

Summary report

27 July 2017

Policies to combat bullying based on sexual orientation, gender identity/expression or sex characteristics in educational institutions

This summary report outlines the main learning points from the Good Practice Exchange Seminar organised by the Directorate-General for Justice and Consumers, and hosted by the Government of Portugal on 26 and 27 June 2017 in Lisbon.

Introduction

At this good practice exchange seminar, civil servants from the governments or national human rights institutions of 16 Member States and Norway:

- Learned about and discussed an overview of legislation and policies related to bullying based on sexual orientation, gender identity/expression or sex characteristics;
- Discussed effective approaches to combating bullying and fostering tolerance with fellow civil servants, experts including from civil society, and European institutions;
- Shared and learned about specific case studies and good practices to combat bullying based on sexual orientation, gender identity/expression and sex characteristics.

About fundamental rights

Opening the seminar, speakers and participants all agreed tackling violence based on sexual orientation gender identity/expression and sex characteristics (SOGIESC-based violence) was part of efforts to uphold every child's fundamental right to be free from violence, and to be educated in a safe space. This view was frequently repeated in other discussions throughout the event.

The situation in Portugal

The seminar started with a brief overview of the situation in Portugal, where the Commission for Citizenship and Gender Equality (CIG) supports studies, public initiatives and campaigns on issues of concern to LGBT people, including bullying at school.

The students' statute law mandates that all students must be treated with respect by all members of the educational community, and may not be discriminated against on any ground. Sexuality education is compulsory, and features a specific focus on sexual orientation and gender identity/expression. A national plan for gender equality, citizenship and non-discrimination spans 2014–2017 and focuses on in-service training for education professionals to prevent and combat all forms of discrimination, including on grounds of sexual orientation or gender identity/expression.

NGOs including ILGA-Portugal and Rede Ex Aequo raise awareness in schools, ensure children's books and materials are available in libraries and other relevant venues, and inform several thousand students each year on LGBTI issues.

Applicable Council of Europe standards

Several Council of Europe standards and texts apply in this domain. In addition to calling on Member States to prevent and combat SOGIESC-based violence in education (Committee of Ministers Recommendation CM/Rec(2010)5 on measures to combat discrimination on grounds of sexual orientation or gender identity), the Council of Europe also focuses on the right to education for all (Strategy for the Rights of the Child 2016–2021; Resolution 2096 of the Parliamentary Assembly on Access to school and education for all children) and access to education for transgender individuals (Resolution 2048 on Discrimination against transgender people in Europe).

Two approaches to combating SOGIE-based bullying

Two different approaches to combat bullying based on sexual orientation or gender identity/expression were presented: an exhaustive action plan focused on sexual orientation and gender identity/expression, and a non-SOGIE-specific anti-bullying programme.

First, the member from Norway presented 'Safety, Diversity, Openness: The Norwegian Government's action plan against discrimination based on sexual orientation, gender identity and gender expression 2017–2020'. She presented the advantages of a holistic approach, including a dedicated budget (NOK 75m in 2017, approx. EUR 8m) and actions designed for a specific ground, or specific grounds, of discrimination. Actions start from kindergarten (ages 0–6). In addition to the action plan, Norway introduced new changes to its Education Act on the school environment; a new law on equality and discrimination; a reviewed curricular framework; and a new anti-bullying campaign. All new policies include a zero-tolerance approach to any form of bullying.

Second, the member from Finland presented the national anti-bullying programme KiVa, an acclaimed evidence-based approach to eliminating all forms of bullying. The programme differentiates between age groups (6–9, 10–12 and 13–16), and features two

focuses: first, universal actions to prevent bullying directed at all students; second, targeted actions to end instances of bullying directed at children and adolescents involved in bullying. KiVa, now a licensed programme, measurably decreased instances of bullying.

Challenges in monitoring SOGIE-based violence

Not all Member States gather data on SOGIE-based violence: those who do involve their national human rights institutions, equality bodies, youth or social issues ministries, or rely on data generated by civil society and/or universities. Those who do not rely on EU-generated data, including the 2013 FRA EU LGBT Survey.

Among the challenges in monitoring SOGIE-based violence, members mentioned different ways of registering hate crimes in Europe, which require harmonisation for them to generate comparable data. For example, Norway's action plan offers a suggested standard to generate hate- and discrimination-related data through surveys. In Ireland, bullying incidents are monitored at the school level but data is not collected nationally. In the Netherlands, the Ministry of Education, Culture and Science monitors the safety of LGBT children every other year. In Portugal, however, the constitution forbids collecting data on personal characteristics, including sex or sexual orientation; education personnel know what happens, but cannot share information linked to personal characteristics.

Members also discussed the general increase of discriminatory or hate-related acts, and the age-appropriateness of monitoring bullying from early ages (and indeed the characteristics that make monitoring or interventions age-appropriate).

Training and support for education staff

Members presented three different approaches to providing training and support for education staff: a SOGIE-specific programme tested and rolled out nationally (in the United Kingdom); the adoption of new, SOGIE-specific laws and policies (in Malta); and raising awareness among staff by NGOs as an example of a bottom-up initiative (in Poland).

In the United Kingdom, the Government Equalities Office has sought to improve staff awareness and understanding of bullying based on sexual orientation. The current plan spans the period 2016–2019, and benefits from a budget of GBP 3m (approx. EUR 3.35m). After testing the effectiveness of different approaches, the government partnered with civil society and universities to roll out staff training, new school-level policies, curricula and student-led activities to combat homophobic bullying. These interventions will reach at least 1,200 schools with no or ineffective measures in place currently. Education staff will be challenged to look at their own stereotypes, and see their capacity, confidence and skills increase. Universities will evaluate the programme.

In Malta, the Respect for All framework guides governmental policy-making in relation to education; it sees learning as the central aim, supported by four essential pillars: to know, to be, to do, and to live together. The law also forbids any form of discrimination on grounds of gender identity, gender expression or sex characteristics, as well as surgical intervention affecting bodily integrity without patients' consent. Under these framework and law, the government issued the 'Trans, gender variant and intersex students in schools policy' in 2014. Together with a set of procedures and a strategy (both made available to participants), the policy establishes standards for schools and other educational institutions to deal with issues related to gender identity expression or sex characteristics, clearly establishing what students, staff and parents can expect.

In Poland, the non-governmental organisation Campaign Against Homophobia works with teachers' unions and teacher training centres to train staff in dealing with SOGIE-based violence. This makes it possible to raise awareness of SOGIE-related issues in a less supportive policy and legal context than in the two previous examples. These trainings are not part of any official curriculum, but their provision in tandem by a specialised NGO and trade unions or teacher training centres mean they are visible and readily available to interested teachers. NGOs also provide similar trainings in the Netherlands.

Case study: Addressing trans- and intersex-specific bullying

The member from Malta presented her government's approach to combating bullying based on gender identity/expression and sex characteristics. The government favours a whole-school approach: the 'Trans, gender variant and intersex students in schools policy' takes all aspects of school life into account, allowing schools to approach these issues from many angles (the curriculum, support to students, working with parents, working with civil society). The policy touches upon:

- Access to gender-specific activities and areas
- School documentation
- Names and pronouns
- Uniform
- Students transitions
- Bullying
- Training
- School Community Partnerships
- Intersex specific needs and issues

The policy only establishes minimum requirements: schools may provide stronger protection.

Currently only a handful of schools have hosted self-

Belgium: A new policy for pronouns

Higher education institutions now take into account trans students' gender, name and pronoun, ensuring these are respected throughout their higher education journey, from registration to the awarding of degrees. At one of the country's largest universities, students are invited to provide a social name – which does not have to match the name on their official documents.

declared intersex children; about ten trans children and their families receive support and assistance from student support services and civil society.

Participants agreed that currently, the European landscape for intersex-specific issues doesn't feature many distinct legal or policy developments. Participants were told it was fair to consider this 'new', to search for information and learn. Intersex issues are indeed still relatively new in Europe, and policy officers and LGBTI organisations themselves are learning about their specificities.

Case studies: The role of the curriculum in combating violence

The member from the Netherlands explained there was no national Dutch curriculum: there are (mandatory) national curricular objectives, and schools must decide how they will fulfil them. Practical guidelines help schools and teachers determine the most appropriate ways to discuss gender and sexual diversity with different age groups, and the Dutch School and Safety Foundation develops learning materials and makes it available online and at conferences. The national educational goals on sexual education and diversity focus on respect and citizenship, and so do the guidelines and school material. Recently some educational material was added on the topic of intersex children. Because of students' lack of knowledge on this particular topic, this takes a more factual approach. It can contribute to making diverse identities usual, and to decreasing instances of bullying.

The guest speaker from Ireland also presented a programme to prevent and combat bullying in schools in six school areas. The approach, based on a "Safety and support" narrative, was piloted in two schools. It involves parents, local youth services, a new online forum for teachers, and features awareness-raising activities in relation to SOGIE-based violence – including an annual awareness-raising week and videos. The initiative has had a positive impact and contributed to reducing numbers of bullying acts.

Members discussed the need for key studies, good practices and recommendations to be disseminated in English in Europe. Members were referred to the ongoing work of IGLYO, ILGA-Europe and the Council of Europe, with publications foreseen from late 2017 onwards.

Case studies: Providing support for students and education staff

The member from Belgium presented "Are you hooked up?" an awareness-raising campaign targeting the education, youth and sports sectors. It addressed young people as well as professionals in those sectors, portraying LGBT individuals under different angles and promoting the view that people can't be reduced to one aspect of their identities. The campaign involves all actors in the educational community. The regional government of Wallonia-Brussels also developed a database of related resources for educators.

In Portugal, in recent years the Minister for Education sent out instructions to all schools to mark the International Day Against Homophobia and Transphobia, which schools do in their own way. However, there remains some opposition to bringing LGBTI issues into some schools, particularly with a national top-down approach.

The guest speaker from Portugal also presented a full-fledged awareness-raising campaign, the Alliance of Diversity, which also addresses LGBT students as well as teachers and other education staff (working with staff allows tapping into their expertise and personal knowledge of students). The campaign also provides age-appropriate LGBTI-friendly books to school libraries; engages with parents through weekly meetings; organises a “living library”¹ to help younger children grasp diversity; and sees an increasing number of gay-straight alliances (student-led clubs and initiatives for young LGBTI and non-LGBTI people to get to know one another) set up.

Participants discussed various challenges in providing support to students, including in France, Italy, Luxembourg and Portugal.

Case studies: Addressing online bullying, and online responses to bullying

The youth LGBT NGO BeLongTo from Ireland discussed on-going work in partnership with Facebook, Twitter and Grindr (a dating app for gay and bisexual men). After identifying and working with the right employees in those companies, requests to remove harmful content are now effective more quickly. The NGO advocates for specific legislation to outlaw online bullying, and offers direct support to young victims of bullying. They added that young people who bully are often unaware of this fact, and recommend training LGBT young people to moderate online spaces, because they can identify hate speech and bullying better themselves.

The group also discussed the challenges involved in protecting LGBTI children and young persons from bullying when it takes place in online environment such as dating websites, or when having to keep online forums safe from ‘sexual predators’. The guest speaker referred to a solution by requiring forum members to identify themselves with a picture holding an identification document, although this greatly reduces members’ anonymity and privacy. The group discussed the option of closing online forums, though another speaker stressed online environments also made it possible to reach isolated LGBTI young people.

¹ A living library is a way to encourage inter-group encounters and reduce stereotypes about other people on grounds of origin, race or ethnicity, sex, gender, sexual orientation or gender identity/expression, ability, etc. More information is available from the Council of Europe at <http://bit.ly/2vhJIQk>.

Participants agreed the ideal approach to reducing online bullying was to enact specific legislation, and spoke positively of efforts to explain what bullying is; to encourage peer support as young people are more likely to confide in peers; to help teachers, parents and schools understand online bullying; and of teaching young people ways to protect themselves from bullying. For example, in the United Kingdom a new project encourages online bullying victims to send screenshots to a responsible person in their school. In the Netherlands, a new website (‘Jong En Out’, ‘Young and Out’) allows young people to exchange safely by displaying an official ID document.

Enabling parameters

In addition to the parameters mentioned in the discussion paper, participants agreed the following elements were helpful or essential to successful education sector responses to SOGIESC-based bullying: firstly, the support of parents and parent organisations; unsupportive or strongly objecting parents make it almost impossible to argue for the best interest of the child. Secondly, the commitment of education authorities all the way from middle managers and school boards up to responsible ministers. Thirdly, supportive legal and policy frameworks. And fourthly, genuine consultation and engagement with both the educational and LGBTI communities.

Concluding remarks

In its concluding remarks, the European Commission underlined that addressing SOGIESC-based bullying was part of protecting and upholding fundamental rights in the EU. It recalled that whole-school approaches appeared the most effective in addressing and preventing bullying, and stressed that there was no ‘one size fits all’ approach: Member States should identify the most strategic approach in their socio-economic and political contexts, in order to best abide to their obligation to protect children from violence.

The European Commission finished by reaffirming that data gathering is key to any evidence-based policy making: every member was invited to collect information on research, projects, training and awareness-raising activities, surveys or good practices that can be mapped and whose main results may be translated in English for international dissemination.

Further resources

For the most recent overview of issues surrounding violence based on sexual orientation or gender identity/expression in education:

- UNESCO (2016) *Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/expression*. Paris: UNESCO.
Available from: <http://bit.ly/2ot9M13>.

For an authoritative global overview of bullying and cyberbullying, including children's views of the issue:

- United Nations (2016) *General Assembly, Protecting children from bullying: report of the Secretary-General, A/71/150* (26 July 2016). Available from: <http://bit.ly/2nHsymu>.

For a non-SOGIE-specific overview of policies to prevent and tackle bullying in EU Member States:

- Downes, Cefai (2016) *How to Prevent and Tackle Bullying and School Violence: Evidence and Practices for Strategies for Inclusive and Safe Schools (NESET II report)*. Luxembourg: Publications Office of the European Union.
Available from: <http://bit.ly/2osZGgO>

For a comparative overview of LGBT people's experience of violence and discrimination in EU Member States, including in education:

- EU Fundamental Rights Agency (2013) *EU LGBT survey: Results at a glance*. Luxembourg: Publications Office of the European Union.
Available from: <http://bit.ly/1eofjHD>.

For a brief overview of cyberbullying:

- Livingstone, Stoilova and Kelly (2016) "Cyberbullying: incidence, trends and consequences". In *Ending the torment: tackling bullying from the schoolyard to cyberspace*. PP. 115–120. Office of the Special Representative of the Secretary-General on Violence against Children. New York: United Nations.
Available from: <http://bit.ly/2dHYq1v>.

NGOs

- IGLYO
[LGBTQI Inclusive Education website](#) (The full site will be launched in October 2017)
[Teacher's guide to inclusive education](#) (2015)
[Inclusive education guidelines](#) (2015)
[Minimum standards to combat homophobic and transphobic bullying](#) (2014)
[Impact of homophobic and transphobic bullying on education and employment recommendations](#) (2014)
[Impact of homophobic and transphobic bullying on education and employment research](#) (2013)
- BeLonG To
<http://www.belongto.org/>
- Rede ex aequo's
<https://www.rea.pt/>.
The Education Project : <https://www.rea.pt/projeto-educacao/>
the Project tackling bullying (Inclusion Project) is <https://www.rea.pt/projeto-inclusao/>.
- ILGA-Europe
ILGA-Europe and OII-Europe toolkit: Standing up for the rights of intersex people:
https://www.ilga-europe.org/sites/default/files/how_to_be_a_great_intersex_ally_a_toolkit_for_ngos_and_decision_makers_december_2015_updated.pdf
Alliance for diversity Portugal <http://ilga-portugal.pt/add/addembreve.png>
Documentation and advocacy fund on education, including results on cyberbullying from Spain <https://www.ilga-europe.org/what-we-do/our-work-supporting-movement/funder/daf/completed/XIII>
- Campaign Against Homophobia (KPH) (Poland)
<https://kph.org.pl/>