Mandate of the Special Rapporteur on the Right to Education

IGLYO’s Input on Academic Freedom and Freedom of Expression in Educational Institutions

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## I. Contact Details

**Name of the Organization:**

* The International Lesbian, Gay, Bisexual, Trans, and Intersex Youth and Student Organization (IGLYO).

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## II. Overview and Context

About IGLYO, The International Lesbian, Gay, Bisexual, Trans, and Intersex Youth and Student Organization was founded in 1984 and is based in Brussels. IGLYO stands as the largest member-based network globally, dedicated to LGBTQI youth and their rights. Presently, we bring together over 100 Member Organizations spanning more than 40 Council of Europe countries, alongside numerous friends, and partners worldwide. Our work is centred around the protection, empowerment, and freedom of LGBTQI young people aged between 18 and 30 years old.

Our findings are based on the in-depth country research presented in our report, 'LGBTQI Inclusive Education Report 2022, second edition.' This report offers a comprehensive account of the current state of LGBTQI inclusive education in 49 European countries. The sources of all information collected and documented can be found in the LGBTQI Inclusive Education report on the project’s website ([www.education-index.org](http://www.education-index.org)).

Our methodology included developing a questionnaire on inclusive education and seeking contributions from our member organizations, other relevant civil society groups, and educational experts from the Council of Europe Member States, as well as Belarus and Kosovo, to provide an overview of the situation in each country. IGLYO received completed questionnaires from all countries, except Liechtenstein, Monaco, and San Marino.

## III. Challenges in the General Framework

**In Russia,** it is deeply troubling to observe recent legislative developments, particularly the outlawing of the LGBTQI movement as extremist. This move poses a severe threat to fundamental principles of freedom of expression and academic freedom, especially within educational contexts. This includes direct repercussions for educational materials, conversations, and initiatives that address or endorse LGBTQI issues, including criminalization and punitive measures that create an atmosphere of fear, persecution and intimidation.

**In Azerbaijan,** there is a legal framework, specifically the law on Protection of children from information harmful to their health and development, which considers any information contrary to the idea of the 'traditional family' as harmful. Enacted in 2018 and enforced in early 2020, this law can be interpreted as prohibiting the dissemination of information on LGBTQI rights. Consequently, teachers and staff are restricted from sharing information about SOGIGESC issues in schools. Additionally, the 2018 law, discussed under Anti-discrimination Legislation, prevents the operation of student clubs addressing LGBTQI issues. The overall climate in Azerbaijan continues to be hostile towards LGBTQI individuals.

**In Belarus,** Law No. 362-Z on the Protection of Children from Information Harmful to their Health and Development, enacted in 2017, restricts the dissemination of information that 'discredits the institution of family and marriage,' and has been employed against LGBTQI individuals.

**In Hungary,** the government has implemented several hostile measures against LGBTQI individuals and organizations, particularly affecting the education sector. The passage of the "propaganda law" in 2021 prohibits the promotion of homosexuality or gender reassignment in schools, advertising, and media. It also restricts the broadcast of content on SOGIGESC issues on TV or radio before 10 pm and bans the sale of LGBTQI-related products within 200 meters of schools. In 2020, the parliament voted to abolish the Equal Treatment Authority, responsible for addressing discrimination cases, including those related to LGBTQI issues. The tasks were transferred to the Commissioner for Fundamental Rights, who has shown little activity on LGBTQI rights. Additionally, in 2017, the parliament amended the law on higher education, leading to the expulsion of the Central European University from the country. The Act on Equal Treatment and The Promotion of Equal Opportunities (2003) prohibits discrimination, including in education, based on sexual orientation and gender identity, though sex characteristics are not explicitly mentioned. The 2021 amendments to the law against pedophilia further restricted the discussion of LGBTQI issues in schools, including sensitization workshops by LGBTQI NGOs. There has been a backlash against LGBTQI-related initiatives, such as the banning of the book 'Fairyland is for Everyone' and the abolishment of gender studies programs at the university level in 2018.

**In Latvia,** there are currently no laws in place to protect LGBTQI learners from discrimination. Conversely, an educational law established in 2015 mandates 'moral education' in schools aligned with the values of the Latvian Constitution (2014), which includes a definition of marriage as exclusively between a man and a woman. Guidelines associated with the implementation of the 2015 education law explicitly prohibit the sharing of materials featuring 'propaganda of degrading or immoral activities,' effectively restricting the discussion of LGBTQI issues within schools.

**In Turkey,** issues related to sexual orientation, gender identity, expression, and sex characteristics (SOGIGESC) are not integrated into curricula. On the contrary, existing curricula tend to reinforce gender stereotypes, patriarchal power structures, or propagate the notion that being LGBTQI is a form of illness. In 2019, the President of the Council of Higher Education, Yekta Saraç, expressed the view that Women’s Studies and Gender courses should be closely monitored, as they were perceived to promote the concept of ‘gender’, which he considered contrary to the country’s values. Subsequently, the Council of Higher Education removed a gender policy paper from their portal and canceled a project focused on gender equality. Turkey currently lacks mandatory sex education or human rights curricula that encompass SOGIGESC inclusively. Sex education for grades 6-8 contains only negative references concerning LGBTQI individuals.

## IV. Challenges in Surveillance, Freedom of Expression in Teaching, and Access to Books

In our in-depth examination of inclusive education across European nations and our exploration of the challenges faced by LGBTQI students, parents, teachers, and allies, we observe a noteworthy impact on surveillance, freedom of expression in teaching, and access to books. This impact is directly influenced by the prevalence of bullying, school environment dynamics, hate crimes, and hate speech. These actions serve to intimidate, threaten, punish, and retaliate against any discourse. In such environments, homophobia and transphobia often coincide with the widespread dissemination of misinformation and disinformation, coupled with incitement by political and religious leaders.

**In Albania,** school bullying remains prevalent, as reported by ECRI. A 2018 study by PINK Embassy revealed alarming findings on teachers' attitudes towards LGBTI persons in public high schools. Two-thirds of teachers admitted to not addressing anti-LGBT bullying in their classrooms, with a similar proportion expressing a lack of support for LGBTQI students. In 2019, a student in Vlora faced repeated attacks after coming out, leading to the school's failure in providing protection, resulting in the student dropping out. Subsequently, a 2020 survey by local NGO Streha indicated that 72% of respondents experienced school bullying due to their LGBTQI identity.

**In Armenia,** discrimination and violence against LGBTQI individuals persist, documented by NGOs like Pink Armenia and RightSide. Despite their efforts to assist victims with legal support, the police and judiciary often provide limited support in seeking justice. Instances of discrimination and hate crimes have targeted young people and students, exemplified by the 2019 attack on a 15-year-old boy perceived as gay, with his parents dropping charges due to fear of further bullying. In 2020, a lesbian student faced expulsion from a military university, citing her sexual orientation as the reason.

**In Azerbaijan,** there is a lack of official data on anti-LGBTQI bullying as the government does not collect such information. However, reports from local civil society organizations indicate that LGBTQI students are consistently subjected to bullying and harassment by both peers and staff in educational institutions.

**In Belarus,** the political climate has remained persistently hostile towards LGBTQI individuals since 2018. This period has been characterized by the widespread dissemination of anti-LGBTQI hate speech by political leaders and media, with no consequences for those responsible. Notably, in 2019, a Ministry of Interior official equated same-sex relations with pedophilia, contributing to the discriminatory rhetoric. Ultra-conservative groups took active measures by organizing events within schools. These events aimed to encourage teachers and students to combat what they perceived as 'LGBT propaganda' and the spread of 'gender ideology'. This organized effort further contributed to a challenging environment for LGBTQI individuals within educational institutions. The years 2020 and 2021 witnessed the government orchestrating violent crackdowns on pro-democracy protesters. These actions involved a range of oppressive measures, including unlawful arrests, beatings, torture, disappearances, and various forms of violence against protesters. LGBTQI activists were particularly vulnerable and consistently targeted by authorities, who faced not only arrest but also violence and sexual abuse as part of the government's oppressive actions.

**In Bulgaria,** the political climate has witnessed an escalating hostility towards LGBTQI people since 2018. This shift is evident in the June 2018 ruling by the Constitutional Court, which declared the Istanbul Convention incompatible with the Constitution, citing its basis on 'gender ideology.' The anti-gender discourse has gained prominence, commonly employed by political leaders, contributing to an environment of intolerance. Hate crimes remain common, with some incidents specifically targeting young people. In 2020, local NGOs Bilitis and Single Step conducted a survey titled 'Attitudes towards LGBTI students in Bulgarian high schools.' The findings revealed alarming statistics, with 71% of LGBTQI student respondents reporting verbal harassment, 34% experiencing physical harassment, and 19% being physically assaulted. Additionally, more than half of the respondents reported hearing anti-LGBTQI remarks from teachers.

**In Cyprus,** religious leaders commonly employ anti-LGBTQI hate speech, and this rhetoric enjoys impunity within the country. Discrimination against LGBTQ individuals is widespread, and hate crimes, including those targeting young people, continue to be prevalent.

**In Czechia,** hate speech and hate crimes persist, propagated by both religious and political leaders. The anti-gender rhetoric has gained momentum in recent years, leading to increased instances of anti-trans public speech and harassment directed at LGBTQI activists and organizations. Civil society expresses concerns that the Czech Republic may be following a path similar to Hungary's or Poland's anti-LGBTQI stance. A 2019 Ombudsperson report highlighted high levels of discrimination experienced by LGBTQI individuals in the country, particularly in education and employment. Trans people were reported to be almost three times as likely to experience discrimination, as indicated by a research report from the NGO Trans\*parent in the same year. Growing resistance against the inclusion of LGBTQI issues in school curricula has been observed in recent years. Notably, a primary school faced significant backlash after inviting a sexologist to speak about trans issues. Despite recommendations from several other sexologists, a complaint submitted to the School Inspection Authority was validated.

**In Georgia,** discrimination and violence against LGBTQI individuals persist, with religious and political leaders enjoying impunity when engaging in hate speech. According to a 2018 survey by the NGO WISG, 16% of LGBTQ respondents reported experiencing discrimination in school, primarily at the hands of other students. Discrimination frequently stemmed from deviations in gender expression that did not align with societal norms. Georgia's schools lack extracurricular activities, and LGBTQI youth organizations are prohibited from meeting on school premises.

**In Greece,** hate speech from political figures and religious leaders persists, contributing to a climate where LGBTQI individuals are commonly targeted by hate crimes. The response of the police and courts often falls short. In 2020, Holargos high school in Athens experienced the distribution of anti-LGBTQI pamphlets, denigrating homosexuality as hateful and labeling LGBTI people as 'murderers.' The School Climate Survey findings from 2020 revealed concerning statistics, indicating that one in three LGBTQ students experienced verbal harassment, one in seven faced physical harassment or assault, and one in three encountered sexual harassment within the school environment. Tragically, in 2018, a 14-year-old took their own life after being subjected to bullying due to their gender expression.

**In Hungary,** discrimination and violence against LGBTQI individuals have become pervasive, fueled by a hostile political rhetoric against LGBTQI people and the perceived threat of 'gender ideology.' Over recent years, hate speech by politicians has escalated, contributing to an environment where LGBTQI youth are common targets of harassment and bullying. A notable incident involves the political targeting of the fairy tale collection titled 'Fairyland is for Everyone,' published by Labrisz Lesbian Association in 2020. The book creatively retells traditional fairy tales with diverse characters representing various social minorities, including LGBTQI individuals. Unfortunately, the publication faced focused political attacks in 2020-2021, with hostile political communication about LGBTQI people and legislative measures restricting access to the book. Similarly, the school program 'Getting to Know LGBT People,' conducted by Labrisz Lesbian Association and Szimpozion Association, has been subjected to legislation prohibiting such programs from visiting schools. Consequently, the program has not received invitations from state schools since the 2021 Autumn semester.

**In North Macedonia,** discrimination and violence against LGBTQI individuals persist, positioning the country as one of the least accepting in the Balkan region. Reports from 2021 by HERA and 2019 by Coalition Margins shed light on LGBTQI students' experiences and health disparities. A 2016 study by Subversive Front in Skopje exposed daily abuse faced by LGBTQI young people, significantly impacting their mental health and overall well-being. Discrimination and hate crimes against the LGBTQI population persist, with limited support from the police and judiciary for victims seeking justice. Hate speech remains prevalent, often perpetuated by political leaders.

**In Poland,** the environment for LGBTQI individuals has become increasingly hostile since 2018. Numerous towns declared themselves 'LGBT-free zones' or adopted 'Family Charter' resolutions, targeting LGBTQI people and organizations. The period since 2018 has seen numerous anti-LGBTQI rallies featuring hateful slogans, signs, and chants, without condemnation from authorities. In 2020, some LGBTQI activists were arrested and detained, amounting to degrading and inhumane treatment by the state. Legal actions were taken against others for 'insulting religious feelings.' Anti-gender and anti-LGBTQI rhetoric have been regularly employed by religious and political leaders, including President Duda. Education has not been exempt from hostilities. In 2018, the LGBTQI organization KPH's 'Rainbow Friday' school campaign faced serious backlash and had to be canceled. The campaign aimed to ensure the safety of LGBTQI students but was attacked by political and religious figures. Education superintendent Barbara Nowak ordered school inspections, and teachers reported threats if they included LGBTQI-related content in their classes.

**In Romania,** discrimination and violence against LGBTQI people persist, as indicated by ECRI's 2019 report. The hostile political rhetoric against LGBTQI individuals and the so-called 'gender ideology' has escalated rapidly in recent years. Attempts to silence discussions on SOGIGESC issues in schools have been noted, with bullying and discrimination remaining significant concerns across the country.

**In Slovakia,** students and youth clubs are commonly found in schools, and LGBTQI youth organizations are not officially banned from meeting on school premises. However, the politicization of LGBTQI youth has prevented the establishment of such organizations within schools. The legislative period from 2016 to 2020 has negatively impacted the social climate towards LGBTQI individuals. Although there were no institutional discussions about excluding LGBTQI elements from the curriculum, collaboration between civil society organizations and the government ceased during this period. Support for LGBTQI students, teachers, and parents was primarily provided by NGOs. However, the government's discontinuation of collaboration with LGBTQI NGOs and the Ministry of Education during the 2016-2020 legislature created challenges. While there was no official ban on schools cooperating with human rights organizations, LGBTQI organizations, including Amnesty International Slovakia, faced reluctance from schools. This reluctance was attributed to ideological reasons or the fear of sparking public controversy, fueled by incidents where local politicians sought to polarize or scandalize topics related to gender identity and sexual orientation in schools.

**In Slovenia,** TransAkcija's report on the 'Everyday Lives of Trans Persons in Slovenia' sheds light on the situation of trans young people, including their experiences in schools. The findings reveal that 40% of respondents reported experiencing discrimination in schools. In 2021, Legebitra published 'LGBT Youth – Let's Break the Silence in Schools!,' the first national survey on the topic. The survey, involving 602 students aged 16-21, disclosed alarming statistics. It showed that 62% of respondents had been verbally harassed at school in the past year due to their Sexual Orientation, Gender Identity, and Expression (SOGIE). Additionally, one in five LGBTQ students experienced physical harassment (shoving or pushing), and one in ten faced assault (punching, kicking, or injury with a weapon). Moreover, 26% of respondents felt unsafe in school due to their gender expression, and 35% felt unsafe due to their sexual orientation.

**In Spain,** the anti-gender rhetoric has gained strength, propagated by media, public figures, and political parties, including the Feminist Party and the Socialist Workers' Party (PSOE). Anti-LGBTQI discrimination and hate crimes, including instances of murder, persist, with young people also becoming targets. In 2020, an 11-year-old was hospitalized after a physical assault by another young person. Tragically, a 17-year-old lesbian youth took her own life that same year due to bullying. FELGTB (Federation of Lesbians, Gays, Transsexuals, and Bisexuals) has conducted studies on LGBTQI young people, such as 'Trans Youth in the Education System' (2019) and 'Reality of Trans Students in the Educational System' (2021). While NGOs typically receive regular state and regional funding, there were instances of funding withdrawal in Madrid in 2020.

**In Turkey,** the state persists in harassing and prosecuting LGBTQI activists, frequently banning or forcefully dispersing events despite court rulings annulling such orders. Hate speech, widely endorsed by political, religious leaders, and the media, is prevalent, contributing to common hate crimes, including murder, with trans individuals being the primary targets. The police and judiciary seldom support victims seeking justice, and organizations face routine harassment amid rampant censorship. Young LGBTQI people endure significant impact within the hostile environment, facing harassment and bullying in schools, as documented in annual reports by Kaos GL in 2018 and 2019. Instances include trans students being denied dorm accommodation in 2018 and the 2020 removal of the book 'Declaration of the Rights of Boys and Girls’ by the Board of Protection of Minors from stores for allegedly promoting 'homosexuality' and 'gender ideology,' according to the Ministry of Family, Labor, and Social Services. The Free Colors Association's 2021 research found that 80% of LGBTQI respondents in Bursa experienced discrimination in school. While universities like METU or Boğaziçi University were relatively safe spaces for Pride events, the rector appointed at METU in 2016 has not been supportive and allowed police forces to enter the university premises, using excessive force against participants. In 2019, students participating in METU Pride saw scholarships and credits canceled. A 2020 campaign urging LGBTQI people to post childhood pictures gained visibility but also faced backlash. The Young LGBTI+ Association's 2020 COVID-19 study highlighted the pandemic's adverse effects on young LGBTQI people, exposing them to unsafe family environments and worsening mental health, corroborated by Kaos GL's study with LGBTQI students.

**In the UK,** LGBTQI youth, including trans youth, are facing an increasingly hostile environment. The mandatory inclusion of LGBTQI topics in schools has triggered significant backlash from religious communities, parents, and students. The government's response to these attacks has been deemed inadequate. A 2019 Albert Kennedy Trust report revealed that nearly half of young homeless LGBT people become homeless due to family rejection, with half of them coming from Christian or Muslim backgrounds. The National LGBT Survey indicated that a third of LGBT pupils faced negative reactions about their real or perceived Sexual Orientation, Gender Identity, and Expression (SOGIE) in school, mainly from students (88%) but also from teachers (9%), with 83% of these cases going unreported. Trans and gender non-conforming students were the most affected, with 36% experiencing verbal harassment from teachers and staff. In 2020, a school in London painted a rainbow crossing outside its premises and faced hundreds of hateful messages. Despite the challenges, the school stood firmly by its values, but such incidents may negatively impact the sense of safety for LGBTQI students nationwide.