educational settings. The act prohibits both direct and indirect discrimination (section 7), and obliges authorities, education providers and employers to take preventive measures against discrimination (section 6). Equality shall be promoted in education, and educational institutions are responsible for preparing an equality plan each year, including: (1) an account of the equality situation of the institution; (2) the measures taken to promote equality; and (3) an assessment of the implementation and results of the measures included in the previous year's equality plan.



## Policies and action plans

**KiVa** 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, students and parents. However, KiVa is a program of general application and does not specifically mention different grounds of bullying, such as sexual orientation, gender identity, or gender expression. The program has been implemented in more than 1.000 schools, and appears to have been successful in significantly reducing both self- and peer-reported bullying and victimisation [153]. There is also a current working group in the Ministry of Education and Culture [154] to find new ways to prevent and tackle bullying in primary and secondary level education.



## Education curricula

In the national basic education core curriculum, it is stated that basic education should increase knowledge and understanding of 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, it is mentioned that learners should gain knowledge on the diversity of sexual development. In religion, learners are encouraged think about what the church teaches about sexuality. In other subjects, there are no LGBTQI specific demands.



## Teacher training on LGBTQI awareness

No specific LGBTQI subjects are mandatory in the education of secondary school teachers. The universities are independent and decide themselves what to teach. Trainings to tackle human rights education and LGBTQI topics – including teacher trainings – are organised by SETA, a national human rights NGO advocating LGBTQI rights in Finland [155].



## Gender recognition

Currently, there are administrative procedures for changing one's name, and these are not subject to any age limitations. According to the **Names Act** [156], any young person can change their name with the consent of a guardian. However, the act states that for a name to be approved, it should match the gender of the person<sup>13</sup>.

With regard to gender recognition legislation, the current process (based on the **Legal Recognition of the Gender of Transsexuals Act** [157]) still includes sterilisation (or proof of the person's inability to reproduce) as a requirement, which makes it difficult for students to have their gender recognised by educational institutions.



## Data collection of bullying and harassment and monitoring of policies

The School Health Promotion (SHP) [158] 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 provided funding for the Youth Research Fund to organise a survey about well-being of LGBTQI Youth in 2015.



## 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.

13. 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".



## 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.



## Partnership between governments and civil society

The government's 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.



## 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

*It does not specifically mention SO, GIE or SC*

[www.kivaprogram.net](http://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.



# France

## Anti-discrimination law

France's **Anti-discrimination law** (2008) [159] 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 the facts to the competent court. The Anti-discrimination law was amended in 2017. The first new article states when a person is treated less favourably than another is, has been, or would have been treated in a comparable situation on the basis of their sexual orientation or gender identity, the latter constitutes a direct discrimination. Indirect discrimination within the meaning of this law occurs when a seemingly neutral provision, criterion or practice places or would place a person in less favourable position. An act of discrimination includes any sexual act committed by a person in order to impair another person's dignity or to create an intimidating, hostile, degrading, humiliating or offensive environment.

Furthermore, the **Law on Sexual Harassment** (2012) [160] 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.

## 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** (2015) [161], urges school staff to act against discrimination on grounds of "sexual identity" in the frame of the School Climate [162] 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*).

The Ministry of Education is engaged in the fight against all forms of discrimination including those committed because of sexual orientation or gender identity. Services and resources to prevent, understand, listen and support have been set up for both learners and teachers affected by discrimination. For example, a listening and help service for victims and witnesses of homophobia is in place [163].

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.



## 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 schools, colleges and high schools** [164]. 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 opposes homophobic violence.

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



## 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’ circular** [164] 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 the 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.



## Gender recognition

The **Law on 21st Century Justice Modernisation** (2016) [165] 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” [166].

The legal provisions drawn from the law of 18 November 2016 have been supplemented by the decree N° 2017-450 of 29 March 2017 relating to the procedures of first name change and sex marker modification in the civil status [167]. This decree also introduces a new section within the Code of Civil Procedure entitled “The modification of the mention of sex in the acts of civil life”. Articles 1055-5 to 1055-9 of the latter Code now govern the subject. The provisions remain the same except for the following “The request for modification of the mention of the sex in civil status documents and the first names belong to matters of grace. The remedies are open to the Public Prosecutor”.



## 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 report [168] 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) [169] shows 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.



## 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** ([www.filsantejeunes.com](http://www.filsantejeunes.com)) 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** [170] by the Ministry of Education to provide information to teachers, parents, or learners who have experienced school bullying (see *Information and guidelines*).



## Information and guidelines

The Ministry of Education has developed the programme **No to harassment** [170] which is aimed to tackle all types 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** [171] was developed to tackle the high numbers of learners who had experienced violence because of their sexual orientation, as reported by SOS Homophobia.



## 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.



## 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 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

Covers: *SO, GIE and SC*

[www.cestcommeca.net](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.

#### MAG

Covers: *SO, GIE and SC*

[www.mag-jeunes.com](http://www.mag-jeunes.com)

This association designs school-based interventions to fight prejudice and discrimination against LGBT youth in their schools. Specifically, the interventions are facilitated 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 discussed.

# Georgia



## Anti-discrimination law

The **Law of Georgia on the elimination of all forms of discrimination** (2014) [172] 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 and impose liability on offenders under its control according to both the legislation of Georgia and such institutions internal regulations. It is enforced by the “Public Defender of Georgia”. The Women’s Initiatives Supporting Group, however, report that that due to significant gaps in the 2014 Law, the application of the law “considerably curbs the rights and freedoms of LGBT persons” [173]. This is due to the fact that the Public Defender lacks the powers and resources to properly enforce the 2014 Law – it cannot fine or compel individuals to act [174].



## Policies and action plans

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



## Education curricula

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



## Teacher training

There is no mandatory teacher training on LGBTQI awareness.



## Gender recognition

Legal recognition of gender is regulated by Article 78 of the Law of Georgia on Civil Acts. However, there is no clear process regarding legal gender recognition. In 2014 the Georgian State Services Development Agency and the Ministry of Labour, Health and Social Welfare of Georgia made it clear that any person wishing to change their gender would need to undergo irreversible sterilisation and treatment in order to receive official documentation [175] [176]. Gender marker change is not possible for persons under the age of 18.

The 2014 Law is undermined by the fact that same-sex marriage is not recognised under Georgian law [177].



## 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) [172], 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 experiencing bullying or harassment at school.



## 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, which 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.



## 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.



## Partnership between governments and civil society

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



## 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 cover human rights and identity. This group, together with some political figures from outside of the Parliament, intervened and managed to remove words like “liberalism” and “identity” from the textbooks.

# Germany



## Anti-discrimination law

The equality of all humans before the law is anchored in the **Basic Law of the Federal Republic of Germany** (1947, amended 2017) [178]. 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 named as a characteristic, in the case of a transgender person, the Federal Constitutional Court of Germany (*Bundesverfassungsgericht*) has ruled that the scope of protection the German state has to provide must be sufficient in cases where the characteristics are comparable to those 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** [179] 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*).

Based on the Act, the Federal Anti-Discrimination Agency (FADA) was founded. Tasks of the Agency are developing public relations in regard to discrimination, outlining of possible measures for the prevention of discrimination, implementing of scientific studies, submitting reports to the German Parliament at regular intervals of four years, and providing counselling for people who have experienced discrimination. Whereas the Act 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 North Rhine-Westphalia 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. In Saarland, Art. 12 of the constitution ensures the freedom of sexual identity.






## Policies and action plans

German school law is subject to the particular provisions of each federal state. However, within the framework of the federal “Live Democracy” program, measures are being promoted. These measures contribute promoting acceptance of same-sex and transgender lifestyles, to reducing prejudices against such groups, and to combating discrimination and violence based on gender, gender identity and sexual orientation.

There are also some action plans and anti-bullying strategies at the level of the federal states. The Ministry of Social Affairs in Schleswig-Holstein, for example, supports the implementation of education and anti-discrimination projects, especially on LGBTQI topics, which are also carried out in schools from lower secondary level (Schlau-Projekt). Two associations (Haki e. V. and lambda::nord e. V.) offer these projects and are also supported by the Ministry of Social Affairs of the State of Schleswig-Holstein to each provide counselling centres. Schools can request this educational offer from the clubs. The State of Brandenburg provides an anti-mobbing handout. In Brandenburg, an action plan was adopted in 2017 for the acceptance of gender and sexual diversity, for self-determination and against homo- and transphobia.

For its part, 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. In 2014, the FADA 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.

Finally, the federal program “Demokratie leben” supports organisations that fight for democracy within Germany, such as collecting data or tackling discrimination, within the context of education. Currently the federal program supports nine pilot projects that encourage the acceptance of same-sex lifestyles, reduce prejudice and hostility towards LGBTI people and address violence on grounds of sex or gender, gender identity and sexual orientation.



## Education curricula

Education curricula do not systematically include content on sexual orientation, gender identity and expression, or variations in sex characteristics. Although some schools provide information in this regard, it is not compulsory in all 16 federal states.

In Lower Saxony and Berlin (and a few other federal states), the education curricula refer to the diversity of sexual identities in the preamble and provide LGBTQI related elements for specific school subjects [180] [181].

In Saarland (state of the Federal Republic of Germany) there exists – supported by resources of the federal republic – a school-project. The LSVD-Saar (“Lesbian and Gay Federation in Germany”) deliver classes in school with gay and lesbian young people to talk about their sexuality with the students. The government also issued the **Policy of sexual education in schools** [182] which contains a section on the diversity of sexual identity and orientation.

The framework curriculum 2017/2018 [183] for Brandenburg explicitly stipulates on the interdisciplinary competence development (area: education for acceptance and diversity; area: gender mainstreaming as well as area: sexual education/education for sexual self-determination) as well as developing concrete guidelines for teachers in Brandenburg.

### **Teacher training on LGBTQI awareness**

In general, further training on specific subjects is not mandatory for teachers. As a result, there is currently no mandatory teacher training on LGBTQI awareness on a federal level. Some regions, however, organise courses for teacher on a regular basis, in partnership with civil society organisations [184]. In Brandenburg, for example, the project “Schule unterm Regenbogen” [185] offers trainings for teachers on LGBTQI awareness.

### **Gender recognition**

The **Law on the change of the first name and the determination of the sex in special cases Transsexual** (amended in 2017) [186] 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 gender identity dysphoria 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 option in October 2017 [187]. For instance, the legislature could generally dispense with information on gender in civil status. Alternatively, it could also create the possibility for the persons concerned to choose another positive designation of a gender that is not male or female. It is also already possible for the parents of intersex children to leave the recognition of gender blank, so that it may be filled with male or female when the child is able to speak for themselves. It is also possible to subsequently change the gender entry.

### **Data collection of bullying and harassment and monitoring of policies**

The Federal Government registers crimes against the sexual orientation or gender identity of the victim and publishes the figures at regular intervals. There are also statistics on the federal state level. In Berlin, schools need to report bullying on grounds of sexual orientation or gender identity to the local school authority [188].




## Support systems

The Federal Ministry for Family Affairs, Senior Citizens, Women and Youth has driven the launch of a national pilot project 'Counselling skills in respect of rainbow families - Requirements and potentials with professional support' which aims to provide counselling and assistance to the members of rainbow families (<http://www.regenbogenkompetenz.de/>).

Furthermore, there are several providers of counselling and support services at state and municipal level. The State of Berlin, for instance, states that all schools should designate a person responsible to provide support to teachers and LGBTQI learners. In the senate department for education in Berlin there is a central ombudsperson for anti-discrimination [189].

This service is also provided by several NGOs in Germany. For instance, Jugendnetzwerk Lambda Berlin-Brandenburg, Queer Leben (Schwulenberatung) and Trans-Kinder-Netz all offer counselling free of charge. As part of a pilot project, the NGO Life e.V. provides counselling for learners or parents who have been discriminated in school. In Brandenburg the NGO, Landeskoordinierungsstelle für LesBiSchwule & Trans\* Belange by Landesverband AndersArtiG offers counselling for youth, parents, teachers and social workers who either have been discriminated against in school or want to act against discrimination.

Finally, the counselling Service of the FADA offers a nationwide support service for persons affected by discrimination. It supports free of charge and also can assist in searching for a regional counselling or support service. A list of further regional support services can also be accessed 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.



## Information and guidelines

To disseminate knowledge in the field of counselling, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth funded the following publications. The flyers which translate as 'Girl? - Boy? - Your transgender child' [190] and 'Female? - Male? - Your intersex child' [191], both issued by the registered association *Queer Leben e.V.*, aim at informing relatives of transgender and intersex children but also qualified medical and psychological staff and further occupational groups alike, such as birth attendants, educators and family counsellors, on where they can seek support and advice.

In addition, a guide for counselling centres on how to counsel intersex and transgender people and their relatives via pro familia's Federal association was sponsored [192]. The guide shows counsellors how to advise transgender and intersex people in a proficient and respectful manner. An online information platform, called 'Wissensnetz' (knowledge network), on same-sex lifestyles and gender diversity is currently being established. Experienced experts, their relatives and third parties with a professional, technical or private interest, as well as the public, shall be supplied with appropriately analysed, structured and cross-linking information. The currently available counselling services are to be increased and made visible. The knowledge network shall help to balance the strong ur-

ban-rural gap in structures and, in so doing, increase equal opportunities in access to information and participation for these groups throughout Germany. However, there is also information and guidelines at state level. For example, the state of Berlin has published several materials as part of the local action plan for sexual and gender diversity [193].



### Partnership between governments and civil society

The government provides support for LGBTQI youth led organisations in relation to education. However, as stated before, Germany is a federal state and, as such, the responsibility for education lies upon the 16 state governments. As part of the implementation of local action plans for sexual and gender diversity, the respective federal states may give grants to local organisations or conclude service contracts.

The state government of Lower Saxony, for instance, gives annual financial support to a civil society organisation named “SCHLAU” which serves as an umbrella organisation for providing queer educational services. In addition, 10 Lower Saxon municipalities support queer educational projects on a local level. For its part, the state government of Berlin financially supports civil society organisations like Bildungsinitiative QUEERFORMAT, Migrationsrat Berlin, Lesben- und Schwulenverband Berlin-Brandenburg, ABqueer, Jugendnetzwerk Lambda Berlin-Brandenburg to implement the local action plan by providing further trainings and educational materials for teachers and school workshops for students.



### 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.

## Greece



### 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.



### 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 education [194]. 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 educational executives as well as the educators in tackling bullying; to record, prevent, and tackle bullying at an early age; and to raise awareness and strengthen the participation of the educational community, family and the wider local community. Although the aim of this plan is to tackle all types of discrimination, it does not mention sexual orientation, gender identity and expression, or variations in sex characteristics as protected grounds.



### Education curricula

The curriculum does not have any mandatory content on sexual orientation, gender identity and expression or variations in sex characteristics. Furthermore, when included, this content can be hostile<sup>14</sup>. Since 2017, the Ministry of Education has implemented a mandatory "Thematic Week" in junior high schools, including a "Gendered Identities" axis. Within this framework teachers may introduce LGBTQI issues. The Ministry expressly suggested that parents should attend this training (on LGBTQI issues) but did not make any reference to students. Teachers, however, are allowed to introduce the subject to students, but this is at their own discretion.

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



## 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 Capodistri-an 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 inter-acts 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.



## Gender recognition

In October 2017, the Greek Parliament passed a new gender recognition law which allows Greek citizens over the age of 15 to change their official identifying documents to reflect their gender identity by obtaining a court ruling, and formally removes the former requirements that the individual had first undergone a psychiatric assessment and “sex-change surgery.” However, a mental health assessment is still required where the gender change is being requested by a minor aged 15-17. This law is in line with a Greek Court ruling in 2016 which declared that sterilisation is no longer required for the legal change of gender in Greece [195].

Whilst the new law has been welcomed and is seen as a step in the right direction, it is still considered to be weak and far from perfect. In particular, critics have noted that the requirement that the recognition has to be validated by a local court, instead of a simple, accessible out of court administrative process, and does not allow for full self-determination. In addition, the law still requires any minors aged 15 - 17 to undergo a mental health assessment and obtain a certificate from a medical council before they can access the legal gender recognition process. Critics, therefore, note that the new process is not yet completely demedicalised and still links gender identity to mental health in certain cases, which they note is contrary to human rights.

There are no reported cases of people under 18 who have successfully changed their gender officially.



## 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*).



## Support systems

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



## 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.



## Partnership between governments and civil society

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



## International commitment

- Greece has 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.

# Hungary



## Anti-discrimination law

The **Act on Equal Treatment and The Promotion of Equal Opportunities** (2003) [196] identifies specific characteristics protected against discrimination, including sexual orientation and gender identity (see list in Article 8). It defines neither term, though, it lists them separately. Article 3 requires that institutions of elementary and higher education shall observe the principle of equal treatment, and Article 27 further explains that equal treatment extends to any education carried out in accordance with requirements of the State or whose organisation is supported by the State. Article 27 explicitly prohibits segregation of a group and bans extracurricular activities or organisations whose objective is to exclude or otherwise discriminate against protected groups.

Following this act, the Hungarian government established the **Equal Treatment Authority** (“ETA”) in 2005 as an autonomous administrative body. The ETA has found discrimination on grounds of sexual orientation as applied to education. In 2014, for example, it fined a school that refused entrance to a 13-year-old boy because he was being brought up by lesbian parents (the school’s purported justification was to protect the child from bullying) [197].



## Policies and action plans

There does not appear to be a broad national policy or action plan to tackle homophobic, biphobic, transphobic or interphobic bullying, or promote LGBTQI inclusion. In 2012, Hungary enacted a new constitution that limited marriage to opposite-sex couples and did not explicitly identify sexual orientation or gender identity as protected characteristics [198].



## 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. The 2013 version of specific curricula for school subjects mentioned these topics occasionally, but often in heteronormative or homophobic manner. A Ministerial Decree issued in 2017 eliminated all content related to gender, gender diversity, gender identity and sexual orientation from the curricula. According to this decree, only biological sex differences between men and women and complimentary gender roles are supposed to be discussed in school.






### Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.


The Eötvös Loránd University in Budapest, however, 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 and inclusion 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.



### Gender recognition

There are no codified legal or administrative proceedings to change name or gender marker. Due to a constitutional court ruling, however, there is an avenue for potentially achieving this, but it is a long, difficult process, lacking in guidance or regulation, and with no guarantee of a positive result. A person who wishes to change their name and gender marker needs to have a psychological evaluation, complete significant amounts of paperwork, and submit a request to the Ministry of Internal Affairs, which may still be denied [199].

Until November 2016, upon request, the Ministry of Human Resources gave permission for gender and name change, based on the opinion of three experts (psychologist, psychiatrist and urologist/gynaecologist), and commissioned registrars to issue a new birth certificate for the person in question. In November 2016 the Ministry suspended this procedure, saying they were working on a new regulation. In December 2017 there was still no new regulation, but registrars are allowed to issue new birth certificates. As there is no regulation, and many registrars are unfamiliar with the procedure, however, they often refuse to issue new birth certificates for trans people.



### Data collection of bullying and harassment and monitoring of policies

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



## Support systems

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



## 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.



## 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' offers lessons at teacher training colleges (when invited by individual professors) and at secondary schools (also based on invitations by individual teachers or other school staff) to raise awareness on LGBTQI inclusion.



## 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

*Covers: SO and GIE*

[www.labrisz.hu/school-programme](http://www.labrisz.hu/school-programme)

[www.melegsegesmegismeres.hu](http://www.melegsegesmegismeres.hu)

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.

### School Living Library

*Covers: SO and GIE*

[www.budapestedu.hu/felsomenu/rend/iskolai\\_elo\\_konyvtar.html](http://www.budapestedu.hu/felsomenu/rend/iskolai_elo_konyvtar.html)

[www.coe.int/t/dg4/eycb/Programme/LivingLibrary\\_en.asp](http://www.coe.int/t/dg4/eycb/Programme/LivingLibrary_en.asp)

Adapting the Danish method of the Living Library, this project, run by the Council of Europe, gives an opportunity for children to talk in small groups to members of various minorities, including LGBTQ people and their family members.

### Together Against School Bullying

*Covers: SO and GIE*

<http://iskolaizaklatas.hu>

A cooperation of four NGOs (including LGBTQI organization Háttér) to reduce homophobic, transphobic, anti-Semitic and racist bullying in schools. Based on an online study of occurrences of prejudice-based bullying in secondary schools, they compiled a guidance note for secondary schools, including theoretical approaches to prejudice-based bullying and good practices from Hungary and abroad, as well as worked out a training for teachers on the topic.

### Háttér research about homophobia in schools

*Covers: SO*

<http://hatter.hu/tevekenysegunk/kutatasok/lmbt-temak-a-koz-es-felsooktatasban>

<http://hatter.hu/tevekenysegunk/kutatasok/iskolai-kornyezet-2017>

Háttér Society has conducted two studies on homophobia in education. In 2012, in a project funded by ILGA-Europe, it studied how secondary and university coursebooks depicted homosexuality. In 2017 it conducted an online survey about the school experiences of LGBTQI youth.

# Iceland



## Anti-discrimination law

Iceland **Compulsory School Act** (2008) [200] 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.



## 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 level [201]. 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.



## 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 guidelines [202]. However, 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.



## 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 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.

### Gender recognition

The **Act on the legal status of transgender persons** (2012) [203] 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" [204].

### 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-olds, 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 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 maths and reading. The result is that each school has a great deal of independence in how they conduct their affairs. Some schools have robust and inclusive policies and programmes, while others have nothing related to LGBTQI topics.



## 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. 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.



## Information and guidelines

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



## 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.



## 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 schools [205] [206] [207]. It resulted with charges of hate speech 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 '78

*Covers: SO, G/E and SC*

[www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-78](http://www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-78)

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

#### Peer education, by Samtökin '78

*Covers: SO, G/E and SC*

[www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-](http://www.hafnarfjordur.is/stjornsysla/frettir/samningur-vid-samtokin-)

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

# Ireland

## Anti-discrimination law

The **Equal Status Acts** (2000-2015) [208] protect discrimination on 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. Particularly, the acts are meant to promote equality; prohibit certain kinds of discrimination (with some exceptions); prohibit sexual harassment and harassment on discriminatory grounds [209].

Furthermore, the **Education Act** (1998) and the **Education (Welfare) Act** (2000) [210] 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 take proactive steps to eliminate discrimination [211].

## 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" [212].

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. Schools may also need to address topics that are masked by prejudice and silence such as homophobic bullying.

Furthermore, the Irish Programme for Government (2016) is currently developing an LGBTI+ Youth Strategy (expected to be published in 2018). 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) [213] 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. The report on the consultations will be a key source of data for the development of the Strategy.





## 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** [214] 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.



## 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 started to receive invitations 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 learners can be referred to BeLonG To's Youth Services.



## Gender recognition

The **Gender Recognition Act** (2015) [215] 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 parents/guardians, along with certificates from the applicant's primary physician and an endocrinologist or a psychiatrist unrelated to the applicant.



## Data collection of bullying and harassment and monitoring of policies

According to the **Anti-Bullying Procedures** [212], 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 data is not reported to the Department of Education nor is it made public. This monitoring includes sexual orientation and gender identity/expression, but not variations in sex characteristics.

Several large research studies have shown that LGBTQI-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 LGBTQI young people than the general youth population) [216].

The Education Inspectorate's role, 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.



## Support systems

Pastoral care teams in schools may include teachers or guidance counsellors who have had previous training on LGBTQI 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 learner for support. These resources and supports are not systemic within schools.

BeLonG To Youth Services has a National Network of LGBT+ youth services which cover sexual orientation and gender identity and expression. 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.



## Information and guidelines

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



## Partnership between governments and civil society

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



## 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.



## Further information

### Good practices and campaigns

#### LGBT Safe and Supportive Schools (SASS)

*Covers: SO and GIE*

[www.belongto.org/campaign.aspx?contentid=13561](http://www.belongto.org/campaign.aspx?contentid=13561)

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.

#### Stand Up Awareness Week

*Covers: SO and GIE*

[www.education.ie/en/Publications/Statistics/Key-Statistics/Key-Statistics-2016-2017.pdf](http://www.education.ie/en/Publications/Statistics/Key-Statistics/Key-Statistics-2016-2017.pdf)

BeLonG To's Stand Up LGBT+ 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 LGBT+ Awareness Week reached between 105,000 and 123,000 students.

# Italy



## Anti-discrimination law

There is no law that protects individuals against discrimination on the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics that is applicable within educational institutions. The **Education Law** (art. 1, paragraph 16, 2015) [217] provides for the promotion of gender equality, the prevention of gender-based violence, and all forms of discrimination in schools at every level. This law, however, does not explicitly mention sexual orientation, gender identity and expression or variations in sex characteristics.

Protocol AOODGOS No. 2079 of the Italian Ministry of Education (MIUR), dated 4 March 2009 (**the 2009 Education Protocol**)<sup>15</sup>, states that students must acquire and be evaluated on specific skills related to the acceptance of their own identity and acceptance of diversity. In particular, they should become able to identify the defining elements of their personal identity (during primary school) and identify, as well, stereotypes and ethnic, social and cultural prejudices related both to their own and to others' behaviour (during secondary school). For its part, the Protocol AOODGSIP No. 1972 of the Italian Ministry of Education (MIUR), dated 15 September 2015<sup>16</sup> (the "**2015 Education Protocol**"), states that the aim of the above-mentioned provisions of the **Education Law** (2015) [217] is to make students aware of their constitutionally granted rights and duties of the individual and not to promote specific ideologies. In particular, it is claimed that "gender ideologies" are not included in this kind of teaching.



## Policies and action plans

According to the latest report of the European Commission against Racism and Intolerance (2016) [218], "a 2013-2015 National LGBT Strategy coordinated by UNAR has been implemented with four priorities: education, access to employment, combating violence and media awareness (...). However, so far there has been no report to evaluate this strategy and no information has been given concerning the training programmes to be implemented at the regional level in schools". The strategy should have been implemented in schools at a regional level by 2015, through provisions developed by the Italian Ministry of Education, but no action in this direction has been taken and it seems that the Italian Ministry of Education has abandoned this strategy.

In 2017, the Italian Parliament approved the **Law for the protection of minors and prevention and control of the phenomenon of cyberbullying** [220] by which schools could provide measures to tackle cyberbullying 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 students who have experienced bullying in school, but it does not mention sexual orientation, gender identity and expression or variations in sex characteristics as specific grounds protected by the law.

15. According to Italian Law Decree No. 137 of 2008, converted by Law No. 169 of 2008, as amended by article 2 of Italian Legislative Decree No. 62 of 2017, Italian primary and secondary schools must include a new subject, called "Citizenship and Constitution", in which students shall be instructed in the basics of civil education and Italian Constitutional Law. The 2009 Education Protocol consists of an official, non-binding guideline on how to implement this teaching in Italian primary and secondary schools.

16. The 2015 Education Protocol is another official, non-binding guideline of the Italian Ministry of Education on how to implement the non-discrimination provisions set out in article 1, paragraph 16 of the 2015 Education Law.




## 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, others work with movements and associations who promote more traditional family models.



## Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.



## Gender recognition

The procedures to change a person's gender and name are regulated by Italian Law No.164 of 14 April 1982 ("**Law No. 164**"). In particular, Article 1 states that any change of gender and name must be authorised by a Court decision with the force of *res judicata* (i.e. a court decision against which there is no right to appeal). More specifically, this provision allows gender and name change only after a surgical operation concerning the sex organs.

Once the authorisation of the Court is obtained by means of its *res-judicata* decision, the change of gender and name will be carried out by the Officer of the Civil Registrar of the Municipality in which the birth certificate is registered. Such Officer will promptly rectify gender and name in all the official documents.

In addition, Article 5 of Law No. 164 stipulates that there must be no trace in any official registers of any previous name and gender. A recent judgement, upheld by the Italian Supreme Court (*Corte di Cassazione*) in its decision No. 15138/2015, claims that a gender and name change need not be strictly related to a surgical operation on the sex organs, on the basis that the "acquisition of a new gender identity" is in any event related to a serious and definitive individual path.

The above decision has not led to a reform of Italian law, but it is consistent with the European Court of Human Rights (ECHR) case law (e.g. ECHR decision 10/03/2015, *Affaire Y.Y. c. Turquie*).



## 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 [221].



## Support systems

Supported by the government, Arcigay provides information for LGBTIQ 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.



## Information and guidelines

There is no specific information for LGBTIQ learners or guidance for the education sector on how to address bullying and harassment against LGBTIQ 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 Organisation Colegas. The project consists of manuals directed to school staff and students with tools to help them to prevent or manage behaviours of psychological, verbal or physical violence against any person who is the target of bullying, with particular attention to homophobic bullying.



## 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.



## 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.

# Kosovo



## Anti-discrimination laws

The law **No. 05/L-021** on the protection from discrimination (2015) [222] is applicable within education and it explicitly mentions sexual orientation and gender identity as protected grounds.



## Policies and action plans

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



## Education curricula

There is no evidence of compulsory education curricula that include content on sexual orientation, gender identity and expression or variations in sex characteristics. Civil society organisations report that, when included, contents in relation to LGBTQI people tends to be hostile. For instance, wearing clothes of “the opposite sex” is considered as a Sexual Disorder on Psychology books.



## Teacher training on LGBTQI awareness

There is no evidence of mandatory teacher training on LGBTQI awareness.



## Gender recognition

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



## Data collection of bullying and harassment and monitoring of policies

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



## Support systems

There is no evidence of support systems specifically designed to need the needs of LGBTQI learners.



## Information and guidelines

There is no evidence of publicly funded information and guidelines for LGBTQI learners and their families. However, there are certain activities organised by LGBTQI NGOs in Kosovo to provide lessons for students, in cooperation with Kosovo Youth Council.



## Partnership between governments and civil society

There is no evidence of governmental support for LGBTQI civil society organisations to work specifically on inclusive education. The Government of the Republic of Kosovo, however, has established the Coordinating and Advisory Group on the rights of LGBTQ Community in Kosovo, in order to ensure a better institutional and civil society coordination for promoting and respecting the rights of the LGBTQI community. The group is consisted of a diverse institutions and civil society, including line ministries and civil society, judges, prosecutors and police, the group is led by the Office of Good Governance and is co-chaired in rotation every 6 months by NGOs working directly for the LGBTQI community. Coordinating and Advisory Group on the rights of LGBTQ Community in Kosovo held regular meetings in March 2018 and discussed issues of education, social welfare and health and the implementation of the LGBTQI community rights agenda in Kosovo.



## International commitment

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



# Latvia



## 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<sup>17</sup>. To the contrary, in 2015, the Latvian parliament approved an amendment to the educational law requiring “moral education” in schools in line with the values of the **Latvian Constitution** including with respect to marriage (which a 2005 amendment to the constitution defines as being between a man and a woman) [223]. According to the latest ILGA-Europe *Annual Review 2017* [224], 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.”



## Policies and action plans

There are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion. The recent 2015 amendment to the educational law described above suggests there may actually be a movement away from such policies or plans.



## 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 and how they address this content.



## Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.



## Gender recognition

The Latvian **Civil Code** (2012) [225] foresees that people have the right to change the designation of their sex. Section 37(2) of the Civil Code provides that a person may submit a court judgment, administrative act, medical certificate, or other document to prove gender “reassignment,” in which case the birth register shall be supplemented accordingly. However, the law remains unclear, so individuals attempting to make use of this law may face bureaucratic difficulties.

17. While not applicable to the educational context, Latvia did pass an amendment to the Labour Law to ban sexual orientation discrimination in employment (as the last country in the EU to comply with the requirements of the 2000 EU employment equality directive). See <https://www.ilga-europe.org/resources/news/latest-news/latvia-finally-bans-sexual-orientation-discrimination-employment>



## 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.



## 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 children<sup>18</sup>. LGBTQI specific support is provided by Association of LGBT and their friends MOZAIKA, 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 with hostility and attempts to stop/forbid the initiative.



## 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.



## Partnership between governments and civil society

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



## 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.

18. 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/](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>

# Liechtenstein

## Anti-discrimination law

The **Constitution of Liechtenstein** (especially Article 27bis paragraph 1, Article 31 paragraph 1) provides for a wide range of fundamental rights including the respect for and the protection of human dignity, as well as the equality of all people before the law.

Since 1 April 2016, discrimination on the basis of sexual orientation has been banned in Liechtenstein, punishable by two years of imprisonment (Section 283 paragraph 1 Penal Code). 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.

Nevertheless, the school curriculum includes lessons on sexual education. The extent of such education is up to the respective teacher. Furthermore, there is the Institute for Sexual Questions and HIV Prevention, which is a special government service. It offers workshops, courses and personal advice to learners as well as information and advice to their parents, especially in connection with questions or matters regarding sexual orientation [226].

## Policies and action plans


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

## Education curricula

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

## Teacher training

There is currently no mandatory teacher training on LGBTQI awareness.



## Gender recognition

Article 46 of the **Law on Persons and Companies** provides for a change of the name if there are important personal or other grounds for such a change. However, the change of name does not change the position of the person in the personal status law (Article 47 paragraph 3 Law on Persons and Companies).

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.




## 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.



## Support systems

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



## 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.



## Partnership between governments and civil society

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



## International commitment

- Liechtenstein has 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



## Anti-discrimination law

The **Law on Equal Treatment** (Art. 6, last amended in 2017) [227] establishes that educational, scientific, and academic institutions are obliged to ensure equal admission, scholarship/funding and evaluation conditions for persons regardless of their sexual orientation. More specifically, it states that educational and academic institutions and as well as other bodies carrying out the informal adult education programmes must, within the scope of their competence, ensure that the curricula and learning materials do not promote discrimination on grounds of sexual orientation. The law also foresees that educational and academic institutions are required to ensure a harassment-free environment including harassment on the basis of sexual orientation. The law does not explicitly mention discrimination on grounds of gender identity and expression, or variations in sex characteristics.

Moreover, the **Law on Education** (last amended in 2018) [228] establishes the objectives, principles and structure of the education system in Lithuania. It also sets out the State's obligations in the field of education. Article 23, introduced to the law in 2016, states that cyberbullying on the basis of sexual orientation maybe reported through the official website [www.draugiskasinternetas.lt](http://www.draugiskasinternetas.lt) which is administered by the Lithuanian Communications Regulatory Authority.

The **Law on Protection of Minors Against the Detrimental Effect of Public Information** (as last amended in 2011) [229] prohibits dissemination of information that may have detrimental effect on mental or physical health, or physical, intellectual or moral development of minors. Under Article 4 of the law, dissemination of any public information that incites bullying or humiliation on the basis of sexual orientation is considered to be detrimental to minors and is therefore prohibited. However, the same article of the law prohibits dissemination of information which promotes different concepts of “marriage” and “family values” than the concepts established in the Lithuanian Constitution and Civil Code. 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.



## Policies and action plans

The **Health and Sexuality Education, and Preparation for Family Life Programme** [230] is a general programme that sets out the objectives and guidelines for the health and sexuality education and preparation for family life in schools. The programme was approved by order of the Minister of Education and Science in 2016. The programme prohibits any discrimination on the basis of a person's or their parents'/fosters parents' sexual orientation. It also prohibits acts or behaviour that could encourage discontent with a person's body, appearance or sexual orientation. However, the programme does not provide for specific measures on how to tackle potential discrimination or how to include content that is inclusive of LGBTQI people in the curricula.




### Education curricula

The national curriculum does not include LGBTQI content.



### Teacher training on LGBTQI awareness


There is currently no mandatory teacher training on LGBTQI awareness



### Gender recognition

There are no legal measures for gender recognition and the current provisions of the Civil Code are 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.




### Data collection of bullying and harassment and monitoring of policies

The government does not support the collection of data on the situation of LGBTQI students in schools. This information is, however, being collected by civil society organisations [231]. In 2015, the National LGBT Rights Organisation presented a publication (*Homophobic Bullying in Lithuanian Schools: Survey Results and Recommendations* [232]), 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.




## Support systems

The *Youth Line* ([www.jaunimolinija.lt/lt/apie-mus](http://www.jaunimolinija.lt/lt/apie-mus)) is a service that provides emotional support for young people, including learners 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.



## 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 combat violence in the learning environment. This resource, however, was not funded by the public sector.



## Partnership between governments and civil society

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



## 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. Gay 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 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, 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 deal with 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 appropriately to homophobic bullying, if they responded at all. 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



## Anti-discrimination law

The **Equal Treatment Act** (2008) [233] 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.

In September 2017, the Government introduced a draft law (n° 7167) proposing the integration of the concept of “gender identity” among the prohibited grounds of discrimination listed in article 454 of the Criminal Code, which will better address gender inequalities, especially due to gender stereotypes. The concept of “gender identity” as used here covers lesbian, gay, bisexual, transgender and intersex (LGBTI) people.



## Policies and action plans

The government of Luxembourg is currently developing an action plan on LGBTIQ issues, but it has not been published as of yet. The national action plan will include a chapter about inclusive education for all learners inspired by the *Call for Action by Ministers on Inclusive and equitable education for all learners in an environment free from discrimination and violence*.

The **law concerning secondary education and organisation of high schools and technical high schools** (2017, Art. 13) proposes disciplinary measures of dismissal and plans the different motives which can be recalled if a student experiences bullying or harassment. The text adds gender identity and sexual orientation as protected grounds.




## Education curricula

It is not compulsory for education curricula to include content on sexual orientation, gender identity and expression, or variations in sex characteristics. However, the Minister for National Education has invited all the presidents of the national committees of programs of classical secondary education and of general secondary education to consider these topics as part of the education curricula of which they are in charge and to register them in school programs.



## Teacher training on LGBTIQ awareness

There is currently no mandatory teacher training on LGBTIQ awareness. However, local civil society organisations and the Institut de Formation de l'Education Nationale (IFEN), offer various optional teacher and socio-educational staff trainings regarding this topic. Every teacher must collect a defined number of in-service training hours a year, and trainings linked up with the topic are considered as priority, to encourage participation.




## 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 to the psychological aspect, the details of which must generally be drawn up by a psychiatrist.

However, *the District Court of Luxembourg* held in a judgment of 1 June 2016 that “in view of international developments encouraging states to abolish sterilisation and the principles laid down in Article 8 of the European Convention on Human Rights, the court considers that the principle of the irreversibility of the transformation of the change of sex by a sex reassignment operation leading to sterilisation cannot be maintained [and] that the irreversibility must therefore only relate to the transformation of the appearance of the person [...]” [234].

Recently, the government approved a bill, submitted to the national Parliament by the Minister of Justice on 31 May 2017, to regulate the procedure of legal sex change, specifically the objective of the draft law on the modification of the sex marker and of the first name(s) that appear on the civil status documents (n° 7146). This will replace the judicial procedure, currently applicable, with a quick and easily accessible administrative procedure in the interest of the persons concerned. The sex change on the birth certificate and subsequently on other documents such as the identity card will be based on the self-determination of the person concerned, without requiring medical certificates in support of the application. It proposes to prohibit sterilisation, surgery or any medical treatment as a prerequisite for changing the sex marker and first name(s). Thus, the objective of the draft law is to converge to the greatest extent with the Council of Europe resolution 2048 (2015) on the basis of depathologisation [234]. There is no age limit to submit the application. For children under 5 years, a judicial procedure is provided.



## Data collection of bullying and harassment and monitoring of policies

Although the government does not provide data on homophobic, biphobic, transphobic and interphobic bullying, they rely on ECRI's monitoring.


In 2018, an explorative study which examines closely the life situations and experiences of LGBT<sup>19</sup> young people in Luxembourg will be presented. It investigates the fields of tension with which young people are confronted on behalf of their sexual orientation or their gender identity in the actual Luxembourgish society. This study allows the government to understand the challenges faced by LGBT young people and to promote the resources and networks available which can contribute to their general well-being.

19. According to the researchers, intersex persons have not been interviewed because no one could be found during the limited field research time.



## Support systems

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



## Information and guidelines

The local NGO, ECPAT has developed guidelines including specific procedures to be followed by professionals dealing directly with children and young people, as well as all other relevant professionals, to be able to react when a child reveals them that he has been mistreated or when they detect signs of mistreatment. This includes violence regarding sexual orientation, gender identity and expression, and variations in sex characteristics. This work has been funded by the government.



## Partnership between governments and civil society

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



## 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 SO, GI & SC, such as raising awareness and a better understanding on 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



### Anti-discrimination law

The **Macedonian Constitution** (1991) [235] 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 and prevention from discrimination does not specifically include them as grounds for protection. Both Laws on Primary and Secondary Education prevent discrimination, but without explicitly mentioning sexual orientation, gender identity and expression, or variations in sex characteristics.

For the first time, the new National Strategy for equality and non-discrimination covering the period 2016-2020 stated in its introduction as a main mission, “efficient protection against discrimination and respect of the principle of equal opportunities and prevention of discrimination of whichever person and/or group of persons, based on their personal characteristics, in particular the vulnerable social groups (ethnic groups, women, LGBTI persons, persons with mental and physical disabilities)” and foresaw measures for prevention of hate speech and violence against LGBTI persons. Unfortunately, there is no further elaboration on these issues in the text of the Strategy.

The Commissioner for Protection against Discrimination, Association for Health Education and Research (“HERA”) and the Coalition Margins, however, launched an **anti-discrimination protocol** [236] that develops the specific steps to report discrimination based on sexual orientation in 2015.



### Policies and action plans

Except for the **National Strategy for equality and non-discrimination covering the period 2016-2020**, which only mentions measures for prevention of hate speech and violence against LGBTI persons, there are no national policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion [237]. Despite the insistence of the LGBTI community for the introduction of sexuality education and preventive measures against bullying in schools, the new Strategy for Education 2018-2025 and Action Plan fails to address these points [238].

For its part, the **National Strategy on Equality and Non-discrimination 2016-2020**, adopted in May 2016 by the Government and the Ministry of Labour and Social Policy [239], explicitly includes protection of LGBTI people against discrimination through concrete actions. Few of these actions, however, call for alignment of education-related laws (i.e. **Law on Volunteering, Law on Schoolbooks, Law on Higher Education**) to the **Law for Protection and Prevention against Discrimination**, which will include sexual orientation and gender identity as protected grounds of discrimination and should be adopted in April/May 2018. Besides, the National Strategy include conduct of analyses and issuing recommendations for elimination of discriminatory content in schoolbooks.



## Education curricula

In 2011, the Coalition on Sexual and Health Rights of Marginalized Communities [240] analysed six textbooks from secondary education curricula and eight textbooks from university. According to this study, most of the textbooks either have no or hostile LGBTQI content. The Coalition have since analysed several other textbooks and complained regularly to the Commission for Protection of Discrimination and the Ombudsman.

The Coalition have submitted 14 petitions on different textbooks for homophobic content that is harassing and discriminatory towards LGBTQI people to the Commission for Protection of Discrimination, the Ombudsman and the State Educational Inspectorate. In a few cases the content was removed but no affirmative content was added.




## 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 Margins 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 developed [241].

In 2016, the Coalition, in cooperation with the Association of Professional Services from the secondary schools of the City of Skopje, held training sessions for school pedagogues, psychologists and special educators about sexuality, sexual health, gender roles, and children's rights. The training included more than 25 pedagogues, psychologists and special educators from 15 high schools from Skopje. The Coalition intends to hold similar trainings in the future to educate professional school staff in order to more effectively deal with homophobic, transphobic and gender-based harassment and violence [242].

A study by the Subversive Front on Discrimination, Violence, and Bullying based on Sexual Orientation and Gender Identity suggest that the LGBTI persons are statistically more prone to bullying, in the education context and beyond [243]. In the educational system, bullying is reported to originate not only from the fellow students, but also from teachers.



## Gender recognition

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




## 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 [243]. 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 LGBTQI young people 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 [243].



## 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. Some NGOs, including the Coalition Margins and Subversive Front, however, provide free psycho-social and legal aid to LGBTI people.



## Information and guidelines

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



## Partnership between governments and civil society

The government provides no support to LGBTQI civil society organisations working in the area of education. Some Ministries, such as the Ministry of Labour and Social Policy and the Ministry of Interior have signed letters of support with the organisation Subversive Front. This suggests that some of the state institutions would offer support for educational activities conducted by civil society organisations.



## 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

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 Margins provided free psycho-social and legal aid, and their psychologist invested a lot of time and effort 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 a good deal of support. The Coalition Margins will continue to work and help individual cases, but a systematic approach is still needed for resolving this kind of problem.

### Good practices and campaigns

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

*Covers: SO and GIE*

<http://hera.org.mk/>

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 sex education in the education system. There was a training course on sex education conducted for professors from Faculty of philosophy. The organisation has 20 accredited educators for sex education and they organised training courses for 200 high school students in 2015/2016. The evaluation pointed out that the project was successful, the impact 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 sex education.

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

*Covers: SO and GIE*

<http://hera.org.mk/>

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.

**(Homo)sexuality in education in the Republic of Macedonia, by Coalition Margins**

*Covers: SO and GIE*

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

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.



# Malta



## Anti-discrimination law


The **Constitution of Malta** (1964, amended 2016, Art. 45(3)) [244] 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)) [245] 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 **Trans, Gender Variant and Intersex Students in Schools Policy** [246]. 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 procedure and strategy documents which accompany the policy document outlines the steps schools need to take and determine how the policy's provisions should be implemented uniformly in all schools. This document focuses on how to address the issues faced by trans, gender variant and intersex students in schools and how to accommodate their needs. The policy highlights the fundamental obligation placed on schools to provide all students with a safe and inclusive educational environment.



## Policies and action plans

In October 2014, the Ministry for Education and Employment of Malta published a policy to **Address Bullying Behaviour in Schools** [247] that reflects a whole school approach philosophy. The document highlights the relevant legislation and legal instruments to tackle bullying at school and defines what should be considered as bullying, with a dedicated section on sexual, homophobic and transphobic bullying. In June 2015, a policy for **Trans, Gender Variant and Intersex Students in Schools** [246] 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.



## Education curricula


Malta has a national framework of education which specifies the competences and knowledge that learners 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 depends to a large extent on the discretion of individual teachers and schools. It does not adopt a cross-curricular approach and tends to be viewed as the responsibility of Personal, Social and Career Education (PSCD), religion teachers and student support service professionals, such as guidance teachers and counsellors. When included in religion, for instance, representations of and discussions on sexual orientation, gender identity and expression or variations in sex characteristics still tend to be hostile.



## Teacher training on LGBTQI awareness

Overall, inclusion of LGBTQI issues is limited and sporadic. Until recently, teacher training generally involved a module on addressing diversity in the classroom and this contained some input on including LGBTQI learners. These sessions were delivered by the equality body, and LGBTQI organisations were not informed of precise content covered. Since October 2016, the format of teacher training changed considerably with the setting up of the Master in *Teaching and Learning*. This includes Social and Cultural Diversity as one of its themes. Although this includes some LGBTQI content, it is doubtful that it sufficiently provides students with the knowledge and skills to effectively address LGBTQI issues in the classroom or wider school environment.

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.



## Gender recognition

The **Gender Identity, Gender Expression and Sex Characteristics Act** (2015) and the **Trans, Gender Variant and Intersex Students in Schools Policy** (2015) [246] 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 16 need the consent of their parents to officially change their gender despite the principle of self-determination of the act and its policy.



## Data collection of bullying and harassment and monitoring of policies

Malta is highlighted as one of the countries where data collection on discrimination 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.

Research studies may be conducted by NGOs or equality bodies in the future. The **Victim Support for Youth (VS4Y)** [248] is a project carried out by a Non-Governmental Organisation supporting victims of crime (Victim Support Malta) and funded by the Malta Community Chest Fund. It provides data about LGBTI learners at school.



## Support systems

The MGRM's **Rainbow Support Service** ([www.maltagayrights.org/](http://www.maltagayrights.org/)) 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, as well as the delivery of informative sessions to students.



## Information and guidelines

Malta LGBTIQ Rights Movement, with funding from the Maltese Government, has developed specific booklets for LGBTIQ students and their parents [249]. Drachma Parents Group has also developed a publication by parents of LGBTIQ children for parents [250].



## 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 delivering teacher training on their behalf (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). Other organisations such as Drachma, Drachma Parents, We Are and the Malta Medical Students' Association have also been involved in educational initiatives with schools.



## 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 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.

### Good practices and campaigns

#### Think before you speak

*Covers: SO and GIE*

[www.maltgayrights.org/think.php](http://www.maltgayrights.org/think.php)

This project aimed 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 addressed LGBTQ learners, their peers, the school staff and their parents. The promotional tools of the campaign include videos, posters and postcards.

#### Trans, Gender Variant and Intersex Students in School Policy

*Covers: SO, GIE and SC*

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).

# Republic of Moldova



## Anti-discrimination law

The **Law on Ensuring Equality** (121/2012) [251] 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. In February 2016, consultants to the Council of Europe recommended that the law be amended such that sexual orientation is explicitly included in the list of protected grounds which appear in Article 1. The **Education Law of Moldova** (547/1995, amended 2014) [252] is a specific education law that outlines principles of the education system in Moldova. It mentions diversity in the context of education policy and gender equality as an objective of education, but it does not mention sexual orientation, gender identity and expression or variations in sex characteristics as protected grounds.



## Policies and action plans

The **Education Code of Moldova** (224/2014) [253] 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, and no programmes in place for school bullying. Civil society organisations report that bullying in schools is not recognised as a real problem by the local authorities.




## 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.




## 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.



## Gender recognition

There are no clear legal or administrative proceedings to change name or gender marker. The **Law on Civil Status Documents** (100/2001) makes implicit reference to the right of individuals to have their gender recognised on a civil status document where they submit an official document confirming their change of sex. Any disputes regarding the application will be resolved by the court. Despite this provision, transgender people continue to encounter difficulties securing recognition of their gender as a transparent and accessible mechanism for applying for the change has not been put in place [254].




## 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.



## 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.



## 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.



## Partnership between governments and civil society

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



## 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



## Anti-discrimination law

The **Monegasque Constitution** (dated 17 December 1962, amended 2 April 2002) [255] 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.



## Policies and action plans

The government co-ordinates an annual anti-bullying awareness day across schools which began in 2015 [256]. The 'No to Bullying' day forms part of an 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 [257] suggests that bullying within schools is becoming more of a focus of the government [258].



## Education curricula

There is no available data on LGBTQI inclusive education curricula.



## Teacher training on LGBTQI awareness

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



## Gender recognition

There are no clear legal or administrative proceedings which can be initiated in order for one to change their name or gender marker in Monaco.



## 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 [259]. The Department of Education, Youth and Sport is responsible for overseeing the organisation and administration of education [260]. 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.



## 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.



## Information and guidelines

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



## 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.



## 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.



# Montenegro



## 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) [261] clearly mentions sexual orientation and gender identity as grounds of protection. The Law on Prohibition of Discrimination was also amended in June 2017 (Official Gazette of Montenegro, NO. 042/17 - 30.06.2017). The law strictly prohibits discrimination based on sexual orientation, gender identity and/or sex characteristics and is applicable within education systems.

Furthermore, 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 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.



## Policies and action plans

In 2011, the government formed the Council for Protection from Discrimination. The Council dealt 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 Intolerance [262].

Under the Strategy for improving the quality of life of LGBT people in Montenegro 2013-2018, annual action plans (2013, 2014, 2015 and 2016) were developed with specific measures related to the educational sector. Action plans are prepared based on consultations with LGBTQI organisations and relevant national institutions. Throughout the implementation of the action plans, the Ministry of Education developed academic initiatives of non-violence and non-discrimination at all levels, including social networks. The analysis of the situation was published with recommendations regarding the strategic documents, curricula, and textbooks, in the context of representation of LGBT issues and promoted the principles and measures of the Strategy among teachers.

The Council ceased to exist in February 2016, as the necessary legal framework had been created to enable the smooth implementation of policies and activities in the field of human rights and protection against discrimination, and a significant part of the Council's obligations is now covered by the scope of the Rule of Law Council [263].



## Education curricula

Civil society organisations Centre for Civic Education and LGBT Forum Progress have created an in-depth analysis of the Montenegrin educational system in relation to LGBTQI inclusion [264]. 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.

In 2016, the Ministry of Education adjusted 10 books for primary and secondary education in order to better align the curriculum to the Strategy for advancement of the rights of the LGBTI persons [265].



## Teacher training on LGBTQI awareness

According to the Action Plans, that follow the Strategy for improving quality of life of the LGBT people in Montenegro, teacher training for subjects that include LGBT matters were introduced in 2013 and 2014 by the Ministry of Education. This teacher training, however, was not mandatory for all secondary teachers. In 2016, the Ministry of Education provided support for teachers of subjects which include LGBT matters, using supplementary resource materials. Civil society organisations, however, report that these improvements have still to be fully implemented.



## Gender recognition

In 2014, Montenegro established a **Rulebook on determining the medical reasons for the change of sex** [266]. 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 marker [262], but a minor can only ask a change on their name upon the request of their legal representative.



## 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 Rulebook [267] 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 four separate publications covering the time period between 2010 and 2017<sup>20</sup>. The fourth publication has been recently released [268].



## Support systems

Psychological counselling has been made available in schools.



## Information and guidelines

NGO Juventas and the Ministry of Education have jointly issued the guidelines for psychologists and pedagogues for work with LGBTQI youth [269].



## 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. However, the government reports that a new mechanism of financing NGOs has been set in place for 2018. According to this mechanism, national institutions (Ministries) will announce calls for submission of the project proposals by the NGOs in following period in accordance to identified priorities. Call will be open for all NGOs and projects will be financed from the budgets of the Ministries.

20. 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>



## 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

*Covers: SO and GIE*

<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.

# Netherlands



## Anti-discrimination law

The **General Act for Equal Treatment** (1994, amended 2015) [270] is applicable within educational 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.



## Policies and action plans

The **Safety at School Act** (2015) [271] 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.



## Education curricula

In 2012, the parliament decided that respectful **education about sexual diversity** [272] 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 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.



## Teacher training on LGBTQI awareness

In the Dutch educational system, sector organisations for teacher training set their own standards and develop curricula, but they are obliged to commit to a national 'knowledge base' when developing their own programs. The Dutch Ministry has supported a project for the **School and Safety Foundation** together with the sector organisations for teacher training on social safety, including bullying, sexual and gender diversity. As a result of this project, the 'knowledge base' has been revised in 2018 to include sexual diversity. As of next school year, sexual diversity will, therefore, be included in various parts of the teacher training programs: citizenship, pedagogical function of the school and (sexual) development. While teacher training on LGBTQI awareness is not mandatory, all teacher training schools have the obligation to use this inclusive 'knowledge-base' to develop their programs.

Civil society organisations also provide specific lessons on this issue (for instance, COC Netherlands and EduDivers), but still see mandatory teacher training on LGBTQI issues as a priority.



## 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. The Ministry of Health has committed to pay particular attention to the age limit in its planned evaluation of the transgender law in 2019 [273].



## Data collection of bullying and harassment and monitoring of policies

Data is being collected by different institutions. There is a **Yearly safety monitor** ([www.veiligheidsmonitor.nl](http://www.veiligheidsmonitor.nl)) that collects data in this regard. According to the **Safety at Schools Act** (2015) [271], schools also need to collect the information. Furthermore, 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** ([onderwijsinspectie.nl](http://onderwijsinspectie.nl)) 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.



## Support systems


The **Safety at Schools Action Plan** [271] 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 manage 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.



## Information and guidelines

The **School & Safety Foundation** 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 the website **Gay & Schools** ([www.gayandschool.nl](http://www.gayandschool.nl)) 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.



## Partnership between governments and civil society

The Ministry of Education, Culture and Science introduced an extensive 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 IGLYO, ILGA Europe and Transgender Europe, 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 UNICEF [274].



## 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.



## Further information

### Good practices and campaigns

#### Gender & Sexuality Alliances in schools

*Covers: SO, GIE, SC*

[www.gsanetwerk.nl](http://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.

#### Storytelling in Dutch schools

*Covers: SO, GIE*

[www.voorlichtingindeklas.nl](http://www.voorlichtingindeklas.nl)

Twenty local COC branches deliver informative classes about sexual and gender diversity in schools, based on the personal experiences of the storytellers.

#### Sexual Diversity in vocational education

*Covers: SO, GIE*

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.

### Available data [275]

- 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.



# Norway



## Anti-discrimination law

In January 2018, a new comprehensive **Equality and Anti-Discrimination Act** (2018) [276] came into force. With this new framework, the **Gender Equality Act** (2007) [277], the Ethnic Discrimination Act, the Discrimination and Accessibility Act and the **Sexual Orientation Anti-Discrimination Act** (2013) [278] are replaced by one comprehensive act. The new act is applicable within education and is also aimed to promote equality irrespective of sexual orientation, gender identity and gender expression, and to address discrimination on these grounds. Age is also included as a discrimination ground. The act prohibits discrimination on the basis of actual, assumed, former or future gender, pregnancy, leave in connection with childbirth or adoption, care responsibilities, ethnicity, religion, belief, disability, sexual orientation, gender identity, gender expression, age or combinations of these factors is prohibited, and the prohibition also applies if a person is discriminated against on the basis of their connection with another person.



## Policies and action plans

The **Action Plan for Improving the Quality of Life among LGBT** (2008), established school, education and health as focus areas. In 2011, an LGBT Knowledge Centre was set up as part of the plan, with the aim to inform civil servants in regional and local authorities in order for them to have a better knowledge about the challenges LGBTI individuals may face in everyday life [279].

In June 2016, the Norwegian Government launched a new cross-ministerial LGBTI action plan, entitled **Safety, diversity, openness - The Norwegian Government's action plan against discrimination based on sexual orientation, gender identity and gender expression (2017-2020)** [280]. The plan focuses on safe social arenas and public space, equal access to public services, improving quality of life among vulnerable groups. According to this plan, several measures are to take place in the educational sector.

So far, there has been a public consultation for a bill stating there will be a zero tolerance stance against all forms of bullying, violence, discrimination, harassment and other offences - regardless of the grounds of discrimination or harassment, be it gender, religion, disability, sexual orientation or otherwise. It also states that LGBTI children and adolescents may experience challenges in a variety of areas, including school, leisure activities, health services, child and family counselling. All services must have a basic knowledge of sexual orientation, gender identity and gender expression, as well as some specialists offering and developing services with a particular focus on the challenges of LGBTI persons.

The Government has expressed that they wish to continue Norway's LGBTI-related efforts at European and international level, and to maintain a positive relationship with the LGBTI civil society actors in the years to come. Nine ministries are responsible for the implementation. The action plan includes, for the first time, measures concerning intersex persons in Norway.



## 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. The current action plan **Safety, diversity, openness** (2016) focuses on the topic of an inclusive and safe psychosocial environment in schools when it comes to LGBTI children and youth.

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” [281].



## 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. 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.



## Gender recognition

The **Legal Gender Amendment Act** (2016) [282] 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. 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.



## Data collection of bullying and harassment and monitoring of policies

There is a national monitoring system that monitors bullying and violence in education: the **Student Survey** (“Elevundersøkelsen”) [283]. This includes a question for students from 10th grade and first year of high school, on the topic of bullying and harassment in relation to sexual orientation. The question is optional, and it is up to the schools and school owners, to decide if the question will be a part of the survey.

The **Ungdata-survey** ([www.ungdata.no/English](http://www.ungdata.no/English)) is a cross-national data collection scheme at the municipal level. This survey covers various aspects of young people’s lives and it has an optional question about learners’ sexual orientation. The question is optional, and it is up to the schools and school owners to decide if it will be a part of the survey. Although some municipalities use this addition, the research institution (UngData/NOVA) does not know how many municipalities include it. Thus, local statistic exists, but the government have no national statistics that measure bullying and harassment related to sexual orientation.



## 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 website ([www.ung.no](http://www.ung.no)). 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 Ungdomstelefonen (<https://ungdomstelefonen.no>) 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.



## Information and guidelines

The Norwegian Directorate for Children, Youth and Family Affairs has developed a website with specific information for LGBTI youth (<https://www.ung.no/Homofil/>). 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** (<https://skeivungdom.no/prosjekter/restart/>), for instance, is an initiative where members of Skeiv Ungdom meet students and talk about sexual orientation, gender identity and gender expression. Through a mix of lectures, discussions and exercises the organisation explores and challenge norms and expectations from students.



## Partnership between governments and civil society

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



## 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.



## Further information

### Good practices and campaigns

#### Pink competency – school

<https://foreningenfri.no/rosa-kompetanse/rk-skole/>

The project Rosa kompetanse (Pink competency) is run by the Norwegian organisation for gender and sexual diversity (FRI) and financed by the Department of Education and the Department of Health. The project has given courses to teachers (and pre-service teachers) since 2011. It offers knowledge-based courses relevant to the school setting, given by people with a school background. It talks about gender identity, norms, sexual orientation and varied types of families, in accordance with the curriculum. The project also cooperates with Skeiv Ungdom, so that at some schools, Pink competency gives courses to teachers while Skeiv Ungdom educates the students.

# Poland



## Anti-discrimination law

The **Constitution of Poland** (Article 32) states that “no one shall be discriminated against in political, social, or economic life for any reason” [284]. While this general prohibition on discrimination is in line with the European Union equality principles, there is no specific constitutional provision protecting LGBTQI citizens. Furthermore, because there is little precedent to evoke constitutional provisions directly in Poland, Article 23 has never been applied in the context of LGBTQI rights, let alone those within the field of education [285].

In 2010, in an effort to integrate its legislation with existing EU equality directives (particularly those within employment), Poland adopted the Equal Treatment Act [286]. While the act distinguishes between direct and indirect forms of discrimination, and specifically delineates protections against discrimination on the grounds of “sex, race, ethnic origin, nationality, religion, denomination, beliefs, disability, age or sexual orientation”, it does not specifically provide protection against discrimination in education on the grounds of sexual orientation, gender identity and expression, or variations in sex characteristics.



## Policies and action plans

Since the mid-2000s, there have been several legislative efforts to implement LGBTQI targeted protections, but none have prevailed. Consequently, no policies or action plans have been implemented to address LGBTQI inclusion and safety within the school system. Furthermore, 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. However, Poland has sought to address the general problem of bullying through the implementation of generalised anti-bullying programs within its schools [287]. Poland has also passed legislation that specifically targets cyber-bullying. It remains to be seen to which extent, if any, these provisions will specifically protect LGBTQI learners [288].



## 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 research [17], 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 be beneficial. 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 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 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. 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%). According to the Social Situation of LGBTQA persons in Poland Report 70% of LGBTQA school youth feel “alone” and 69% have suicidal thoughts.



## 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, as opposed to centralised guidelines or regulations. Some pedagogical universities state that they include LGBTQI issues in their training degrees (e.g. Pedagogical University in Cracow).

Various reports address the issue that school staff is not provided with non-discriminatory education materials or methods in the process of training as professionals [289] [290] [291]. One of the key findings of the researches proves that educators who have not received relevant trainings conduct ecological/democratic/preventive education believing it adequately covers anti-discrimination.



## Gender recognition

To date, Poland lacks clear legal or administrative proceedings for LGBTQI citizens to change the name or gender marker on their birth certificates. Presently, applicants must sue their legal parents in long, protracted proceedings to do so. Such a process has been described as an infringement upon one's right to privacy and protection of family life by numerous LGBTQI and human rights groups [292]. In 2015, Poland's lower chamber of parliament passed the Gender Accordance Act, which sought to eliminate this procedural hurdle [292]. However, the President of Poland vetoed the act, claiming that the law was “full of loopholes and inconsistencies and conflicted with existing judicial practices” [293]. A necessary three-fifths vote by Poland's lower house of Parliament to override the veto never took place as the parliamentary committee failed to produce the necessary report in advance [293].



## 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+** [294] addresses the issue of bullying and harassment, including cyber-bullying. However, it omits specific grounds of bullying and harassment, and instead focuses on reduction of alcohol and drug abuse, elimination of "pathological behaviour", etc. More positively, the Association for Anti-Discrimination Education's most recent report summarises the cases of bullying or harassment based on actual or perceived sexual orientation, gender identity and expression and variations in sex characteristics [295].

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.



## Support systems

Most schools contact civil society organisations when there is a need to address bullying and harassment against LGBTQI students specifically [296].



## 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 specifically [296].



## 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.)



## 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” [297], and the NGO “Ordo Iuris” declared legal support for parents who wish to sue schools that allow for “gay propaganda” to take place [298]. In 2017, “Ordo Iuris” also launched a campaign “Protect children” that allows internet users to enable the organisers of the campaign to file a request of access to public information on whether a specific school has cooperated with CSOs that “provide children with content that undermines the social role of the family and the identity of marriage as a union of a man and woman, and sometimes promotes practices conducive to promiscuity.”

### Research

According to KPH’s research, sexual orientation continues to be taboo in schools. LGBTIQ 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 LGBTIQ 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 LGBTIQ community. Although many attempts of contact were undertaken by KPH – no cooperation has been launched so far.

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. Since 2017, schools are no longer obliged to address the issues of inequality, discrimination and social exclusion and conduct non-discriminatory education (amendment of the former Decree of Ministry of Education regarding pedagogical supervision). 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 LGBTIQ persons, left alone methods of non-discriminatory education.



# Portugal



## Anti-discrimination law

The **Constitution of the Portuguese Republic** (1976, amended 2005, Art. 13(2)) [299] states that “no one can be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of (...) sexual orientation”. The **Law on the status of the student and school ethics** (Law 51/2012, Art. 1(a)) [300], 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 (Art. 10(d)) to “treat with respect and righteousness 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** (Law 60/2009, art. 2(f) and 2(l)) [301] sets as two of its main goals “the respect for the differences between people and for different sexual orientations” and “the elimination of sex discrimination or sex violence attitudes on grounds of sex or sexual orientation”.



## 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. The government introduced a draft bill on gender identity in January 2017, which is being considered by the Secretary of Education as an important tool to fight bullying and discrimination, as it will, among other protective measures, allow transgender students to be called by their chosen name.



## 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 administrations [302]. Furthermore, the **General Education Directorate** provides some resources on the subject “Gender and Citizenship” that include several references to sexual orientation and gender identity in an affirming way, to be used in different levels throughout basic education [303].

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 education [304].



## 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 Education [305].



## Gender recognition

The Portuguese **Law 7/2011** [306] 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, and before that age, the draft bill also allows transgender students to have their chosen name to be used in school. In April 2018, the law was supported by members of the Parliament. When it comes into effect, people will be able to change their legal gender through a procedure based on self-determination and it will be illegal to perform unnecessary surgery on intersex children [104] [307]. Besides, the draft bill states that schools should prevent and address discrimination and develop mechanisms to respect learners’ self-determination.



## 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 regularly with the available data [308]. Since 2013, ILGA Portugal has been responsible for a general observatory on discrimination on grounds of sexual orientation and gender identity ([observatorio.ilga-portugal.pt](http://observatorio.ilga-portugal.pt)), and in 2017, it launched the first National Survey on School Climate for LGBTI youth, in cooperation with GLSEN (Gay, Lesbian and Straight Education Network). The findings will be published during 2018.

Academic research has covered 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 one-third (33%) of bisexual Portuguese youth reported some form of homophobic victimisation in schools [309] [310] [311].




## 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 2018, a new ILGA Portugal support service, aimed at LGBT youth will be launched in Porto, with public funding. The project, called True Colours, already provides resources for the creation and development of 'gay-straight alliances' in schools from the northern region.



## Information and guidelines

"Dislyke 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.



## Partnership between governments and civil society

The government provides periodic support to local civil society organisations. The LGBTI youth NGO rede ex aequo has received in the past some funding to produce materials for teachers and students, as well as a specific one-year project including teacher training and an awareness raising campaign with posters and postcards. In 2017, with the support of public funding, ILGA Portugal started a two-year project aimed at the creation of alliances in school context, with several partnerships, including municipalities, other NGOs, and victim support services.



## 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.

## 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, 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

**Alianças Da Diversidade, by ILGA Portugal**

*Covers: SO and GIE*

<http://add.ilga-portugal.pt>

Project goal is to form alliances between students, teachers and school staff to promote inclusion of LGBTI youth.

**Tod@s Somos Precis@s (It takes all kinds), by ILGA-Portugal**

*Covers: SO and GIE*

<http://ilga-portugal.pt/educacao>

Website with resources for teachers and students, to be used according to different subjects and age groups.

**Dislyke bullying homofóbico, by CIG - Commission for Citizenship and Gender Equality**

*Covers: SO and GIE*

[www.dislikebullyinghomofobico.gov.pt](http://www.dislikebullyinghomofobico.gov.pt)

Campaign includes an awareness raising spot and a website with resources.

**Educação LGBT rede ex aequo, ILGA Portugal**

*Covers: SO and GIE*

[www.rea.pt/projeto-educacao](http://www.rea.pt/projeto-educacao)

Project includes storytelling and awareness raising sessions and brochures for teachers and students.

**EdSex**

*Covers: SO*

[www.casa-qui.pt/index.php/missao/projetos/57-projeto-edsex-promover-a-igualdade-at-raves-da-educacao-sexual](http://www.casa-qui.pt/index.php/missao/projetos/57-projeto-edsex-promover-a-igualdade-at-raves-da-educacao-sexual)

EdSex is a project currently promoted by the NGO Casa Qui, and it includes a best practice contest on sexual education in school context, awareness raising sessions for students, teachers and parents, research and a best practice guide.

# Romania



## Anti-discrimination law

The **General Statutory Order on preventing and combatting discrimination** (2000) (“OUG 137/2000”) [312] prohibits discrimination on grounds of sex or sexual orientation and, according to Article 3, paragraph d), it is applicable, *inter alia*, to all public and private natural persons or legal entities, as well as to public institutions, with competencies in the education system. This law does not explicitly establish gender identity and expression or variations in sex characteristics as protected grounds. However, article 2 states that the term “discrimination” shall encompass any difference, exclusion, restriction or preference based, among others, on appurtenance to a “disfavoured category”, defined as “*the category of persons that is either placed in a position of inequality as opposed to the majority of citizens due to their social origin or to a handicap or is faced with rejection and marginalisation due to specific circumstances*”. Therefore, students arguing they have been discriminated against on the basis of their gender identity or being intersex would need to agree that gender identity, for instance, is a “specific circumstance” leading to “rejection and marginalisation” within the meaning of OUG 137/2000.

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.



## Policies and action plans

Currently, there are no policies or action plans to tackle homophobic, biphobic, transphobic or interphobic bullying. In the 2016 Country Report on Non-Discrimination relating to Romania, the European Commission reports that the LGBTI minority remains the minority group most under attack in the country despite being expressly protected by OUG 137/2000, with legislative proposals aiming to restrict their rights. Notably, on 28 February 2017, a bill aiming to repeal OUG 137/2000 was tacitly adopted by the Romanian Chamber of Deputies. However, on 14 March 2017, the proposal was rejected by a strong majority of votes in the Senate, in line with the opinion of the National Council for Combatting Discrimination (“**CNCD**”).

In addition, the European Commission reports that acts of aggression against the LGBTI community occur every year during NGO events, these attacks remain uninvestigated and attract no sanctions, leading the European Court of Human Rights to state that there is “*resultant indifference (which) would be tantamount to official acquiescence to, or even connivance with, hate crimes*” [313].

The main framework used to support efforts related to awareness raising of 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, which occurred in 2014. A first draft of a new strategy was published for consultation in April 2017. 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-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.



## Education curricula

Romania has no comprehensive sex 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 touched upon in education for health, but this is an optional subject that contains a very limited number of hours dedicated to sex education. Actually, less than 6% of Romanian learners take this optional subject and LGBTQI topics are not always included.



## Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. Occasionally, some faculties offer workshops with sensitivity to LGBT content, but it is normally through the initiative of civil society organisations.



## Gender recognition

The Romanian **Civil Code** (2009) [314] makes changing both first name and gender marker possible, but there is no specific trans legislation and the conditions are unclear. According to the European Union Agency for Fundamental Rights, “the regulations implementing the law do not contain any express reference to this situation and do not clarify the procedures” [315].

Accordingly, the 2016 Human Rights Report for Romania states that the law governing the ability of transgender persons to change their identity is vague and incomplete, resulting in inconsistency in judicial practice concerning legal recognition of gender identity. In some cases, authorities denied recognition of a change in identity unless a sex-reassignment intervention had occurred. Because of the difficult legal procedure for gender recognition, it is often impossible for transgender persons to get documents reflecting their gender identity, which leads to difficulties in obtaining all services requiring identity documents (e.g., health care, transportation passes, and banking services). In addition, there are reports of transgender people facing particular difficulties in accessing health care because doctors had very limited knowledge about transgender issues and, consequently, did not know how to treat transgender patients. There are almost no doctors who had the knowledge or willingness to undertake gender reassignment surgery. Access to adequate psychiatric services is also limited because there are few specialists with the knowledge and expertise to deal with transgender issues, while others refused to accept transgender patients [316].

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 relevant article of the Civil Code in this regard states that “the amendment of a reference 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 to that which 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 usually check victims of violence and provide a certifying medical document. Often 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.



### 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 school [317]. 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** [318] shows that, out of the biggest sample (non-LGBT students), 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.



### 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.



## Information and guidelines

According to the latest ILGA-Europe report [201], ACCEPT launched the first educational online platform with information on discrimination, sexual orientation and gender identity for learners and teachers ([www.lgbtlearning.ro](http://www.lgbtlearning.ro)). “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”.



## Partnership between governments and civil society

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



## 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.



# Russia



## 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” [319]. 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.



## Policies and action plans

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



## 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.



## Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.



## Gender recognition

The **Federal Law on Acts of Civil Status** (1997) [320] 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).



## 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.



## Support systems

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



## 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.



## Partnership between governments and civil society

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



## 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.

## San Marino



### 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 norms [321] 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 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.



### 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 plan [322]. 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 an opportune moment to liaise with the relevant authorities to raise awareness on LGBTQI issues in schools.



### Education curricula

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



### Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness.



### Gender recognition

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



### 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).



### 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.



### 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.



### Partnership between governments and civil society

There is no available data regarding partnerships with LGBTQI civil society organisations working in the area of education.



### 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



## Anti-discrimination law

The **Anti-Discrimination Law** (2009) [323] 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** (2005, amended 2017) [324] 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** [325] 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.



## 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 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.



## 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.




## 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.



## Gender recognition

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



## 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.



### 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.



### 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 information [326], as well as presenting a living library in some high schools.



### Partnership between governments and civil society

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



### 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.



# Slovak Republic



## Anti-discrimination law

The **Act on Equal Treatment in Certain Areas and Protection against Discrimination** (365/2004) [327] was adopted in 2004 and has been amended many times since. The current version of the Act has been in force since 2 January 2016. It includes a provision banning discrimination in education on the basis of several protected grounds, including gender and sexual orientation. Furthermore, the **Education and Training Act** (245/2008) explicitly prohibits discrimination on the basis of all protected grounds and calls for equality when accessing education and training, and equality of status between schools, without distinction based on school founders. It also contains a provision calling for responsible education of individuals which addresses freedom, tolerance, equality between women and men, friendship among nations and ethnic groups, and tolerance to other religions.



## Policies and action plans

The **National guidance on the prevention and resolution of harassment of students in schools and school facilities** (No. 7/2006) [328] 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** [329] 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 approach towards human-rights education. The 2017/2018 instructions call for the introduction of compulsory subjects related to the field of human rights including equality between men and women, prevention of discrimination, xenophobia, anti-Semitism, intolerance, extremism and racism, and migration issues. However, sexual orientation, gender identity and expression, and variations in sex characteristics are not included [330].

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 not mentioned.



## 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 teacher [331].

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 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 2014-2015 and 2015-2016 editions of the Olympics did not contain any cases or questions related to LGBTQI rights [332].

Finally, the **Pedagogic and Organizational Instruction of the Ministry of Education 2015/2016** also 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”. However, within this context, LGBTQI issues are not mentioned explicitly.




## 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 include: *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) [333].



## Gender recognition

The **Personal Identification Numbers Act** (301/1995) [334] establishes legal provisions to change the gender marker on an individual's 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" [335].



## 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 schools [336]. 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) [337].

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 2014-2015 report, 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, there is currently no reliable register at their disposal.

### Support systems

The government provides no specific support systems for LGBTIQ 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 Centre ([www.psychologickecentrum.sk/](http://www.psychologickecentrum.sk/)).

### 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 website ([www.prevenciasikanovania.sk](http://www.prevenciasikanovania.sk)), 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, under the “reasons for bullying”, issues of diversity are not mentioned at all. Instead, boredom, the need to gain power, peer pressure, and individual cruelty are cited as the main causes.

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 the characteristics of homophobic harassment and provide examples of how to deal with individual cases. The website (<https://qcentrum.sk/homofobia-na-skolach/>) also contains testimonies of young LGBT persons who have experienced homophobia and transphobia in schools.



## 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 have received funding to conduct programmatic and advocacy work on education.



## 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”.

Civil society organisations report that the National Strategy has yet to be adopted due to the lack of political interest [338].

### Good practices and campaigns

#### Prevention of homophobia and transphobia via education, by Iniciatíva Inakosť

Covers: SO, GIE and SC

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.

#### Methodological and Pedagogic Centre in Bratislava

Covers: SO

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.

#### Non-governmental counselling centre Q-Centrum

Covers: SO, GIE and SC

<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.

# Slovenia



## Anti-discrimination law

The **Constitution of Slovenia** prohibits any discrimination on the basis of nationality, race, gender and other criteria, which include a general criterion referring to “any other personal circumstance”. The **Protection Against Discrimination Act** (2016) [339] sets sexual orientation, gender identity and gender expression (amongst other criteria including a general criterion referring to “any other personal circumstance”) as grounds for protection against discrimination in various areas of social life, including, within education. Furthermore, the **Organization and Financing of Education Act, Art. 2** [340] mentions among the objectives of education mutual tolerance, awareness of gender equality, respect for diversity and cooperation with others, respect for children’s rights, human rights and fundamental freedoms, and fostering equal opportunities for “both genders”, thereby developing the ability to live in a democratic society.



## 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, in their public statements, various government ministries refer to the importance of international texts and campaigns to protect LGBTQI persons. The Ministry responsible for education has prepared guidelines for analysing, preventing and dealing with violence in schools [341].




## Education curricula

Civil society organisations report that national curricula in Slovenia contains very few references to LGBTQI people or issues. In the past years, there were several workshops on sexual orientation organised in some schools in Slovenia.



## 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 at the Faculty of Arts, University of Ljubljana [342]. 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.



## Gender recognition

According to the **Rules on the Implementation of the Law of the Central Register, Art. 37** [343] 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. Once the register has been adapted, the rules provide that the person is entitled to receive an extract from the public registry without any mention of the fact that their gender had been changed.



## Data collection of bullying and harassment and monitoring of policies


There is no evidence of systematic national data collected by the government on homophobic, biphobic, transphobic or interphobic bullying. However, the Inspectorate for Education and Sport of the Republic of Slovenia has collected specific information on violence in schools. The annual report of the inspectorate for 2016 states that a report entitled **Practice of protection against discrimination based on sexual orientation and gender identity** (*Praksa varstva pred diskriminacijo zaradi spolne usmerjenosti in spolne identitete*) has been prepared [344]. This report is still not public.

For its part, the Advocate of the Principle of Equality (the national equality body) deals with and collects data on cases of discrimination (including bullying and harassment) based on sexual orientation and gender identity also in the area of education, but there are no public reports that segregate data on grounds of discrimination and specifically include homophobic, biphobic, transphobic or interphobic bullying.



## Support systems

Although LGBTQI learners who have experienced bullying can access school counselling services (there is a psychologist and social worker in every school), civil society organisations stress that their ability to deal with LGBTQI issues can vary greatly. Young people who have experienced homophobic, biphobic or transphobic bullying may also turn to a child support hotline (TOM), but again this is not LGBTQI specific. Civil society organisations, such as Legebitra, however, provide services for LGBTQI young people such as cafe nights and social gatherings.



## 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 are a number of guidelines and information materials on school bullying and how to tackle it (by Police, NGOs and the Ministry of Education). These guidelines handle the issue of diversity, but do not refer specifically to LGBTQI issues (or any other personal circumstance).





## Partnership between governments and civil society

The government supports civil society organisations to work on LGBTQI rights and inclusion by providing funding for different programs and activities, including education (i.e. workshops in schools). Civil society organisations, however, report that gaining access to schools remains a challenge, with many schools still prohibiting such interventions.



## 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 a 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.

# Spain



## Anti-discrimination law

The **Law on the Improvement of Quality of Education** (2013) [345] prohibits discrimination on grounds of sexual orientation or gender identity, and states that such discrimination is 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.



## Policies and action plans

In 2015, the **Strategic Plan for School Coexistence** [346] 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.

The government has also developed a comprehensive action guide to prevent, identify and tackle bullying in schools [347]. 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 curriculum. Catalonia also has a Law to grant the rights of LGBTI people and to eradicate homophobia, biphobia and transphobia (see *Education curricula*).



## 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.



## 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.



## 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** [348] establishes that minors can apply to change their gender marker with the collaboration and facilitation of their parents, tutors or legal representatives. The government of Catalonia stated in 2014 in the **Law to Guarantee the Rights of Lesbians, Gays, Bisexual, Transgendered and Intersexual Individuals and to Eradicate Homophobia, Biphobia and Transphobia** (2014) [349] that there must be regulations in the public administrations of Catalonia, particularly in educational institutions and at the university level, for trans and intersex people to be treated and referred to in accordance with the gender with which they identify, even if they are minors.

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) [350], pursuant to which the correction of sex marker will be allowed upon proof of gender dysphoria to people who are over 18. The Law also contemplates a name change so that the name of such individual is consistent with the preferred sex identification. Since the law extends to these protections only to adults, young people might not be able to change their own gender in the civil registry in many regions of Spain.



## 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 be [351].



## 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 discrimination [352] [353] [354] [355] [356] [357] [358].



## Information and guidelines

The government has funded the project **Red Educa** [359] 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. FELGTB has also developed a website with information related to bullying on grounds of actual or perceived sexual orientation or gender identity and expression [360].



## Partnership between governments and civil society

The government supports LGBTQI civil society organisations working in the area of education.



## 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.



## Further information

### Good practices and campaigns

#### Conference on LGBT cyberbullying

*Covers: SO and GIE*

[www.felgtb.com/educacion/jornadaseducacion/2017/autor/2017\\_educacion](http://www.felgtb.com/educacion/jornadaseducacion/2017/autor/2017_educacion)

In 2018, FELGTB organised a national conference to open a space for debate, collaboration and reflection among professionals working in the field of education, governments and civil society organisations.

#### “Back to School” campaign

*Covers: SO and GIE*

<http://felgtb.com/stopacosoescolar>

FELGTB, in collaboration with a team of volunteers made up of teachers and students, have created different educational resources personalized in relation to LGBT bullying. The organisation presented the first national website dedicated exclusively to tackle homophobic, biphobic and transphobic bullying.

# Sweden



## Anti-discrimination law

The **Discrimination Act** (2008: 567) [361], which is applicable within education, 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. In the government bill g2007/08:95) proposing the current Discrimination Act (2008:567) it is explicitly stated that the intention is that the discrimination against, inter alia, intersex persons should fall within the ground of gender identity or expression.

The **Education Act** (2010: 800, Art. 5) [362] states that education in Sweden 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. The Law on School also states that anyone working in education should promote human rights and actively counteract all forms of offensive treatment. Article 8 provides that everyone shall have equal access to education in the school system, specifically referring to the Swedish anti-discrimination provisions contained in the **Discrimination Act** (2008).

Finally, the **Criminal Code** (1962: 700, most recently amended in 2018) criminalises threats and expressions of contempt, and discrimination on such grounds as sexual orientation. It also classifies grounds such as sexual orientation as an aggravating circumstance to violate such groups. The government recently submitted a bill (2017/18:59) to parliament proposing to strengthen the protection of transgender people under criminal law.



## Policies and action plans

The **Education Act** (2010, Chap. 6, §7-8) imposes an obligation on responsible authorities to draw up an annual plan against the abusive treatment of children and students. The **Discrimination Act** (2008, Chap. 3, 16-20 §) also imposes an obligation to take active measures against discrimination on all grounds and to document these measures. As a result, some municipalities have developed their own action plan. For example, the **Action Plan Against Violation and Bullying** [363] of the municipality of Nacka includes sexual orientation or gender identity and expression as concrete reasons of harassment and the **Action plan for bullying and all forms of violation** [364] in the city of Malmo classifies homophobia as examples of abusive treatment.



## 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 treatment [365]. 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.



## 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.



## Gender recognition

The **Gender Recognition in certain cases Act** (1972: 110, as last amended in 2013) [366] states that upon the examination of the National Board of Health and Welfare, a person can have an alternative gender to that indicated in the Swedish civil registration, recognised in certain circumstances. A person who is over 18 can, after an application of their own, have their alternative gender recognised provided that they have (a) over a long period of time perceived that they belong to another gender (b) for a while have presented in accordance with that gender entity and (c) are expected to live in accordance with that gender in the future. Any person (including a person under 18, with custodian consent) can have their alternative gender recognised where they have a congenital deviation in their sexual development and a change of gender is consistent with the development of their gender identity and consistent with their physical condition.

In February 2017, the Government announced that it will initiate two new legislative proposals which are proposed to replace the current Legal Gender Recognition Act. A medical diagnosis should no longer be a prerequisite for changing the registered gender. In doing so, the government takes the next step in the work for equal rights and opportunities for LGBTQI persons and to modernise the Legal Gender Recognition Act, based on the individual's right to define one's gender identity. The legislative proposals are now being formulated within the Government Offices, and the ambition is that these memorandums should be remitted and later converted into a bill that can then be submitted to the Parliament (Riksdag).



## 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.






## 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 learners.



## Information and guidelines

The government provides information and guidelines on a national level. The authorities developed a methodology called **Open School!** to provide teachers with support in the work on LGBTQI issues. Civil society has also developed many different materials aimed at the school.



## Partnership between governments and civil society

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



## 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.

# Switzerland



## Anti-discrimination law

Several articles of the **Federal Constitution of the Swiss Confederation** [367] refer to the area of education and, although sexual orientation, gender identity and expression, and variations of sex characteristics are not explicitly mentioned as possible grounds of discrimination, article 8 guarantees equal treatment before the law, specifying “way of life” as one of the criteria protected against discrimination. There is currently a parliamentary initiative pending to adopt new regulations against discrimination based on sexual orientation and gender identity.

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, biphobia, transphobia, or interphobia. Despite this, some schools have already developed specific measures to tackle such discrimination<sup>21</sup>.



## Policies and action plans

The **Fight Against Bullying Action Plan** applies to schools in the state of Geneva. However, civil society organisations report that this plan does not specifically protect any grounds of discrimination and, although the plan provides guidance on how to identify situations of bullying, it does not provide guidance on how to address them. There are, however, several information circulars from the Department of Education, addressing the topic of homophobic and transphobic bullying, which call on schools to set up specific projects.



## 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, 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 (French, history, philosophy, citizenship, etc.) but it is not yet systematically addressed due to the lack of governmental guidelines.


On a more local level, the **Service Santé de l'Enfance et de la Jeunesse** is responsible for sex education in schools in Geneva. They include LGBTQI issues in the curriculum. Sex education differs from state to state, so, does not depend on the Plan d'Etudes Romand.

21. The Aimee-Stitelmann School rulebook prevents homophobic or transphobic behaviour: “Chaque eleve s'abstient de toute violence physique, verbale ou psychologique a caractere raciste, sexiste, homophobe ou se rapportant a l'apparence physique, a l'identite du genre, a l'apparence sociale, religieuse, ethnique ou a tout autre critere”. See <https://icp.ge.ch/po/aimee-stitelmann/espace-administratif/memento-eleves/guide-de-leleve>, p. 18.




### 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.



### 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** [368]. Although it does not make specific mention of gender recognition, and only contains general rules rather than transgender specific ones, provides for the modification by a court of disputed information relating to civil status in civil registries. The Swiss courts affirmed the right to judicial change of civil status for transgender persons in Federal High Court decision: BGE 119 II 264, which judgment required “irreversible sex change” but did not specify any further requirements. However, other courts in Zurich [369] and the Bern Jura-Seeland Regional Court [370] have not required surgical interventions before granting gender recognition. In 2012, the Office Fédéral d’État Civil stated that it does not require sterilisation as a condition for gender change and declared that dissolution of marriage should not be a condition for gender change [371]. Applications for a change in gender marker must be filed with the Court of First Instance in the appropriate area. There is no age limit [372]. A medical report and gender-normative expression are often expected by the Court. 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.



### 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.



## Support systems

Civil society organisations are publicly funded in some regions to provide support to students throughout their programmes ([www.totemjeunes.ch](http://www.totemjeunes.ch)).



## Information and guidelines

The government provides information to school staff in order to tackle homophobic and transphobic bullying [373]. Civil society organisations are currently working on developing guides for LGBTQI learners, but this information is currently not available.



## 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, biphobia and transphobia in schools in Geneva [373].



## 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

Covers: *SO* and *GIE*

[www.federationlgbt-geneve.ch/projets/education/ecoles](http://www.federationlgbt-geneve.ch/projets/education/ecoles)

Setting up of actions against homophobia and transphobia in schools

# Turkey



## Anti-discrimination law

In 2016, Turkey adopted its first anti-discrimination law — the **Law on the Human Rights and Equality Institution of Turkey** [374]. This law prohibits both indirect and direct discrimination, segregation, and harassment, and includes a specific ban on discrimination in the context of education. Article 10 of the Turkish Constitution also provides a non-exhaustive list of areas where discrimination is not tolerated, such as against the disabled. However, both of these laws are purposefully limited in scope, and exclude protection on the basis of sexual orientation, gender identity and expression, or variations in sex characteristics. According to a LGBTI Equal Rights Association for Western Balkans and Turkey report, another anti-discrimination draft law is being drafted, but the provisions related to sexual orientation and gender identity protections from its earlier editions have recently been deleted [375].



## Policies and action plans

There are no national policies or action plans that specifically address homophobic, biphobic, transphobic or interphobic bullying or promote LGBTQI inclusion. While there are LGBTQI NGOs in Turkey, and some studies carried out in this area, the policies do not specifically pay attention to violence perpetrated against the LGBTQI community.

Rather than protecting the LGBTQI community from discrimination under the education system, public authorities regularly dismiss LGBTQI teachers under the vague concept of “public morality”. If behaviour within, or even outside, the classroom (such as in the privacy of one’s home) is deemed “impure” or “immoral,” it can result in a dismissal [375]. According to the European Commission, the judiciary’s discriminatory interpretation and application of statutory terms such as “morality,” “indecent behaviour,” and “dishonourable behaviour” is what allow these morality laws to be applied discriminatorily towards the LGBTQI community.



## Education curricula

The curriculum does not contain 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 curriculum [375]. 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, but it is not inclusive of sexual orientation, gender identity and expression or variations in sex characteristics. 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.



## Teacher training on LGBTQI awareness

Teachers are not trained on LGBTQI awareness or on how to deal with bullying or harassment on the grounds of sexual orientation, gender identity and expression or variations in sex characteristics. On the contrary, teachers are supposed to inform parents if they are aware of a student being LGBTQ or L.


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 Counselling and Guidance Association in 2015. Within the scope of Rainbow Project, teacher trainings were performed seven times in 2016. More than 500 teachers participated in 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 at the workers of social services in Turkey were conducted, with a total of 60 participants. In 2016, within the scope of Rainbow Project, Law Workshops were performed in Ankara, Trabzon, Antep, Van and Mersin and Thematic studies were also scheduled for 2017.



## Gender recognition

According to the European Commission, the Turkish government does not include sexual orientation or gender identity in its civil rights laws and does not legally recognise same-sex couples.

According to Article 40 of the **Turkish Civil Code**, gender reassignment surgery is permitted in Turkey, but only under the most stringent circumstances: the applicant must be over 18 years old, unmarried and sterilised to legally change their gender and name. Therefore, students cannot use their name or gender marker in school related documentation. Furthermore, intersex people are registered as male or female at birth. While parents can receive medical consultancy at state hospitals on the sex of their children, they are not allowed to officially change their gender.



## 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 highlighted internationally by local LGBTQI organisations working on education. There is a regular inspectorate, but it is not monitoring the implementation of LGBTQI inclusive policies, as there are none.



## 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 services [376].

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.



## 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*).



## 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 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.



## 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 with a total of 60 participants. 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.

# Ukraine

## Anti-discrimination law

The broadest anti-discrimination law in the Ukraine is the **Law of Ukraine on Principles of Prevention and Combating Discrimination in Ukraine** (2013, Art. 1) [377]. The law defines discrimination in general terms: when individuals are deprived of “recognition, realization or exercise of the rights and freedoms based on race, colour of skin, political, religious and other beliefs, sex, age, disability, ethnic or social origin... or other circumstances”.<sup>342</sup> While the law does not explicitly include protections for discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics, these grounds could be included in “other characteristics”.

By virtue of the **Law of Ukraine on Education** (Art. 3) [378], all 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. However, discrimination based on sexual orientation, gender identity and expression, or variations in sex characteristics in education is not explicitly covered by the law.

Similarly, the **Law of Ukraine on Higher Education** (2014, amended 2017, Art. 4) [379] guarantees 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 [377] [378] [379]. This is even more inclusive than the **Law of Ukraine on Education**, as it specifically provides that no one may be restricted in the right to higher education, except in cases established by the Constitution and laws of Ukraine. Based on our review, to date no LGBTQI cases in the Ukraine have been tried under these three anti-discriminatory laws.

## Policies and action plans

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

## 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 strategy [380].

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 directly [381].

### **Teacher training on LGBTQI awareness**

There is currently no mandatory teacher training on LGBTQI awareness.

### **Gender recognition**

Ukraine previously had legal gender recognition and change procedures which imposed stringent requirements for its applicants [382]. Individuals seeking the surgery were required to endure 30-45 days of observation in a psychiatric institution, and irreversible sterilisation [382]. In 2016, under pressure from the EU, the Ministry of Health revised its policy through a **Protocol on Approval and Implementation of Medical-Technological Documents on Standardization of Medical Aid in the Case of Gender Dysphoria** [383]. This new system greatly expedites the recognition process for trans people by eliminating forced sterilisation and mandatory in-patient psychiatric observations. However, it still requires divorce and long bureaucratic procedures for those seeking surgery [383].

Even after a trans person has their gender recognised under Ukrainian law, educational institutions are under no obligation to acknowledge it [384]. Every institution has discretion to determine whether to issue a duplicate diploma or certificate indicating the new gender and name of a person who has changed their gender [384].



## 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 unclear [385].

Likewise, UNICEF youth initiative U-Report held a global poll on bullying in Ukraine in 2016. According to the results, 5% of respondents claimed to have experienced bullying due to sexual orientation [386].



## 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 Ukraine [387].



## 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.



## Partnership between governments and civil society

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



## 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



## Anti-discrimination law

The **Equality Act** (2010) [388] is the basic framework of protection against direct and indirect discrimination, harassment and victimisation in education. It requires schools to advance equality of opportunity for LGBT learners and makes it unlawful for schools to discriminate against, harass or victimise a learner or potential learner in relation to admissions, in the way it provides education for learners, in the way it provides access to any benefit, facility or service to learners, or by excluding a learner or subjecting them to any other detriment on grounds of sexual orientation and gender identity. Likewise, the **Education and Inspections Act** (2006) [389] requires all state schools proactively prevent all forms of bullying, including homophobic, biphobic, and transphobic bullying.

The **Education (Independent School Standards) Regulations** (2014) [390] 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.



## Policies and action plans

In 2014 the government allocated £2 million to a programme in England to help build schools' capacity to tackle homophobic, biphobic and transphobic bullying (the **Anti-Homophobic, Biphobic and Transphobic (HBT) Bullying programme**) [391], in cooperation with relevant NGOs. In July 2016, the government provided a further £2.8 million to extend the programme from September 2016 to March 2019 [392]. 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.

In July 2017, the Department for Education in England published a document (**Preventing and tackling bullying** [393]) 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's Children and Young People** [394] 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.



## Education curricula

Public Sector Equality Duty requires that activities should be inclusive of sexual orientation and gender identity. Statutory Relationships and Sex Education (from 2019) will have to be inclusive of LGBTQI issues (guidance will be issued in September 2018). This guidance will be informed by 12 Principles to which relevant organisations and government have signed up. Current research, however, shows that presently this is often not 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** (2014) [395] 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.



## Teacher training on LGBTQI awareness

There is currently no mandatory teacher training on LGBTQI awareness. In 2015, however, the National Children's Bureau (NBC) was awarded funding from the Department of Education and Government Equalities Office to deliver training for 1,500 primary and secondary teachers in seven local authority areas. The training is said to build teacher's ability to deliver a curriculum of sex and relationships education, within personal, social, health and economic (PSHE) education, which is inclusive of lesbian, gay, bisexual and transgender (LGBT) issues and helps prevent bullying related to sexual orientation and/or gender identity [396].

Furthermore, some universities or schools provide this training, often in collaboration with civil society organisations. 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 Scottish Government.




## Gender recognition

The **Gender Recognition Act (2004)** [397] 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** [398]. 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** [399] had two specific recommendations about the age limit for gender recognition (recommendation 7 (paragraph 70) and 8 (paragraph 71)): (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.

At the end of 2017, the Scottish Government launched a consultation on proposals which would bring Scotland’s Gender Recognition Act in line with international best practice, including: a self-declaration process, reducing the age at which recognition can be obtained to 16, considering options for under-16s, and options for the legal recognition of non-binary people [400].



## Data collection of bullying and harassment and monitoring of policies

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



## Support systems

Educational Action Challenging Homophobia (<https://each.education>) provides a national helpline for victims of homophobic, biphobic, or transphobic bullying, and training to schools on sexual orientation, gender identity, and cyberbullying. In England, the Proud Trust provides support and training to LGBTIQI 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 youth groups and one to one support in most local authority areas for learners in Scotland.



## Information and guidelines

The government provides different resources 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 pieces of research to look into effective ways of preventing homophobic, biphobic and transphobic bullying [401]. Likewise, the Ofsted, commissioned by the Department for Education, offered an overview of concrete measures to tackle discrimination in school in 2012 [402].

The Scottish Government and LGBT Youth Scotland have developed a **Toolkit for Teachers: Dealing with Homophobia and Homophobic Bullying** [403] with information, guidance and specific lesson plans for teachers to include LGBT topics across all subjects. More recently, LGBT Youth Scotland, funded by the government's Equalities Unit, has also developed a **Guidance for Supporting Transgender Young People** [404] 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 other professionals. 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.



## Partnership between governments and civil society

The government provides funding and support to LGBTIQ civil society organisations working in the area of education.



## International commitment

- United Kingdom has not 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 it [405].

### Good practices and campaigns

#### LGBT Schools Charter Mark

*Covers: SO and GIE*

[www.lgbtyouth.org.uk/charter-schools](http://www.lgbtyouth.org.uk/charter-schools)

LGBT Youth Scotland set up an accreditation programme for schools to be recognised for their LGBT inclusion policies and practices.

#### Guidance for Supporting Transgender Young People

*Covers: GIE*

[www.lgbtyouth.org.uk/files/documents/Supporting\\_Transgender\\_Young\\_People\\_-\\_Digital\\_version.pdf](http://www.lgbtyouth.org.uk/files/documents/Supporting_Transgender_Young_People_-_Digital_version.pdf)

A resource, developed by LGBT Youth Scotland, for primary and secondary teachers and school staff to support transgender and non-binary learners within education.

#### Diversity Role Models UK

*Covers: SO and GIE*

[www.diversityrolemodels.org](http://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.

#### Education Champions

*Covers: SO and GIE*

[www.stonewall.org.uk/get-involved/education/education-champions-programme-local-authorities](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

#### Allsorts

*Covers: GIE*

[www.allsortsyouth.org.uk/resources/toolkits-booklets-guides](http://www.allsortsyouth.org.uk/resources/toolkits-booklets-guides)

Trans Inclusion Toolkit developed through a partnership involving Allsorts Youth Project, Brighton & Hove City Council's Education Team, and schools and colleges.

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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 95 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).

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