

May 2021

## Don't look away: No place for exclusion of LGBTI students

*In working towards creating inclusive education systems, many countries have failed to address discrimination and exclusion on the basis of sexual orientation, gender identity, gender expression and variations of sex characteristics. This is despite the fact that, as new data from Europe show, 54% of lesbian, gay, bisexual, trans and intersex youth surveyed had experienced bullying in school and 83% had witnessed some type of negative remarks addressed to someone else based on their sexual orientation, gender identity, gender expression or variations of sex characteristics. In many other parts of the world, conditions do not even allow such data to be collected. While several countries have begun implementing changes in laws and policies, school-level interventions, curricula, and parental or community engagement, others not only avoid addressing the issues but are even taking measures that further exclude. Governments aspiring to respect their commitment to the goal of equitable and inclusive education by 2030 must protect the rights of lesbian, gay, bisexual, trans and intersex learners, improve monitoring of school-based bullying and violence, and create a positive, supportive learning environment.*

In 2015, countries committed to achieve inclusive education by 2030 – in other words, to ensure that their education systems would enable every child, youth and adult to learn and fulfil their potential. Inclusion has been associated primarily with ensuring that children with disabilities attend the local mainstream school. But education systems need to be responsive to all learners' needs, especially those at higher risk of experiencing violence.

The scope of inclusion has therefore developed to refer to the needs of anyone at risk of exclusion and discrimination in education participation and experience. And yet, for many, if not most, countries in the world, all does not mean all. In particular, many people are excluded and discriminated against based on their actual or perceived sexual orientation, gender identity, gender expression or sex characteristics. Variations of these characteristics are still presented as anomalies and remain a sensitive topic; addressing them through education is even banned in many societies.

As a result, education authorities, from central to local level, and school communities ignore lesbian, gay, bisexual, trans and intersex (LGBTI)<sup>1</sup> learners and those from LGBTI families, if they do not treat them with outright hostility, contributing to their invisibility and undermining other public commitments to inclusion.

Schools should be safe, inclusive and supportive of all learners. Yet, LGBTI learners endure hostile conditions at school, experiencing or risking physical violence, bullying and discrimination. Such experiences negatively affect students' health and well-being but also lead to worse education outcomes, showing in higher absenteeism and lower educational attainment and aspirations, as observed with all students who suffer violence (Kosciw et al., 2016; UNESCO, 2016; Wimberly et al., 2015). A range of interventions are needed to promote a safe and inclusive environment, protect the right to education, health and physical integrity for all learners and lead efforts to shift societal attitudes, within the framework of the broader social inclusion objective.

<sup>1</sup> This paper uses the acronym LGBTI to refer to lesbian, gay, bisexual, trans and intersex people. IGLYO often uses LGBTQI to be inclusive of queer, non-binary and gender non-conforming people as well.

Inclusion is a fundamental condition for protecting the rights of all learners and achieving all the SDGs, particularly sustainable, equitable and inclusive societies. All students require teaching approaches and support mechanisms that help them succeed and that protect them from violence and discrimination. Governments that claim to be committed to building inclusive education systems for all learners cannot justify actively excluding or tolerating the exclusion of learners on the basis of their sexual orientation, gender identity, gender expression or sex characteristics. This paper reviews the latest evidence on the challenges faced by LGBTI learners and measures taken around the world that promote or undermine their inclusion in education. Where possible, this policy paper provides information on all different characteristics: sexual orientation, gender identity, gender expressions or variations of sex characteristics. However, there is still a lack of available disaggregated data on anti-discrimination legislation and policies, as well as inclusive education practices, in particular as far as gender identity and variations of sex characteristics are concerned.

## LEGAL PROTECTION OF LGBTI PEOPLE AFFECTS INCLUSION IN EDUCATION

The education experience of learners is shaped by overall social norms and attitudes, as well as legal frameworks to protect and promote the rights of LGBTI people, in general. This paper does not offer a comprehensive review of legislation criminalizing LGBTI identities or laws prohibiting discrimination based on sexual orientation, gender identity, gender expression or variations of sex characteristics. Complete analyses of laws and policies protecting the rights of LGBTI people include the State Sponsored Homophobia report (ILGA World, 2020a), the Trans Legal Mapping Report (ILGA World, 2020b), the Legal and Social Mapping (TGEU, 2015) and the updated list of UN recommendations concerning intersex human rights violations (OII Europe, 2020).

Globally, 67 countries criminalize private, consensual, same-sex sexual activity. Botswana is one of the few sub-Saharan African countries to have decriminalized homosexuality recently (The Economist, 2021). In 11 countries, however, it is still punishable by death (ILGA World, 2020a). Legal gender recognition based on self-determination is still rare. About 31 countries have laws and regulations restricting the right to freedom of expression in relation to sexual orientation issues for individuals, educators or the media (Mendos, 2019). Countries have also resisted changing such laws. For instance, Barbados rejected all recommendations

in its 2013 UN Universal Periodic Review that urged decriminalization of same-sex sexual acts. In some cases, laws are becoming even tighter. While morality codes have been almost ubiquitous in the Arab States, new legal tools criminalize expressions of affirmation or support for homosexuality. In the Russian Federation, a 2013 amendment to the child protection law was accompanied by guidelines specifying that positive portrayal of people with 'non-traditional sexual relations' could be punished by fines and administrative sanctions (UNESCO, 2016).

Legal gender recognition through self-determination, without requirements such as surgical, hormonal or sterilisation criteria, needing a person to be divorced, not have dependent children, be kept in psychiatric facilities, or undergo a 'real life test', is still not a reality in many countries (ILGA World, 2020b). Trans communities face regression or stagnation in legal gender recognition rights in countries such as Guatemala, Hungary, Mongolia, New Zealand, the United Kingdom, the United States and Uruguay, and the potential for regression in India and Nepal. Yet, since 2017, there has been firm progress in countries such as Australia, Canada (for non-binary people), Chile, Colombia (for children), Costa Rica, and Pakistan. In the Council of Europe, only 10 out of 47 member states have legal gender recognition procedures without age limits for minors – and, of those, only two are based on self-determination (TGEU, 2020). The UN Committee on the Rights of the Child has recognized that such barriers are based on outdated medical standards and not on human rights standards. Even in those countries that do have a framework for gender recognition, procedures are often lengthy and costly, requiring pathologizing mental health diagnoses that invalidate the identity of those requesting recognition (Cabral et al., 2016).

The right to bodily autonomy is harshly violated on the basis of sex characteristics globally. Harmful practices such as non-vital surgery and medical intervention on intersex children without their fully informed consent are the norm in many countries. About 62% of intersex people who had undergone a surgery in Europe said that neither they nor their parents had given fully informed consent before medical treatment or intervention to modify their sex characteristics (European Commission, 2020; 2021). These violations are increasingly documented and people with variations of sex characteristics are recognised as victims of harmful medical practice. From 2009, United Nations Treaty Bodies have called on Member States to stop human rights violations against intersex people 49 times (Ghattas, 2019). The Parliamentary Assembly of the Council of Europe and

the European Parliament have passed resolutions calling for the prohibition of treatments practised on intersex children without their informed consent. Likewise, the new EU Strategy on the Rights of the Child affirms rights of intersex children, recognizes intersex genital mutilation as violence against intersex people and highlights the need to end such practices (OII Europe, 2021).

## LGBTI LEARNERS ROUTINELY FACE BULLYING AND DISCRIMINATION

Data are critical to support inclusion in education and raise education ministries' awareness of inequalities. Monitoring the nature, prevalence and impact of violence and harassment at school is essential to plan effective interventions to tackle bullying. However, depending on their formulation, questions in surveys on characteristics such as sexual orientation, gender identity, gender expression and variations of sex characteristics can touch on sensitive personal data, be intrusive and trigger persecution fears, most obviously in countries with hostile legislation for LGBTI people. Where reporting mechanisms exist, students may under-report violence related to their sexual orientation, gender identity, gender expression and variations of sex characteristics for fear of further stigmatization. A UNESCO technical brief provides guidance on strengthening routine monitoring of this issue in national and international surveys, including on terminology, sampling, and ethical and legal challenges (UNESCO, 2019b).

While it is difficult to accurately capture experiences in education, there is clear evidence of violence and discrimination, which are often an extension of violence and discrimination perpetrated even by state authorities in many parts of the world. As few countries collect such data, the task is often led by non-government organizations (NGOs). Globally, 42% of lesbian, gay, bisexual and trans youth reported having been 'ridiculed, teased, insulted or threatened at school' because of their sexual orientation, gender identity or gender expression, primarily by their peers. About 37% reported feeling rarely or never safe at school, with the highest prevalence in the Arab States and sub-Saharan Africa (Richard and MAG Jeunes LGBT, 2018).

In China, 41% of LGBTI students reported having heard negative comments made about them, 35% were verbally threatened, 22% had felt isolated by their peers and 6% were physically threatened (Wei and Liu, 2015). In Japan, 68% of LGBT persons aged 10 to 35 had

experienced violence in school (UNESCO and UNDP, 2015). In Turkey, 67% of LGBT respondents to an online survey reported having experienced discrimination due to their sexual orientation or gender identity and expression at school and 52% had experienced negative comments or reactions at university (Göçmen and Yılmaz, 2017).

In New Zealand, LGBTI students were three times as likely to be bullied as their peers (UNESCO, 2017). Nearly half of LGBTI pupils in the United Kingdom experienced bullying in secondary school, and more than half said there was no adult at school they could talk to about their sexual orientation, gender identity or gender expression (Twocock, 2019). In the United States, 12.5% of lesbian, gay and bisexual students reported not going to school at least once in the previous 30 days because they felt unsafe at or on their way to and from school, compared with less than 4.6% of heterosexual students (Kann et al., 2016).

As young people start exploring or become conscious of their sexual orientation, gender identity, gender expression or variations of sex characteristics, they are confronted with how others react, often with dramatic consequences. A study of deaths by suicide of 12- to 29-year-olds in the United States showed that 24% of 12- to 14-year-olds, but 8% of 25- to 29-year-olds, who died by suicide were lesbian, gay, bisexual or transgender (Ream, 2019).

In the European Union, there are still unacceptably high levels of discrimination and harassment in school. In 2019, only 8% of 15- to 24-year-olds were very open about being LGBTI at school, while 43% said they were ridiculed, teased, insulted or threatened at school because they were LGBTI. By contrast, 44% of 15- to 17-year-olds and 57% of 18- to 24-year-olds felt their rights were never or rarely supported during their time in school. At the same time, there are also signs of improvement. The share of 18- to 24-year-olds who had hidden they were LGBTI at school fell from 47% in 2012 to 41% in 2019. In 2019, 48% of 15- to 17-year-olds reported they and their rights were always or often supported, defended or protected in schools, compared to 33% of 18- to 24-year-olds, 13% of 25- to 39-year-olds, and 7% of those 40 years and over. Similarly, 47% of 15- to 17-year-olds reported that LGBTI issues had not been addressed in school, compared to at least 82% of those 40 and over (FRA, 2020).

The International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organisation (IGLYO) implemented the LGBTQI Inclusive Education Study to examine the experiences of youth and explore the current situation in European schools (**Box 1**).

**BOX 1:****Bullying and misinformation remain the reality in European schools**

In order to enrich the evidence base on discrimination and harassment in education settings and to overcome the specific challenges to surveying issues of sexual orientation, gender identity, gender expression and variations of sex characteristics among youth and underaged respondents, IGLYO designed an online survey on inclusive education in 2019 to enable anonymous and confidential responses and facilitate the participation of those who do not wish to disclose their sexual orientation, gender identity, gender expression or variations of sex characteristics. The LGBTQI Inclusive Education Study received over 14,000 valid responses from participants aged 13 to 18 and 3,000 from participants aged 19 to 24 who were in, or had recently finished, school.

Violence based on sexual orientation, gender identity, gender expression and variations of sex characteristics is a widespread problem across all European schools. Most respondents (83%) had at least sometimes witnessed negative comments related to people's sexual orientation, gender identity, gender expression or variations of sex characteristics. Over two-thirds of respondents had been the target of negative remarks based on their sexual orientation, gender identity, gender expression or variations of sex characteristics at least once, with one in four respondents experiencing verbal harassment on a regular basis.

One in two LGBTQI respondents (54%) had experienced bullying in school at least once based on their assumed sexual orientation, gender identity, gender expression or variations of sex characteristics. Such bullying was broader than receiving insults or being the target of name calling. Trans women experienced bullying based on their perceived sexual orientation more frequently than any other group: 51% said they experienced it sometimes, 36% quite often and 2% very often. Bullying based on gender identity was experienced by 90% of trans women, 59% of trans men and 45% of non-binary and gender non-conforming people, while 40% of intersex respondents experienced bullying on the basis of their sex characteristics.

Teachers and other school staff play a vital role in creating a safe environment for all students. Whether school staff intervene or not upon hearing negative remarks and witnessing other forms of bullying and violence has an important impact on the school

climate. Most learners (58%) never reported such incidents to any school staff; less than 15% of respondents reported to some school staff systematically. When asked about the reasons for not reporting these incidents, two-thirds either said that school staff had not done anything in previous situations (35%) or feared they would do nothing (30%). In fact, teachers were present for over half of the incidents but tended not to intervene: Less than 3% always intervened and in over 80% of cases they never or rarely intervened. Over 7 in 10 respondents felt that their teachers were not open to discussing these issues.

With respect to their classroom experience, 53% had never received information on sexual orientation, 73% on gender identity and gender expression, and 41% on variations of sex characteristics. Fewer than one in five respondents reported having been taught positive representations of LGBTQI people. Most intersex respondents (78%) reported having received mainly negative information on variations of sex characteristics. Most respondents (70%) thought their teachers were not open to talk about sexual orientation, gender identity, gender expression or variations of sex characteristics.

Over 60% of respondents were not aware of any anti-discrimination law or policy to tackle bullying in schools related to sexual orientation, gender identity, gender expression or variations of sex characteristics. One in three respondents stated that there were no support systems for them, and one in four that they were not sure if there were any. Eight in ten respondents said that there were no school associations or youth groups for LGBTQI learners, while just 13% could access information about sexual orientation, gender identity, gender expression or variations of sex characteristics through their schools, youth groups or LGBTQI organizations.

Nearly 40% of trans, non-binary and gender non-conforming respondents had spoken with someone about their gender identity. One in two trans, non-binary and gender non-conforming respondents thought that teachers and other school staff never or rarely respected their gender identity. Furthermore, less than 1 in 10 trans, non-binary and gender non-conforming respondents said that their gender identities were respected in school-related documentation, and 8 in 10 reported problems accessing gendered spaces in line with their gender identities.

Source: IGLYO (2021).

## LAWS AND POLICIES ARE SLOWLY RECOGNIZING LGBTI LEARNERS' RIGHTS

The 1948 Universal Declaration of Human Rights, the 1960 Convention Against Discrimination on Education, the 1981 Convention on the Elimination of All Forms of Discrimination Against Women and the 1990 Convention on the Rights of the Child (CRC) all protect the right to education. The CRC also obliges States to protect children from all forms of physical or mental violence, including in education, while it sets binding standards to protect children's rights to non-discrimination, life, survival and development, as well as the right to be heard. Even though these documents did not explicitly mention sexual orientation, gender identity, gender expression and variations of sex characteristics, in some cases these have been recognized subsequently. For instance, the UN Committee on the Rights of the Child issued General Comment 4 in 2003 on adolescent health and development, expressing the opinion that the right to non-discrimination also covered the case of 'adolescents' sexual orientation'. General Comment 13 in 2011 on freedom from all forms of violence also mentioned 'lesbian, gay, transgender or transsexual' children.

Some statements at regional level have offered additional support. In 2016, the Parliamentary Assembly of the Council of Europe called on member states to 'ensure access by LGBTI children to quality education by promoting respect and inclusion of LGBTI persons and the dissemination of objective information'. A further step could be made through the horizontal Equal Treatment Directive of the European Union, which would cover all areas of life, including education, reflecting the common values enshrined in Article 2 of the EU Treaty (European Parliament, 2019).

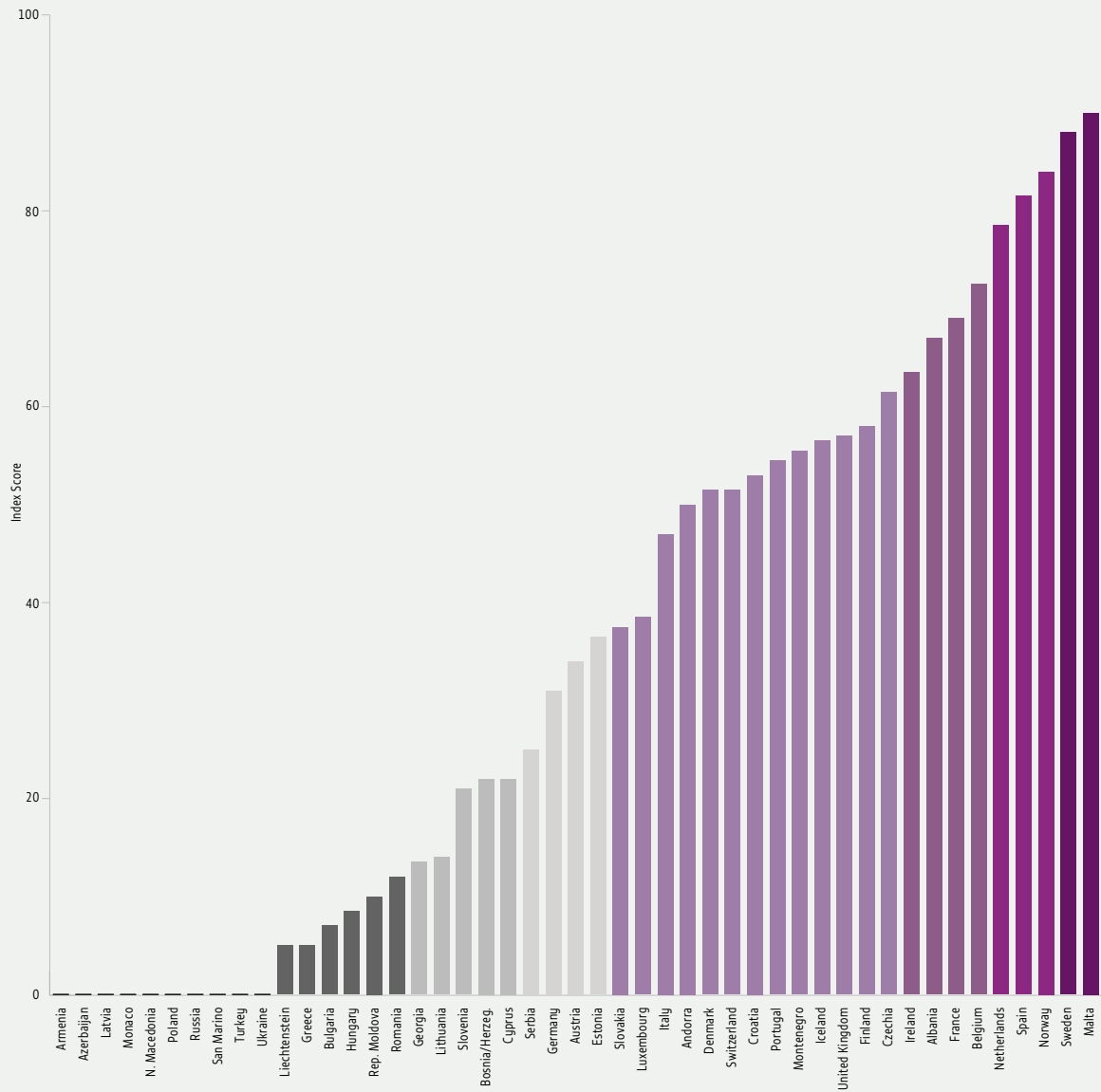
A legal or policy framework is necessary to ensure effective enjoyment of the right to education for all learners. In 2018, IGLYO developed the LGBTQI Education Inclusion Index based on 10 domains: anti-discrimination law applicable to education, inclusive education policies and action plans, compulsory inclusive national curricula, mandatory teacher training on awareness, legal gender recognition for minors, data collection of bullying and harassment, support systems, information and guidelines, partnerships between governments and NGOs, and international commitments.

The index shows that there is a lack of protection of LGBTI youth on education. Out of the 49 countries reviewed, only four (Malta, Netherlands, Norway and Sweden) provide most of these measures. Some regions in Spain have also developed inclusive policies, but they have not been implemented nationally. By contrast, 11 countries have failed to implement any measure at the time of writing this report (Armenia, Azerbaijan, Belarus, Latvia, North Macedonia, Monaco, Poland, the Russian Federation, San Marino, Turkey and Ukraine) and two have made international commitments without implementing any other measures (Liechtenstein and the Republic of Moldova).

Only 61% of Council of Europe member states forbid discrimination on grounds of sexual orientation in education, 51% on grounds of gender identity and 10% on grounds of variations of sex characteristics. In total, 18 countries did not have any anti-discrimination laws; by contrast, just five countries had laws applicable in education covering sexual orientation, gender identity/expression and variations of sex characteristics. Overall, just 22 of 49 countries had policies or action plans explicitly addressing and prohibiting school bullying based on at least one characteristic (sexual orientation, gender identity/expression or variations of sex characteristics). **(Figure 1)** (IGLYO, 2018).

In 2015, Malta passed the Gender Identity, Gender Expression and Sex Characteristics Act. Later that year, the Ministry for Education and Employment published the Trans, Gender Variant and Intersex Students in Schools Policy (Malta Ministry of Education and Employment, 2015). The law was part of ending a legacy of single-sex public schools to move towards co-education as part of a framework of policies to support and promote social inclusion. One benefit is easier inclusion and freedom of expression of LGBTI students, who may be particularly excluded in single-sex schools premised on a homogeneous gender identity. With the act, Malta adopted Europe's first comprehensive education policy focused on their needs; it included confidentiality and ended gender segregation in uniforms and some sports (Ávila, 2018). More recently, Norway also introduced the comprehensive 2018 Equality and Anti-Discrimination Act, which is applicable in education and addresses discrimination on the basis of sexual orientation, gender identity and gender expression on these grounds (Norway Government, 2019).

**FIGURE 1:**  
**Most European countries offer inadequate or no protection from discrimination against LGBTI students**  
*Index of anti-discrimination laws, policies or action plans and other inclusive education practices referring to sexual orientation, gender identity and expression or variations of sex characteristics, Europe, 2018*



Source: IGLYO (2018).

Latin American countries have also been active in protecting the rights of LGBTI learners. For instance, 15 out of 56 countries that supported a call for action at an Inter-ministerial meeting at UNESCO in 2016 were Latin American. They committed to inclusive and equitable education for all learners in an environment free from discrimination and violence, to accelerate efforts to establish comprehensive policies, provide learners with appropriate educational materials, train teachers and other school staff, and monitor the prevalence of violence related to sexual orientation and gender identity (UNESCO, 2016).

In Argentina, the 2006 National Education Law, the 2006 National Law on Comprehensive Sexuality Education and the 2013 National Law to Promote Coexistence and Tackle Social Conflict in Education Institutions cover sexual orientation, gender identity and gender expression in education contexts. In addition, a federal guide offers education responses in addressing challenging situations linked to school life and includes a section on discrimination and harassment due to sexual orientation, gender identity and gender expression (UNESCO, 2016).

In Chile, the Ministry of Education sent guidelines to schools and other education institutions addressing discrimination against transgender students. The guidelines aim to promote the rights of transgender students, supporting their inclusion without discrimination and violence (Right to Education Initiative, 2017). In Colombia, the Guidelines of the Inclusive Higher Education Policy highlight the need to work with the LGBTI population in adopting a gender approach and accounting for diversity and its specificities (Colombia Ministry of Education, 2013). At local level, Bogotá is a pioneer in the development of policies in defence of the rights of LGTBI people (Colombia Ministry of Education, 2017). In 2008, a manual of good practices in Costa Rica established guidelines for preventing discrimination in education on the grounds of sexual orientation (IACHR and OAS, 2019).

Examples from other parts of the world are less common. In Mauritius, the 2008 Equal Opportunities Act, which applies to education, recognizes that sexual orientation cannot be a basis for discrimination. In Pakistan, the 2018 Transgender Persons (Protection

of Rights) Act directly prohibits discrimination in education and establishes the right to education and a 3% quota for transgender children in mainstream public and private institutions.

Although they usually do not address LGBTI learners directly, general anti-bullying laws can still have a positive effect. The introduction of anti-bullying laws in various states in the United States found that they reduced victimization, depression and suicidal ideation among lesbian, gay and bisexual teenagers (Rees et al., 2020). This is important considering that 30% of school districts did not have such a law (Kull et al., 2015).

Courts have also protected the right to sexual orientation, gender identity and gender expression. High court decisions in Colombia in 2016 and Mexico in 2015 ruled that bullying negatively impacted victims' dignity, integrity and education and indicated the education sector should protect students from violence based on their personal characteristics. In 2002, the Supreme Court in Canada established that lesbian and gay students and same-sex parents had the right to be protected from discrimination and to see their lives reflected in the school curriculum. In India, following a 2014 ruling by the Supreme Court recognizing the status of the transgender hijras, the University Grants Commission called on universities to include them as a category on all application forms.

Finally, school infrastructure can help create welcoming and inclusive spaces. To the extent facilities are available in the first place, which is often not the case, efforts need to be made for all students to feel safe and supported to access toilet and changing facilities that correspond with their gender identity. In Delhi, India, there are now 27 certified trans-friendly schools. This achievement resulted from a pilot (Purple Board) run in cooperation between a local transgender rights NGO and the Directorate of Education to set up a list of schools with trans-friendly practices. Those included having separate toilet facilities for gender non-conforming children and including transgender issues on the curriculum (Glauert, 2019). In South Africa, some 20 Cape Town schools have taken measures inclusive of transgender and gender non-conforming children, including making toilets and uniforms gender-neutral and allowing students to use new names.

*Legislation can also reinforce discriminatory behaviour*

Yet, several countries use legislation that further exposes LGBTI children, adolescents and young people to safety risks in school and perpetuates discriminatory norms and practices. Movements referring to gender and sexual diversity as ‘gender ideology’ have arisen to try to thwart the advance of LGBTI rights, including through education, raising exclusion barriers.

In Latin America and the Caribbean, gender diversity has even been challenged by high-level authorities and heads of state, for example in Brazil and Ecuador (Correa, 2018; Barrientos and Lovera, 2020). In Brazil, the Ministry of Education was instructed to draft a bill to protect pupils in primary schools from ‘gender ideology’. The Supreme Court, which voted in May 2019 to make homophobia and transphobia a crime, struck down two laws by municipalities in Goiás and Paraná states to ban ‘gender ideology’ in public schools (Associated Press, 2019; González Cabrera, 2020). A 2017 resolution of the Ministry of Education and Sciences in Paraguay prohibits dissemination and use of education materials referring to ‘gender theory and/or ideology’ (Mendos, 2019).

In Central and Eastern Europe and the Caucasus, interventions have also led to less inclusion in education. In Azerbaijan, a law that came into effect in 2020 characterizes discrediting the traditional family and the institution of marriage as harmful information to children’s health and development (IGLYO, 2021). In the Russian Federation, the authorities invoke ‘spiritual and moral values’ and ‘historic and national-culture traditions’ to reduce the scope for recognition of diversity (Human Rights Watch, 2018). Such measures are introduced in the backdrop of a public whose majority is opposed to same-sex marriage in all countries in the region except the Czech Republic and Slovakia. Less than 5% support it in Armenia, Georgia and the Russian Federation (Pew Research Centre, 2018).

Even when countries move towards recognition of the rights of LGBTI people, incoherent laws and policies persist. In Lithuania, while the 2017 Law on Equal Treatment obliged secondary and post-secondary education institutions to guarantee equal opportunity for all students regardless of sexual orientation, an article of the 2011 Law on the Protection of Minors against the Detrimental Effect of Public Information prohibited the dissemination of information on

concepts of marriage and family values that differed from those in the Constitution and Civil Code (LGL, 2018). Likewise, plans are often not implemented. In Albania, civil society organizations report that the National Action Plan on LGBTI People 2016–2020 is not being implemented. Although it establishes that teacher training on LGBTI awareness should be in place, this is not mandatory (IGLYO, 2018).

Several state-level legislatures in the United States have recently been debating measures from restricting how teachers can refer to transgender students to banning health care targeted at their needs (Bled, 2021). This is in the context of 28 states having already considered or passed bills, as in Arkansas and Idaho, that prohibit transgender girls from playing on girls’ sports teams (American Civil Liberties Union, 2021). A recent such law in Florida makes it possible for schools to require a genital inspection of student athletes suspected of being transgender (Srikanth, 2021). It has been asserted that many of these laws have similar or identical language, with support from NGOs that oppose trans- and intersex-inclusive policies (Bled, 2021).

## CURRICULA EMBRACING LGBTI PEOPLE ARE RARE

An inclusive learning experience requires an inclusive curriculum, one that ‘takes into consideration and caters for the diverse needs, previous experiences, interests and personal characteristics of all learners. It attempts to ensure that all students are part of the shared learning experiences of the classroom and that equal opportunities are provided regardless of learner differences’ (IBE, 2019). Achieving this ideal inevitably raises political tensions, as curriculum decisions relate to the kind of society people aspire to achieve through education. Inclusion is an exercise in democracy.

Curriculum design and development often test the commitment to a broader and deeper inclusion paradigm. Original ideas encounter resistance if there is too little or too much attention to certain minorities. Parents may find it hard to reconcile some topics with their personal, cultural or religious beliefs. Teachers may realize the new curriculum requires them to teach new skills or take more inclusive pedagogical approaches. When the intended curriculum is interpreted and enacted in schools, reforms easily lose steam without proper understanding and mastery of



the expected pedagogies. Ultimately, what students receive and learn is affected by social and cultural norms, which contribute to what is sometimes called the hidden curriculum.

Countries around the world struggle to address sexual orientation, gender identity, gender expression and variations of sex characteristics in curricula. They tend to omit affirmative inclusion of such identities and realities. Many curricula either ignore LGBTI identities or treat them as deviant or abnormal. Understanding of gender identities, gender expressions and variations of sex characteristics in particular is very low: trans, non-binary and intersex people, with their specific needs and concerns, remain pathologized or invisible. Coupled with stereotypes and discrimination in everyday school life, this pathologization or lack of attention can have negative effects on the well-being of LGBTI students. It also deprives teachers of opportunities to discuss diversity and help create a positive school climate.

In most countries, sex and relationship education is covered in isolation in some subjects, typically health or biology, failing to include information on sexual orientation, gender identity, gender expression or variations of sex characteristics. Even where legislation or policies exist, a detailed curriculum or an oversight of the implementation of such messages is lacking. A recent review found that 23 Council of Europe member states did not address sexual orientation, gender identity, gender expression or variations of sex characteristics in the curriculum, 7 made it optional and 19 made it compulsory. Of the last group, 21% addressed sexual orientation only, 63% covered sexual orientation and gender identity and expression, and 16% also included positive inclusive materials for variations of sex characteristics (IGLYO, 2018).

Following recommendations by the LGBTI Inclusive Education Working Group, Scotland (United Kingdom) announced it would be 'the first' to embed LGBTI-inclusive education in the curriculum across all state schools by 2021 (Scotland Government, 2018). The Flemish community (Belgium) introduced mandatory gender and sexuality education for first-year secondary school students in 2019. The school inspectorate monitors curriculum implementation. The state of Berlin in Germany focused on concepts such as difference, tolerance and acceptance to introduce sexual diversity in the primary curriculum.

In Canada's Ontario province, grade 8 students learn to connect sexual orientation and gender identity with the concept of respect (UNESCO, 2016b).

In the United States, the 2017 GLSEN School Climate survey found that two-thirds of students had not been exposed to representation of LGBTI people and their history in school. It also found that students in schools with inclusive curricula were less likely to feel unsafe at school because of their sexual orientation (42% vs 63%) or to be often or frequently exposed to biased language (52% vs 75%) (Kosciw et al., 2018). California was the first US state to introduce a regulatory framework for inclusion of LGBTI people's contributions in history and social science curricula. In 2019, Colorado, Illinois, New Jersey and Oregon followed (Illinois Safe Schools Alliance, 2019).

By contrast, seven states have discriminatory curriculum laws. South Carolina's school board guidelines on sexuality education say that 'the program of instruction ... may not include a discussion of alternate sexual lifestyles from heterosexual relationships' (South Carolina Code of Laws, 2013). The Texas Health and Safety Code states that sexuality education content should emphasize 'that homosexuality is not a lifestyle acceptable to the general public and that homosexual conduct is a criminal offense' under state law (Texas Health and Safety Code, 2018). Discriminatory language can also be found in the state's education regulations and curriculum guidelines (Rosky, 2017). In Utah, civil society mobilization led to the repeal of a statutory prohibition against 'advocacy of homosexuality' as a step towards stopping discrimination based on sexual orientation and gender identity in public schools (Wood, 2017).

A survey of 6,000 teachers in Japan showed that between 63% and 73% felt the curriculum should cover sexual orientation, gender identity and gender expression (Doi, 2016). The current curriculum does not properly reflect diversity in sexual orientation, the 2016 curriculum revision having missed an opportunity to address this issue (Doi and Knight, 2017).

Among Asian countries, Mongolia includes sexual behaviour and diversity in its sexual and reproductive health curriculum in grades 6 to 9. In Nepal, the health and physical education curriculum in grades 6 to 9 discusses health and well-being of sexually and gender-diverse learners, with a particular focus on the

hijras, a transgender group recognized in Southern Asia as a third gender (UNESCO, 2015). In Thailand, where sex education has been taught since 1978, the 2008 core curriculum covered sexual and gender diversity under the rubric of sexual deviation (UNESCO, 2018). The new course and textbooks on physical and health education in grades 1 to 12, introduced in May 2019, cover sexual diversity (Thai PBS News, 2019).

Misrepresentation of certain sexual orientations and gender identities as deviant or abnormal is common. In the Philippines, negative stereotypes and association of LGBT identities with immorality have been documented (Human Rights Watch, 2017). The Philippines Department of Education issued a gender-responsive basic education policy in 2017 that called for an end to discrimination based on gender, sexual orientation and gender identity. The policy outlined measures for education administrators and school leaders, including enriching curricula and teacher education programmes with content on bullying, discrimination, gender, sexuality and human rights (Thoreson, 2017).

In 2014, Viet Nam changed the marriage and family law to decriminalize same-sex relations, although it did not legally recognize them. In 2015, it changed the civil code to allow trans people to change their legal gender, although the procedure to do so is not straightforward. Challenges persist because education does not expose students to inclusive content in relation to sexual orientation and gender identities. For instance, the 'central curriculum for schools is [also] silent on LGBT issues' and while some teachers may cover these issues in their lessons, the lack of a clear national strategy is a barrier to inclusion in the area of sexual orientation and gender identities. Inaccurate representation of same-sex attraction has fostered the belief that it is 'a diagnosable mental health condition' (Human Rights Watch, 2020).

A 2011 review of curricula in 10 eastern and southern African countries found that none addressed sexual diversity appropriately (UNESCO and UNFPA, 2012). However, Namibia's life skills curriculum in grades 8 and 12 at least refers to the issue of diversity in sexual orientation (UNESCO, 2016b).

In Latin America, there are different perspectives on curriculum and textbooks on the two sides of the education fault line. In Chile, biological sex is still equated with gender in most textbooks. Sexuality is approached from a reproduction and moralistic perspective that is rooted in the Chilean curriculum's exclusion of terms such as heterosexuality and homosexuality (Rojas et al., 2020). A study of three Catholic and private schools in Colombia found that curricula did not include literature referring to sexual orientation or gender identity (Pulecio, 2015).

In Guatemala, sexual orientation, gender identity and gender expression are not mentioned in the national curriculum. Panama's Law 61 on sex education, passed in 2016, focuses on sexual and reproductive health, but only from a heterosexual and gender-binary perspective (Barrientos and Lovera, 2020). In Peru, the basic education curriculum's long-term vision is for students to value diversity through intercultural dialogue in a democratic context (Peru Ministry of Education, 2016). As part of a commitment to develop competences for democratic participation and living together, the curriculum recognizes diversity in sexual orientation. After this was legally challenged by pressure groups, the government had to develop a communication strategy to defend the curriculum content (Peru Ministry of Education, 2017).

In Central and Eastern Europe, the Caucasus and Central Asia, some countries have taken steps to ban content on sexual orientation, gender identity and gender expression in education. Croatia does not mention rights based on sexual orientation, gender identity, gender expression or variations of sex characteristics in citizenship education, which focuses on human rights (Croatia Ministry of Science and Education, 2017). In Romania, a bill was submitted in November 2019 to ban 'sex and gender proselytism' in education. Russian Federation law prohibits even talking in school about the existence of the LGBTI community. However, other countries have taken action to address the issue. The 2013–18 Strategy for Improving the Quality of Life of LGBT Persons in Montenegro included projects focusing on non-violence and curriculum reviews, with support from the Council of Europe.

## TEACHERS NEED PREPARATION TO SUPPORT INCLUSIVE LEARNING ENVIRONMENTS

Teachers play a vital role in creating a safe atmosphere for all students, regardless of their sexual orientation, gender identity, gender expression or variations of sex characteristics. Even when laws, policies and curricula are in place, governments have to invest in teacher preparation. Teachers and other school staff need awareness, information and classroom management skills to address violence and resolve exclusion problems constructively in classrooms (UNESCO et al., 2018). They may also need training to understand the different realities of LGBTI people, as well as time and space to develop a critical understanding of their own beliefs, assumptions, prejudices and behaviours, which can sustain division rather than promote inclusion. Yet, in most countries, teacher education on sexual orientation, gender identity, gender expression and variations of sex characteristics is neglected and contentious.

Many teachers still report lacking confidence and knowledge to discuss LGBTI issues or support LGBTI learners. Ultimately teachers may not be immune to social biases, prejudices and stereotypes, a factor that needs to be taken into account in the design of teacher education. There are few and in some cases no surveys of public opinion that provide a global picture of attitudes towards different population groups based on their sexual orientation, gender identity, gender expression and variations of sex characteristics. Those that do suggest high levels of intolerance.

For instance, in one global survey that explored attitudes towards homosexuality, which covered 34 countries in 2019, 52% of respondents were accepting but in many parts of the world public opinion towards homosexuality was not favourable. For instance, 91% of Nigerians said it should not be accepted in society, the same as in the Russian Federation and Ukraine. Very low acceptance rates were also recorded in Indonesia and Tunisia (9%). Nevertheless, acceptance is increasing in many countries from low levels. In Kenya, the percentage who said homosexuality should be accepted increased from 1% in 2002 to 14% in 2019; in India, it increased from 15% in 2013 to 37% in 2019. While education level increased the probability of expressing an accepting opinion, other factors, such as religion, were strongly associated with intolerance:

In the Czech Republic, Israel and the Republic of Korea, those for whom religion is not very important were about 40 percentage points more likely to express an accepting opinion than those for whom religion is very important in their life (Pew Research Center, 2020).

Just 9 out of 49 countries in the Council of Europe offer pre-service training with references to sexual orientation, gender identity, gender expression and variations of sex characteristics, while 21 countries offer some type of in-service training (Council of Europe, 2018). Moreover, such training is mandatory in only four countries, while just one country covers variations of sex characteristics in its mandatory training (IGLYO, 2018).

Less than half of teachers surveyed in Albania said they felt well informed on LGBTI rights, and two-thirds reported that they did not react when LGBTI adolescents were bullied (Pink Ambasad, 2018). Backlash in the media halted a series of workshops in Tirana schools aimed at eliminating discrimination based on sexual orientation in a pilot project of the Ministry of Education, Sport and Youth (ILGA Europe, 2019). In the French community in Belgium, a mandatory course covers the theory and practice of cultural diversity and its gender dimension, while a teaching guide proposes a set of actions within the framework of extracurricular activities. In the Flemish community, the teacher education curriculum does not include awareness on sexual orientation, gender identity, gender expression and variations of sex characteristics. Çavaria, a civil society organization, supports specific courses and activities for teachers in collaboration with the Ministry of Education. There is also a country-wide action plan against homophobic and transphobic violence, adopted in 2013 and renewed in 2018, which calls on schools to raise awareness (IGLYO, 2020).

In Cyprus, the 2010–11 education reform establishes that sexual orientation and gender identity should be discussed as part of compulsory education (Cyprus Family Planning Association, 2015). In Sweden, sexuality and gender identity were introduced in the updated 2015 primary and secondary curriculum in biology, history, religion, ethics, and civics (Council of Europe, 2018). Scotland's LGBTI Inclusive Education Working Group recommended pre-service and in-service training to raise awareness among teachers and sustain their confidence to teach (Scottish Government, 2018).

In practice, even when teachers receive some preparation, they are challenged in implementing what they have learned, especially in some contexts in which they teach. Two pre-service training programs involving 240 student teachers in Nova Scotia, Canada, had a positive impact on awareness and confidence in creating a positive environment but revealed some major challenges in the extent to which participants effectively understood particular issues such as power imbalances or the interruptions of discriminatory situations (Kearns et al., 2014). A survey of secondary school teachers in Minnesota, United States, showed that less than one in four integrated LGBTI literature in the curriculum, even though more than half felt comfortable using it. Only 18% of rural teachers used such literature relative to 46% of urban respondents (Page, 2017).

In seven Latin American countries, LGBTI students could identify at least one supportive teacher or school staff member, but most students had a negative experience of teacher attitudes to sexual orientation and gender expression. In most countries, only two-thirds of students reported an average level of school staff intervention when homophobic or transphobic language was used in school, which indicates that such behaviour was often condoned (Kosciw and Zongrone, 2019).

In Chile, after an administrative directive instructing schools on ways to accommodate transgender students' needs, the Ministry of Education developed practical guidance for inclusion of LGBTI issues in classroom and school activities, including recommendations for teachers (Chile Education Superintendency, 2017; Chile Ministry of Education, 2017). Chile's 2015–18 Education for Gender Equality Plan introduced continuous teacher professional development at national level on gender, discrimination, inclusive schooling, sexuality and sexual diversity in the classroom.

Peru's Good Teaching Performance Framework mentions gender and the need to cater to students' diverse expressions of gender identity. However, while pre-service and in-service teacher education is being aligned with the gender equality approach of the national curriculum, normative understanding of gender persists among teachers and the cultural patterns that stigmatize sexual diversity are not explicitly addressed (Muñoz, 2020). Many teachers and trainee teachers reportedly have expressed homophobic attitudes (Penna and Mateos, 2014).

Lack of diversity among teachers and other education personnel also jeopardizes inclusive policies. Even where sexual orientation, gender identity, gender expression and variations of sex characteristics are not criminalized, LGBTI teachers and support staff have reported suffering from discrimination in Brazil (Prado and Lopes, 2020), Chile (Rojas et al., 2020) and Paraguay (Stromquist, 2018), among other countries. Networks, social movements, collectives and unions have been formed to provide support (Prado and Lopes, 2020).

Laws in seven English-speaking Caribbean countries, including Grenada and Saint Kitts and Nevis, criminalize consensual adult same-sex sexual relations. Teachers are still ill-equipped to intervene to stop bullying of LGBTI students at school, as it is very challenging to address such issues in pre-service or in-service teacher education (Human Rights Watch, 2018).

Finally, a review of southern African countries supported by UNESCO found that the life skills curriculum for grades 8 to 12 and the corresponding teacher manual in Eswatini touched upon gender and diversity-related issues but teachers themselves were not trained and could not deliver it (UNESCO, 2016).

## STUDENT, FAMILY AND COMMUNITY ENGAGEMENT IS IMPORTANT TO ADDRESS BARRIERS

Even the best-designed laws, policies and measures cannot go far if the education community is not behind them. Students, parents and communities can drive but also resist attempts at inclusion in education, when, as is common, they hold discriminatory beliefs. They therefore need to be involved in planning, implementation and evaluation, including in strategies that identify and support children who are bullied, redirect the behaviour of children who bully, and change the attitudes of adults and youth who tolerate bullying behaviours. LGBTI children and youth are often marginalized and lack peer structures enabling them to form and express views.

LGBTI affinity groups, such as the so-called gay–straight alliances, are peer structures that support students, raise awareness and provide safe spaces (Kosciw et al., 2011; Ioverno et al. 2016). They are related to improved safety, attendance and academic performance of LGBTI youth, enhancing inclusion in school (GLSEN, 2007). A study of

secondary schools in British Columbia, Canada, found positive effects of school-based gay-straight alliances and explicit anti-homophobic bullying policies on all students' socio-emotional health (Saewic et al., 2014). A survey of youth in Colorado, United States, found that the size, visibility and level of activity of such groups but also the degree of school support were positively correlated with student school engagement (Seelman et al., 2015). The characteristics of gay-straight alliance advisors also had a potentially positive influence on affected youth's self-esteem (Poteat et al., 2015). Such school-based activities can also draw attention to the critical but often neglected role of bystanders, including peers, in addressing all forms of school violence and bullying.

Engagement of parents and families with their children is also very important. But that also requires opportunities for families to receive support and improved knowledge not only to prevent them from expressing rejection but also to protect their children from threats they receive due to their sexual orientation and gender identity (SAMHSA, 2014). The Family Acceptance Project in the United States aims to help families decrease rejection and increase support to prevent risk and promote their children's well-being. It has developed research-based education materials and resources supporting a new model of family-related care to prevent health and mental health risks (San Francisco State University, 2021).

The role of NGOs has been instrumental but is not without challenges. In Albania, the Ministry of Education, the Municipality of Tirana and the organization Aleanca LGBT began a series of workshops in public schools in 2018. The campaign was met with hostility from media and social media, including from public officials. The Ministry consequently cancelled the programme and stopped the anti-bullying activities in schools (IGLYO, 2020). As part of a research project aimed at consulting with parents on LGBTI content in curricula, supported by the New South Wales state government in Australia, 34 in 39 primary and secondary schools declined to participate. Many cited the project as 'incompatible with the parent community' (Ullman and Ferfolja, 2016).

In 2019, after the UK Parliament voted for primary-level sex and relationship education that would include

LGBT topics, there were demonstrations in front of a primary school in Birmingham that had introduced lessons about same-sex relationships. About 400 parents signed a petition to stop the lessons and threatened to withdraw their children, with the result that the classes were suspended (Stewart, 2019; The Economist, 2019; Parveen, 2019). New regulations on teaching Relationships Education and Relationships and Sex Education came into force in September 2020. All secondary schools now must teach pupils about sexual orientation and gender identity, and all primary schools about different families, which can include LGBT families. The process has been supported by Stonewall, a large NGO that provides training and membership programmes for schools and colleges (Stonewall, 2021).

Out of the Margins, another project of Stonewall, is a coalition of 24 organizations in Europe, Central Asia, Latin America and the Caribbean, and sub-Saharan Africa that aims to build evidence on exclusion faced by lesbians, bisexual and trans women in education (Stonewall, 2021). In the United States, GLSEN works to end discrimination, harassment and bullying based on sexual orientation, gender identity and gender expression and to prompt LGBTQ cultural inclusion and awareness in schools (GLSEN, 2021).

In Latin America, promotion of inclusion in education for LGBTI students often rests with civil society. In Chile, while the Children's Ombudsman (Defensoría de la Niñez), a public institution, specializes in defending child and adolescent rights, it is civil society organizations and foundations linked to the LGBTI movement that have provided political momentum, offering training to school communities to prevent and resolve situations of school violence (Rojas et al., 2020).

NGOs can and do play a positive role in monitoring the fulfilment of government commitments and standing up for those excluded from education – and governments need to create conditions that enable NGOs to continue playing that role. However, it is important that they are not seen as substitutes for the role education authorities, schools and teachers should play towards achieving inclusion. Last but not least, there are also NGOs that have spearheaded efforts to prevent governments from fighting exclusion and discrimination, invoking traditional values or cultures.



- Put students at the centre of efforts to prevent exclusion on the basis of sexual orientation, gender identity, gender expression and variations of sex characteristics. Inclusion is not just a result; it is first and foremost a process and an experience. An education of good quality should not just deliver academic success; the right to be in good physical and mental health, happy, safe and connected with others is as important as the right to learn. A positive classroom atmosphere, where teachers recognize and support students' effort, is crucial, as is a sense of belonging to the school and the peer group. Diversity in schools is necessary for children

to interact with peers from different backgrounds and to strengthen social cohesion. Governments and schools should help establish clubs and spaces that offer support systems, including adequate information, for any learner who has experienced bullying or violence. They should actively and meaningfully involve children, youth and youth organizations in the design, implementation and evaluation of interventions, meeting the CRC requirements of such participation: Be transparent and informative, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk, and accountable.

The International Lesbian, Gay, Bisexual,  
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IGLYO is a youth development and leadership organisation that strives to ensure the voices and experiences of LGBTQI young people are present and heard by decision-makers at European and international levels, by implementing and designing policy and research work in areas such as inclusive education. IGLYO also builds the confidence, skills and experience of LGBTQI youth through cross-cultural exchange and peer learning activities.

Global Education Monitoring Report  
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Developed by an independent team and published by UNESCO, the *Global Education Monitoring Report* is an authoritative reference that aims to inform, influence and sustain genuine commitment towards the global education targets in the Sustainable Development Goals (SDGs) framework.

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ED/GEM/MRT/2021/PP/45