

UNIVERSITY OF MACEDONIA

DEPARTMENT OF BALKAN, SLAVIC AND
ORIENTAL STUDIES &

DEPARTMENT OF INTERNATIONAL AND
EUROPEAN STUDIES

MSc: HUMAN RIGHTS AND MIGRATION STUDIES



DISSERTATION TITLE:

**A critical analysis of LGBTQ+ inclusion in educational
settings across EU member states**

Supervisor: Prof. Chainoglou Kalliopi

Student: Karageorgou Eleni Anna

Thessaloniki, 2022

ABSTRACT

The right to education is legally guaranteed and offered without discrimination to anyone, since it was firstly enacted in 1948, in the Universal Declaration of Human Rights. The establishment of that right also applies an obligation upon all the states, to protect it and therefore, if violated or deprived in any way, the culprit must be held accountable. From that moment on, many international Instruments and Covenants have included the right to education among their legislative documents, further strengthening its legal bondage to the states. Despite the international, regional and national legislations protecting the right to education though, when the case is about an LBGTQ+ individual, one will quickly understand that the teaching experience varies significantly.

This dissertation aims at examining the discriminatory practices that hinder the inclusion of LBGTQ+ individuals in educational settings across member states of the European Union. There are currently many examples of discrimination that LBGTQ+ persons experience, from the forms of violence they face from their fellow students and/or teachers to the lack of national strategies addressing the non-inclusive dimensions of current educational systems, or the lack of appropriate school staff training on the matter of gender expression. The dissertation further looks into the policies and measures that the EU is advancing in order to promote inclusivity in education for LBGTQ+ persons and aims at identifying the factors that hinder or delay equality for all in educational settings.

KEYWORDS: inclusive education, LBGTQ+ education, right to education

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ACRONYMS

CoE	Council of Europe
CEDAW	Committee on Elimination of Discrimination against Women
CRC	Convention on the Rights of the Child
EU	European Union
EC	European Commission
EP	European Parliament
GIE	Gender Identity and Expression
ILGA	International Lesbian, Gay, Bisexual, Trans and Intersex Association
ILGA-Europe	European Region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association
IGLYO	International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization
ILO	International Labor Organization
LGBTQI	Lesbian, gay, bisexual, trans, queer and intersex
NGO	Non-governmental Organization
OII Europe	Organization Intersex International Europe
SOGIESC	Sexual orientation, gender identity and expression and variations in sex characteristics
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization

INTRODUCTION

Europe presents itself as a friendly environment, where one would enjoy their rights to the fullest, because these are very well guarded and insured. One of these cases, is the right to education, which is protected by the Council of Europe and the European Commission. Moreover, the Council of Europe itself worked with the United Nations on the matter of inclusive education, one of the goals for Sustainable Development, that are to be reached by 2030. Inclusive education, is goal number four and within it, there are several more targets to be achieved in the concept of inclusivity such as gender equality in education, equal access and equal participation.

European Union as well as the rest of the world made a promise, that until 2030 we will have reached the goal for equality in education, universal primary and secondary education, equal access to technical/ vocational and higher education, gender equality and inclusion, universal youth literacy and education for sustainable development and global citizenship. However great all these targets seem to be, they are far away from the results that this commitment has brought so far, now that we are seven years away from reaching the deadline of that goal.

One of the reasons behind it is the fact that Europe forgets to address the discrimination that the LGBTQ+ society face in education, despite the fact that the targets clearly embody inclusion. A small example of the modern society, is also how schools are formed, since schools have the responsibility to prepare the young generations for the modern world. It is of vital importance that whatever change is made into the society is also applied in schools, so that all the aspects of education portray a healthy role model for young people to follow and learn from. That means that the way of including minorities needs to be compassionate, respectful and with zero tolerance to violence and discrimination, so that these are the messages that the students will adopt in their characters.

As it is viewed, the issue of inclusivity for the LGBTQ+ in education is a matter that hasn't been properly addressed neither in the field of legislations in a European level, nor by the EU member states separately, in a national level. There are a few bright

examples that show steps towards a more inclusive school environment, but those exceptions are meant to be the rule that applies to all countries European-wide and world-wide.

Inclusivity, is an exercise in democracy. The democratic way of thinking includes everyone and excludes no one. Therefore, the LGBTQ must be included in all aspects of society. For that to become a possibility, the political agenda of the States should be broadened. According to Seidman, there ought to be changes in at least three dimensions.

The first one includes the respect of national institutions, including governments, workplaces and schools. The second one is having social dialogues with international and national institutions to ensure that the voices of all people are heard. Last but not least, it is important to rethink the whole aspect of the term “good citizen”, to defend and include the LGBT and other under-represented social groups. More specifically, in the case of young members of that group, it is vital that their individual invisibility is changed into individual, and then social visibility. Then, what will follow is social recognition, acknowledgement and respect (European Youth Forum, 2000).

It seems though, that the outcome of Europe’s continuous neglect on the matter, results in data showing that 54% of of the LGBTQ+ students had experienced bullying in school and the same survey showed that 83% of the student population questioned, had witnessed some type of negative remarks addressed to someone based on their sexual orientation or gender identity (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021). Despite all that, not all European countries present effective remedies towards creating a supportive and inclusive school environment.

To sum up, although the commitment for inclusive education remains, the steps towards achieving the goal are yet to be made. The current view of the society shows that despite the efforts in including the LGBT in different aspects of life, the school environment relatively stays untouched. This too, needs to change. The episodes of school violence against the LGBT confirm that the situation is not at all “well-handled” and this shows a great need for immediate action against violence and for the promotion of tolerance and acceptance. Europe has fallen far behind on creating a safe and welcoming school environment, that recognizes different gender identities, sexualities

and characteristics. So, having that in mind, I chose this topic to bring light to the issue of the exclusion that the LGBTQ+ society faces in educational settings.

First of all, that starts to be understood by presenting the specific obligations that the right to education brings upon the states. With that, the legislative background becomes clear and the reader is aware of the legal aspect of protecting the right to education as well as the LGBTQ+ rights. Then, I will be referring to the current situation in all educational settings, so that later on, I will be able to pinpoint the parts in education that need to be readdressed and the ways that the European States can bring themselves one step closer towards achieving goal number 4, on quality education by 2030.

CHAPTER 1: INTRODUCING THE LEGISLATIVE BACKGROUND

1.1. The right to education

This right falls under the category of civil and political rights and was originally mentioned in the Universal Declaration on Human Rights in 1948 in article 26. On there, the right to education is established for everyone and it is stated that education shall be equally accessible to all. Furthermore, education is connected with the development of the human personality and emphasized the need for it to be ensured as a way for the United Nations to promote and maintain peace. Another important fact that was covered is about the freedom of choice for the parents to select the kind of education that their children are going to get. Overall, this Declaration by the United Nations, presents the right to education as a way for children to reach their full potential, while teaching them how to respect one another and preserve peace.

Continuing their work for the right to education to be further inclusive, in 1990, the General Assembly along with the United Nations adopted the Rules for the Protection of Juveniles Deprived of their Liberty. That declaration included those students' right to education to give them the ability to prepare for their return to society, so that after their release they will be able to continue their studies without difficulty. These parameters were also covered by the Standard Minimum Rules for the Treatment of Prisoners that was held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977. There was a concern for the education of the illiterate, but the treaty was not as inclusive as the one in 1990. This has to do with the fact that over time, human rights become more and more inclusive, leaving less and less people out of the educational systems.

One of the Conferences that aimed at doing that, was the 1976 Conference on Adult Education. The main purpose behind that, was to create equal learning opportunities for both young people and adults and for that, the matter was further discussed in the International Conference on Adult Education in 1997 and 2009 and the original document was updated in 2015. The draft, having as main focus articles 22 and 23, aimed at developing adult education and made sure that the states would be responsible for this task and that they would create public authorities and enhance the

participation of private sectors in order to help with the policies that would provide all the suitable mechanisms and funding for the proper functioning of adult education.

Many other International Conventions and Declarations were covering the right to education and made sure that this fundamental human right covers and protect more and more people. Those are the the Geneva Convention with the Treatment of Prisoners of War in 1949, in Article 38, and the Geneva Convention IV on the Protection of Civilian Persons in Time of war, where the right to education also includes that also includes that a prisoner of war, after they are led to safety, their educational pursuits are to be encouraged. The Convention on the Elimination of All Forms of Racial Discrimination in 1965, that protects against racial discrimination in education. The International Covenant on Economic, Social and Cultural Rights in 1966, in articles article 13 and 14, the right to education is also covered and viewed as a matter that is connected to self-dignity and is an indicator of a free society.

Then, the Convention on the Elimination of All Forms of Discrimination against Women in 1979, also covered the right to education in Article 10, but on a level of equality between men and women. It covered equality in all levels of education, career choice and obtaining diplomas in educational establishments by coeducation for men and women, equality in the teaching staff and elimination of any stereotyped role of men and women in the educational field. The Convention on the Rights of the Child, in 1989, with articles 28 and 29, that protects children from all forms of physical and mental violence in education.

In an additional document provided by the CRC Committee in 2003, on adolescent health and development, it is mentioned that the sexual orientation of the adolescents should also not be a cause for discrimination. The Convention on the Protection of the Rights of All Migrant Workers and Members of their families, in 1990, ensured the same educational rights for all the migrant workers and the members of their families in education, the Convention on the rights of persons with disabilities in 2006, that ensured the right to education and non-discrimination for people with disabilities and that all State Parties will take measures on the full inclusion of students with disabilities in education, by the learning of Braille, sign language and the employment of teachers who have knowledge of Braille and sign language and are qualified to teach children with disabilities, so it is clear that the education of the

teaching staff is also considered important in order to reach the best outcome for the education of the disabled. Then, the Declaration on the Rights of Indigenous People in 2007, that ensures equal treatment for indigenous people in terms of education.

Apart from these, the right to education is mentioned in many other treaties and conventions (Beco, 2009), such as the International Covenant on Civil and Political Rights, that associates education with religion in article 18, where the right to religious freedom is extended in educating children according to their parent's religious wishes (International Covenant on Civil and Political Rights Article 18, 1966). In the same way, the Convention relating to the Status of Refugees, included education as a freedom that all persons have, in correlation with the religious background of the refugees.

In 2011, the United Nations Declaration on Human Rights education and Training, enlisted the right to education about human rights and freedoms, making human rights education function on the principles of equality, accessibility and availability for all persons.

Apart from the International Treaties covering the right to education, it has been included in the work of the United Nations, and more specifically UNESCO. In 1960, UNESCO led the Convention against discrimination in Education. There, the term discrimination should contain any kind of distinction, exclusion, limitation or preference which, being based on race, color, sex, language, religion, political or other opinion, national or social origin, economic condition or birth and made sure that education was more inclusive and distinctive, clarifying that it should include all levels and also having access to it, plus the conditions under which education is given.

This brought the definition of education a step closer towards its completion, because it brought the matter of discrimination in education on the table in a way that its' lack of access and poor quality are also considered as serious forms of discrimination that needs to be eliminated, and it made sure that the State Parties would be held accountable for developing a national policy that creates equal opportunities in the matter of education in Article 4, the Convention obliged the State Parties to develop a national policy that promotes equality of opportunity in the matter of education.

The same convention followed many recommendations made by UNESCO. One of them, was the Recommendation Concerning the Status of Teachers, in 1966, where it was recognized that the significance of the role that teachers possess in whole

process of learning is great and there is a need for creating common standards for the status of teachers, such as training and research. In UNESCO's Recommendation concerning the Status of Higher Education Teaching Personnel in 1977, it was stated even clearer that all institutions of Higher Education are communities where scholars and teachers should be able to express their opinions freely and expand their knowledge all for the progress of society. Therefore, the teaching personnel should be able to have access to libraries, satellites, international computer systems and databases without any censorship, in order to improve their teaching or research and member states are obliged to grant the legislation for that to become possible.

Then, in 1989, the Convention on Technical and Vocational Education that was adopted by the General Conference of UNESCO, indicated in article 3 that no individual should be discriminated on any grounds while being admitted to any level of technical and vocational education. Articles 4 and 5, are about the review on the needs of the society and change its context while educating the teaching staff in order to adapt to scientific, technological and cultural progress. For that very reason, it ensures equal employment opportunities, without discrimination to the educational staff to retain and advance their qualifications.

Another Organization enlisting the right to education, was the ILO. The ILO in its Convention number 138 on the minimum age for employment in 1973, made clear that an important factor for the minimum age for employment should be the age of compulsory schooling, therefore ensuring that no child will be left out from school to participate in the labor force. Towards that goal, the ILO further discussed the matter in 1989 with the Convention number 169, concerning Indigenous and Tribal Peoples in Independent Countries. There, the member parties sought to address the matter of education and equal opportunities in education for all Indigenous people, by including lessons in their mother language. ILO had the same purpose when in 1999, with the Convention number 182, on Worst Forms of Child Labor, recognized the importance of education in the process of the elimination of children from the workforce and committed in doing so.

What is important to notice, out of that legislative process of inclusive education, is that it keeps moving forward and binds the right to education to everyone with less exceptions. The right to education also ensures that the obligations

accompanied with all the treaty members are met, therefore making the articles binding to the states not only in a positive aspect of providing inclusivity in education, but also guarantying that they will not violate or neglect to tend to that right. All in all, it can be said that the right to education, as any other human right is constantly evolving, creating more space for people to learn in a discrimination-free environment.

For that to be accomplished, several international agencies have developed a number of education indicators, such as the UNESCO Institute for Statistics, the Global Education Digest, the EFA movement and the OECD. There are also regional indicators such as the Asian Development Bank, the US Department of Education, the Institute of Education Science etc.

What is worth mentioning though, is that these indicators are more focused on the development of education and the access to quantitative research. A couple education indicators that are in a way more interested in the quality of education, are the Programme for International Student Assessment (PISA) by the OECD and the Southern and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ), that access the students' test results to measure their skills in comparison to the investments in education.

If these indicators don't focus on the right to education, which means that they don't measure factors related to discriminational practices, they don't provide information regarding the vulnerable groups and the violations of their right to education and they don't evaluate how education conforms to human rights standards. The only relative data that they provide regards gender, because it is included in both EFA Goal 4 and MDG 3 to achieve gender equality but in general, the indicators could be further used for good.

Still, the implementation of the right to education for LGBT individuals faces significant challenges, particularly in countries where LGBT individuals face legal and social stigma and discrimination. In many countries, laws and policies explicitly prohibit the recognition and protection of LGBT rights, making it difficult for individuals to access education, healthcare, and other essential services. For a matter such as this one to be addressed properly, one should take a look into the right to equality and non-discrimination, as in this situation, gets equally violated.

1.2. The right to equality and non-discrimination

After grasping a brief view of the legal documents that describe and enact the right to education, the right to equality and non-discrimination is another aspect to further look into, since the right to equality is what basically guaranties that all individuals will be treated as equal before the laws, policies and programmes of a country and that at the same time those laws and policies will act in an inclusive and non-discriminatory way towards the individuals, constantly taking into account their rights.

A useful definition of what can be described as discrimination was provided by the ILO in Articles 1,2 and 7, where it clarifies that the UDHR should also cover any kind of distinction on the basis of race, color, sex, religion, political opinion, national extraction or social origin and every person should enjoy equality before the law and will be protected. The same concept is described in the International Covenant on Civil and Political Rights in 1966, with Articles 14 and 26, in which the Covenant ensures that all persons shall be equal before the law.

In the International Convention on the Elimination of All Forms of Racial Discrimination, in 1965, included the right to non-discrimination from their opening statement and thoroughly connected it in Article 1 to racial factors and one year later, in 1966, the International Covenant on social, economic and cultural rights covered the right to non-discrimination in Article 2, where it mentions that the rights that will be ensured in the Covenant will be exercised without any discrimination.

Another International legislative document that not only covers this right, but filters its whole form with it, is the Convention on the Elimination of All Forms of Discrimination Against Women, that was adopted in 1979. It is a guide for all the practices that should be followed so as to avoid discriminatory actions that occur on the basis of gender. Taking that proclamation, the CEDAW Committee condemned any act of discrimination against women in all its forms and made sure that the concept of equality is to be applied to each national constitution and legislation, in order to ensure that the fulfilment of the obligations that come along this right will be kept as well. The whole Convention covers the right to equality in culture, education, politics, workforce, health care, economic and social life and law enforcement.

A few years later, in 1981, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, tied the right to non-discrimination with religion in Article 2 and also gave a definition of what is considered as discrimination, by further explaining that the expression: “ *by intolerance and discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief* ” (Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, 1981). Another International instrument that focused on eliminating discriminatory behaviors was the Convention on the Rights of the Child in 1989. The most important facts in the document were mentioned in Article 2, where nondiscrimination was founded.

Within the Convention on the Rights of Persons with Disabilities, that was adopted in 2006, article 2 also provides a definition on discrimination on the basis of disability and article 3 continues enlisting the right to equality in the general principles of the Convention. One more important fact is that the issue of accessibility is crucial to be guaranteed and the lack of it to be eliminated and for that reason, it ensures the obligation of the states to promote the freedoms of people with disabilities and adopt all the measures that are needed to protect them, to ensure equality before the law and to eliminate discrimination on the basis of disability. Article 5, is also dedicated to the right of equality and non-discrimination, as regards to the legislative part. Furthermore, the Convention assures the equality of women and children with disabilities and prohibits any act of discrimination towards them and in Article 24, the Convention covers the right to education, by saying that all people with disabilities should have equal opportunities and that the states should ensure an inclusive education system at all levels. The same concept of ensuring equality and non-discrimination was also the case in 2007, with the United Nations Declaration on the Rights of Indigenous Peoples. Equality and non-discrimination were brought up in Article 2, ensuring that the same appliances would be valid for all indigenous people.

It becomes clear that the basic concept behind equality and non-discrimination is connected to the equality before the law and its practice. It ensures that no different treatment because of a person's racial, economic, social or any other feature is tolerable. As presented in the Icelandic Human Rights Centre, international law recognizes a violation of the principle of non-discrimination if one or more of the following actions are true: a) equal cases are treated in a different manner; b) a difference in treatment

does not have an objective and reasonable justification or c) there is no proportionality between the aim sought and the means employed (Icelandic Human Rights Centre, n.d.).

The ILO has also covered the right to equality and non-discrimination with the Conventions 118 and 157, where respect to social protection and avoiding structural discrimination fell under the obligations of the state-parties to ensure the principle of non-discrimination in all aspects of the human life circle (Recommendation Number 202 - Social Protection Floors Recommendation, 2012).

Equality and non-discrimination, may be insured but the treaties needed to make sure that these principles will go on to address any remaining indirect discriminatory actions. For this goal to become more achievable, the UN Women's Progress of the World's Women, suggested that the states should work towards sustainable equality, meaning that equality must not be understood only via conventions and legal treaties, but also in terms of the outcomes and opportunities that these measures provide and try to make those as up to date as possible, to ensure that the needs of the society are met (UN Women, 2015).

Equality before the law and sustainable equality though, is not the only aspect of the right to equality and non-discrimination. According to the Special Rapporteur on human rights and the environment, it is also connected to a safe, healthy and sustainable environment, because due to the possibility of a person or group of people being exposed to a harmful environment because of the global issues of deforestation, water and air pollution, toxic waste, climate change and so forth, conditions such as those often lead to discriminatory practices against more vulnerable groups and this report shows that the states should protect people from these decisions and stop any discrimination that may come from the failure to ensure equal participation in the informing or decision-making on such matters.

In 2018, the Framework principles on human rights and the environment mentioned in principle 15 that the states are obliged to ensure that the benefits from the environment will be distributed equitably and fairly and that these obligations are also applied to indirect discrimination, with laws, policies or practices that don't address the issues of discrimination when these are surfaced. (Framework Principles on Human Rights and the Environment, 2018).

It appears that up to this day, there are many violations of the right to equality, that have to do with discriminatory behaviors towards a person or a group of people. Many are the cases where, this behavior is headed to more vulnerable groups, one of them being the LGBTQ+ community. This community is underrepresented in the previously mentioned treaties and legally binding documents and this has as an outcome their vulnerability when it comes to their enjoyment of both the right to education and equality.

1.3. International Treaties protecting LGBTQ+ rights

The rights of the LGBTQ+ community has been a topic with great legal concern and global interest for several years. Many efforts have been made during the past decades in order to recognize and protect the rights of those people, yet there are still areas where discrimination and violence against LGBTQ+ individuals prevail. In order for that to change, many international treaties are established. International treaties, is a great way for the states to have the ability to introduce new ways of legal placement around a certain topic and establish it in its whole, because it will ensure the acceptance and respect of these laws from all of the states involved in their making. At the same time, that process of enacting new laws will provide with liberties, opportunities and rights to the people who they protect.

The creation of new laws or review of the old ones is an everlasting process, that is constantly evolving, to match the needs of the society and create an inclusive legal framework for the promotion of the protection of human rights for all individuals. As times and society change, the legal system should follow that evolving process and that means that the right to education and equality needs to become more inclusive for LGBT people, since modern society is asking for more representation, liberation and equality of opportunities on the legal aspect for the aforementioned community.

One of the earliest international treaties, apart from the 1st article of the Universal Declaration of Human Rights in 1948, the 2nd article of the International Covenant on Civil and Political Rights in 1966, the 1st article of the International Convention on the Elimination of All Forms of Racial Discrimination, the 2nd article of the Convention on the Rights of the Child in 1989 and the 5th article of the Convention on the Rights of Persons with Disabilities in 2006, that were briefly covered previously,

and that all covered from different perspectives the fact that no person should feel discriminated against or mistreated or unprotected by the law at any reason.

Going back though, almost a decade before the CRPD, in 1994, with the case of *Toonen v. Australia*, the right to privacy for same-sex consenting adults was brought upon the UN Human Rights Committee. The claims made by Toonen got the case accepted and it raised awareness about the discrimination that homosexual people face in Australia and how the law leaves them unprotected and underrepresented in the right to privacy (*Toonen v. Australia*, 1994). The discussion behind this right was also put to the table with the case *Lawrence v. Texas* in 2003.

The Committee on the Rights of the Child, with the General Comment 4 on adolescent health and development that was issued in 2003, brought up the matter that the right to nondiscrimination should be covering the adolescents' sexual orientation.

It should be added, that the Conventions that were aforementioned did not specifically cover the issue of gender identity, therefore making people feel like their rights and needs were not met and needed to resort to court.

That would change with the Yogyakarta Principles on the Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity in 2006. Those principles were developed by a group of international human rights experts and activists and provide guidance on how to protect the rights of LGBTQ+ individuals, based on the existing international human rights law (*The Yogyakarta Principles*, 2006).

That document provided a broad understanding of how international human rights law should apply to sexual orientation and gender identity, because it covered a wide range of human rights such as the right to life, the right to be free from degrading treatment or punishment, the right to privacy, the right to education and so on and provided recommendations for how to address discrimination based on sexual orientation and gender identity. It recognized that the LGBT community face significant harassment and discrimination and called for the protection of the rights of LGBT individuals but despite their efforts and the fact that in 2017 ten more principles were added in the original document, the principles covered overall by the international meeting have never been accepted by the United Nations. Additionally, their efforts for making gender identity and sexual orientation a new category of non-discrimination

has been reportedly rejected by the General Assembly, the UN Human Rights Council and other UN bodies.

1.4. European Treaties protecting LGBTQ+ rights

The European Union has been a leader in promoting and protecting the rights of the LGBTQ+ rights by establishing laws or publishing scientific research to assist in the creation of a society of equality, where all individuals regardless of their sexual orientation or gender identity are treated with dignity and respect.

Social Inclusion has been an EU objective since 2000, when the Nice European Council in December 2000, included it at the European Social Policy Agenda. It is very important to note that the LGBT are facing discrimination that leads to their social exclusion. Therefore, tackling social exclusion for these people has been an important matter that the European Union presented in the Lisbon Strategy in 2000. In spite of the efforts made by the signing states, the exclusion of the LGBT youth from education and the labor force wasn't and hasn't been brought to their attention (Judit Takács ILGA-Europe and IGLYO, 2006).

In 1997, the Treaty of Amsterdam amended the Treaty on Europe (Treaty of Amsterdam, 1997) and caused the inclusion of article 13, in the Charter of Fundamental Rights of the European Union in 2000, because it gave the EU the power to tackle discrimination based on sexual orientation and managed to establish a legislation on anti-discrimination, such as the Employment Equality Directive in 2000, which prohibits discrimination on the basis of sexual orientation in the workplace. In multiple cases the European Commission and the European Council has recognized and linked them together, but the social policies by the EU haven't associated then via legislations.

With the Social Protection Committee that was adopted by the European Council in 2002, the issue of employment-related and income related exclusion was covered and in 2005, with the Joint Report on Social Protection and Social Inclusion, the member states tried to modernize the protection systems in order to eliminate the disadvantages in education, overcome discrimination and increase the integration of people within a minority group. Despite that effort though, the measures don't specifically mention LGBT people within the minority groups, so the appliance of the

measures is left upon the goodwill of public authorities (Judit Takács ILGA-Europe and IGLYO, 2006).

Within the same period of time, the European Commission has recognized that people who experience discrimination are particularly at risk of social exclusion and poverty, in the 2006 guidelines for preparing the NAPs/Inc. They have also identified young people of the LGBT community as a group particularly at risk of social exclusion because of their young age and sexual orientation in the European Youth Pact, adopted in 2005 in conjunction with the revised Lisbon Strategy and included that it should be a priority to improve the situation of the most vulnerable young people in order to eliminate educational failure. Yet again, they fail to specifically mention the LGBTQ youth among the categories of vulnerable groups.

In 2008, France and The Netherlands openly asked, in the name of the European Union, the General Assembly of the United Nations for the abrogation of laws that criminalize people on the strength of sexual orientation or gender identity and for the end of discrimination towards LGBTQ people. This suggestion was approved by 94 States and disapproved by 54, but despite its general acceptance, the resolution did not make it. The same year, the EU Commission proposed something similar, which was essentially the extension of the protection against discrimination based on sexual orientation to the areas of social protection, education and access to goods and services. That proposal though, hasn't also gained the agreement that it needs from the Member States (European Commission, 2020).

A year later, in 2009, the Treaty of Lisbon, also known as the Reform Treaty (Treaty of Lisbon, 2009), came into force. The main goal was to amend the two main treaties of the constitutional basis of the European Union and make them legally binding, through the incorporation of the Charter of Fundamental Rights of the EU into EU law. In this way, a more democratic EU emerged and the protection of fundamental rights, include those of the LGBTQ+ community, was established. With articles 2 and 10, it managed to further strengthen the protection of LGBTQ rights by specifically prohibiting discrimination based on sexual orientation, enabling the adoption of legal measures for the protection of victims of hate crimes, and violence based on diverse sexual orientations, gender identities, gender expressions and sex characteristics (SOGIESC).

Another thing that the Treaty of Lisbon made possible, is the foundation of the European Union Agency for Fundamental Rights (FRA), with a mandate to provide independent, evidence-based advice on fundamental rights issues to EU institutions and member states. The FRA has since conducted research on the experience of LGBTQ+ individuals in the EU and has even made recommendations for improving the protection of their rights, such as the improvement of the legal recognition of same-sex relationships in the EU. The problem though with that recommendation is that despite the specification of the FRA that all countries should recognize same-sex relationships and provide legal protections for LGBTQ+ individuals and families, some EU member states have legalized same-sex marriage while others haven't. Another significant recommendation was the request for the improvements of the policies and practices related to hate crime and hate speech, since LGBTQ+ individuals have been a target for SOGIESC based violence. Although there is still much work to be done to ensure full equality for LGBTQ+ community, the Treaty of Lisbon has been a milestone in this ongoing struggle.

The same year that the Lisbon Treaty came into force, the Charter of Fundamental Rights of the European Union was asked by the European Court of Justice to provide a basis for the protection of LGBTQ+ rights, after the legal case of *P v. S and Cornwall County Council* (*P v. S and Cornwall County Council*, 2009) made it into EU court, with the case concerning the dismissal of a transsexual for a reason arising from the gender reassignment of the person concerned, the EU made sure of the extension of the right of non-discrimination on cases of gender reassignment.

Since 2010, the EU also managed to set up the Platform of Diversity Charters to encourage and promote diversity and equal opportunities in the workplace for LGBTI people (European Commission, 2020). In 2013, the European Parliament's resolution on the situation of fundamental rights in the EU with the help of scientific research, highlighted the challenges faced by the LGBTQ people in Europe and created a foundation for policy changes that will help to further protect and promote the rights of LGBT individuals.

In 2015, the European Commission presented a list of actions that would combat discrimination in many aspects of the LGBTQs' lives such as education, employment, health, free movement, asylum and hate crime. It also managed to agree with the

existing at the time social media platforms on a code of conduct which asks them to review the majority of notifications of illegal hate speech within 24 hours and to remove such content if necessary.

A year later, in 2016, the Parliamentary Assembly of the Council of Europe, called all the states to ensure access by the LGBTI children to quality education, to promote equal participation, respect and inclusion of LGBT persons.

More recently, in 2021, in respect of the fact that there were made many violations of bodily autonomy against young people with variations of sex characteristics as they would often fall victims of harmful medical practices, the European Parliament was forced to take action on on the matter and published the EU Strategy on the Rights of the Child. This document includes the rights of intersex children and recognizes intersex genital mutilation (IGM) as a violent act against an intersex person and points the end of such a harmful practice, connecting it to the female genital mutilation (FGM). Also, it acknowledges the specific discrimination and violence that LGBTI children face because of their sexuality and focuses on ending any violent act against intersex children (European Commission , 2021).

Overall, there are many reports that fail to identify the underlying causes of the violence that is faced by the LGBT people and it seems as if the EU is going around the topic in circles, rather that explicitly cover it in their legislation. Since gender-based violence exists and since specifically vulnerable groups remain those in schooling age, according to researches, and it is also associated with the poor academic performance of the individuals subjected to it, ultimately these people will not have a smooth transition from their school life into the labor force, and they will clearly lack the means to participate equally to the labor market and their overall life.

Despite the advances, it is clear that the progress that has been made is really slow when compared to the changes and needs of the society and challenges still remain in the European legislative system when it comes to protecting LGBTQ rights.

There are still EU member states, in which same-sex couples do not enjoy the same rights and protections as opposite sex couples, and consequently suffer from discrimination and disadvantage in access to social protection schemes, such as health care, pensions, accessibility in educational settings and so on.

No matter how far the European Union has reached its legal frameworks to protect LGBTQ people, discrimination and violence against this community persist in many parts of Europe and all over the world, because in many cases EU countries decide their laws themselves and each state has its own legislative agenda on LGBTQ+ rights. EU maybe has made an effort to adopt gender-neutral legislations and tries to resolve any cross-border cases concerning divorce, parental rights, maintenance, inheritance and couples' property regimes in a way that is inclusive for LGBT people, yet enforcing these practices in other Member States isn't always an easy task. There is much scientific research around this issue and it has its aim on providing the necessary data in order to create the ground for further progress in the future.

CHAPTER 2: DOCUMENTING THE CURRENT SITUATION

2.1. SOGIESC-Based Violence as a form of Gender-Based Violence

The scope of inclusivity has been developed significantly over the last few years. As these actions and legislations towards inclusivity are in progress, more people feel represented within the educational settings of their country and they get to attend a learning environment where they feel safe from discrimination and violence and are, at the same time, encouraged positively.

Yet, in many countries it appears that equality in education for all, doesn't necessarily mean the LGBTQ community. Many people with different sexual orientation or sex characteristics, gender identity or gender expression are left out from any educational authority, at a central or local level, leaving the matter of their educational inclusivity unaddressed. That, according to Popp 2002 at (Uli Streib-Brzic, 2011), is considered as gender-based violence in a broader perspective, because it is associated with a more psychological violence such as relational violence, which can be performed in a non-verbal way, through humiliation, indifference, exclusion and/or the lack of access to qualitative education rather than taking physical form.

As this situation continues though, LGBTQ learners face homophobia and transphobia, which can be shortly defined as negative attitudes and discrimination against the individuals that express themselves in a way that the perpetrators perceive as non-heterosexual forms of sexuality and socio-sexual identification or gender expression in general. In some cases, these negative attitudes take the form of violence, school bullying, discrimination and other hostile conditions within their schools, as well as out of them, since the bullying can take the form of social exclusion or cyber bullying, physical or sexual assaults as students are on their ways to and from school. A survey conducted with the help of UNESCO in 2015 showed that violence against LGBTI students occurs in education-related environments such as classrooms, playgrounds, toilets, changing rooms, around schools, on the way to and from school, and online.

European statistics show that LGBT students are very highly likely to be targeted with negative comments with all European countries scoring more than 50%.

Which means, that more than 1 in 2 LGBT students will probably face gender-based violence at school (Jones, 2019). Further surveys showed that nearly two thirds (65%) of LGBT students face difficulties at school because of their sexual orientation, whether is homophobia from other peers (52%) or school staff (15%) or bullying behavior (45%), such as psychological intimidation, being ridiculed publicly or having personal items stolen.

Having that in mind and also taking into consideration the fact that the governments are engaging themselves in promises for a more equitable and qualitative future in education, it appears contradictory that they are tolerating the existence of a non-supportive school environment for the LGBTQ people, through discriminatory education policies, regulations, curricula, teaching materials and practices (Barry, 2019).

This apparently is connected to the fact that this community is under-protected in the legislative system as well. As illogical as it may seem, there are many examples that verify that failure. Firstly, there are currently 67 countries that still criminalize private, consensual, same-sex sexual activity and in 11 countries, having such relationships is punishable by death. The ability for a person to identify their gender legally, is not too often recognized as a right and if done so, it must be accompanied with certain criteria for the legalization to occur, such as surgical, hormonal, or sterilization criteria, hospitalization in a psychiatric facility, divorced without a dependent child adult, or even “the test of having a real life”.

The legislations that the states enforce on individuals regarding their freedom of expression in relation to their sexual orientation are highly restricting, while there are other cases of the states creating even worse conditions for the LGBTQ people. That is the case like for the Arab States, where new legal tools were enlisted to criminalize any expression of affirmation or support for homosexuality, or the Russian Federation, where the legislation prohibits the adoption of a child by individuals with “non-traditional sexual relations” under the penalty of fines and administrative sanctions.

There are European countries as well, that fail to have legal gender recognition procedures on minors, with the countries providing that opportunity being 10 out of the 47 that participate in the Council of Europe. Even in those 10 states though, the

procedure that is offered is costly and requires a pathologizing mental health diagnosis, while only 2 of those states operate it based on self-determination.

This leads to the violation of the right to bodily autonomy on the basis of sex characteristics, especially when it is accompanied with reduced information on any medical procedures that the LGBTI individual may request or need. European statistics provided by the European Commission show that 62% of intersex people who underwent a surgery at an early age declare that neither them nor their parents had given a fully informed consent before their medical treatment or procedure to modify their sex characteristics (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021).

The health care that the LGBTQ community is offered is too often inadequate and, in some cases, violating to the right of bodily autonomy and the right to health. There is a 62% of intersex people who underwent a sex-reassignment surgery that is testifying to a non-informing medical staff, that didn't provide all the required details of the procedure to the parents, leading to an uninformed consent before the medical treatments. These statements caused the European Parliament to pass resolutions regarding the prohibition of medical procedures on intersex minors, without the fully informed consent of their parents and themselves (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021).

Last but not least, when tackling the gender-based violence problem in education, one must take into consideration the side of the teachers that have different sexual orientation, or gender identity, or gender characteristics. LGBTI teachers are also vulnerable. They may be fired, or face violent and discriminatory behavior. Qualitative research conducted by the National Centre for Social Research and carried out with representatives from 41 LGBT organizations in Scotland, showed that since teachers feel uncomfortable to be open about their sexual or gender identity, it is unlikely that their students will gain a positive image and attitude towards LGBT issues.

Schools are not considered safe and supportive environments for teachers and students who belong to the LGBT group or wonder about being non-heterosexual. Especially students, that are in a high-risk position because of their age, are even more

susceptible to violence. IGLYO, which is an international LGBTQI youth and student organization, designed an online survey on inclusive education in 2019, with participants being young students that had just finished school. When asked about their overall treatment while at school, they responded that they experienced at least once bullying because of their assumed sexual orientation or gender characteristics, with trans women being at the top of the list on verbal abuse with name-calling because of their gender characteristics.

2.2. The forms of discrimination LGBTQ+ people face in educational settings

As it is stated by the ILGA, the primary domains in which individuals identifying as LGBT encounter discriminatory practices include familial settings, educational institutions, peer networks, religious communities, and mass media platforms. Out of these areas, the most dangerous appears to be school, with 61% of LGBTQ students reporting that they have negative experiences, prejudice and discrimination (Judit Takács ILGA-Europe and IGLYO, 2006). Since school appears to have a large percentage of non-acceptance, it is important that the exact forms that this situation can take are discussed, in order for the situation to become clearer as to why despite the fact that Europe has enacted policies that protect educational rights and the LGBT community, there are some cases of countries that seem to take steps backwards regarding inclusivity (European Commission, 2020).

A serious problem that the LGBTQ people face is that of recognition (Judit Takács ILGA-Europe and IGLYO, 2006). The term recognition, consists of many cultural and symbolical changes that involve the upward re-evaluation of their disrespected identities. Therefore, the issue becomes apparent if one would simply look at the way that the young LGBT people are covered in the legislations, which is insufficient and, in some cases, inconclusive. Additionally, this invisibility can be detected in many aspects of society and not only on the legislations. They experience invisibility at home, in school, in their school curricula, in the training material of the teaching professionals and in academic research. Where research exists, there is little representation of the different sexualities or gender-expressions, with the most studies being focused on gay men, rather than all the other individuals that exist under the umbrella of the LGBTQ+ spectrum.

Invisibility can also bring lack of representation in legislation. Legislation can reinforce discriminatory practices, since many countries still use legislations that haven't been reconsidered and further expose LBGTI people and take measures that lead to less inclusion in education. For example, in the Russian Federation the authorities try to discredit the recognition of diversity on the grounds of moral values and tradition. In other cases, although plans are made, they are not implemented. Such is the case with Albania, where the National Action Plan on LBGTI people of 2016-2020 is established, but it was never implemented in action, although it establishes that teacher-training on LBGTI awareness should be in place, it wasn't mandatory to follow (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021).

Another issue that is due to the invisibility of the LGBT in research, is the non-appliance of quantitative researches and statistical surveys that include sexual or gender identity related researches. Specifically, the demographic researches fail to produce questions about gender-related issues, so that the exact number of people with different sexual identities remain invisible. Some LGBT may not feel comfortable enough to answer these types of questions in a public questionnaire, but in any case, there could be an amplification of the community-based samples that are supported by governmental agencies, so that the researches could provide more data on the actual numbers of the population, in order to better address the issues that occur from their non-recognition.

Surveys provided by non-governmental organizations show that at least 42% of the global LGBT students have experienced insults, teasing, ridiculing, physical pain, threats and isolation, all these, as Vince and Stevens, 1999 report, while the students were at school (Judit Takács ILGA-Europe and IGLYO, 2006) and because of their gender identity, gender expression or sexual orientation. Additional survey conducted by Stonewall in the UK back in 1996 and was documented by Mason and Palmer, 1996, had a sample of 4200 gay and lesbian adults and managed to demonstrate that people under 18 were at risk from assaults and attacks and that 40% of them took place at school (Judit Takács ILGA-Europe and IGLYO, 2006).

There are also some cases, where the students are harassed not because they belong to the LGBT group themselves, but because they happen to have an LGBTQ

parent (Uli Streib-Brzic̃, 2011). In that situation, not only do they get asked personal and disturbing questions about their family, about the way things are at their home, their own sexuality and gender identity, but they can also be subjected to discriminatory behaviors, name-calling and violence.

The episodes in larger numbers include their peers but there are also reports where the teachers and/or school staff is also included. Students of the LGBT community indicate that teachers were part of their problem as they would fail to guide and support them and wouldn't stand up for them while being bullied by their peers or reacted passively to the violent behaviors or not at all. This is also proven by an English and Welsh survey out of 300 secondary schools. The results were that 82% of teachers were aware of cases of verbal abuse and 26% were aware of physical incidents of SODIEC-based violence.

Surveys show that often teachers do not report the abuse of LGBT students because they are themselves afraid that either they will be labeled as and LGBTQ and be mocked for it or it will bring negative reactions to the parents if they intervene. Another reason, is that they are thinking that if they intervene, they will further stigmatize the LGBT students because they will mention their difference (Kate L. Collier, 2015).

There are cases though where educators have had the intention to intervene and reported the abuse to the headmaster of the educational institution, but the headmaster didn't agree with taking action on the report. So, in those cases, as research shows, the educator is less likely to react again, because they feel that their actions will not change anything for the better. (Kate L. Collier, 2015). The worst-case scenario narrates about when the same teaching staff will also support the anti-LGBT movements by not understanding privacy issues, telling LGBT students to not do or say anything about the violent situations that they face or, even worse, speak against homosexuality or bisexuality, despite having LGBT students in their class.

As DfED, 2002 reports, almost all these schools had anti-bullying policies, but only 6% referred to this specific type of bullying. This mal-treatment and abuse that the LGBT face at school is endangering their mental state and it is believed that having bad school experiences at school causes many young adults to harm themselves. This issue of teachers reacting in a non-supportive way in the LGBT becomes even more pressing

in tertiary education, when the educators have a negative opinion about the LGBT community and transfer their prejudicial opinions in their teaching methods, by excluding them from any learning opportunities such as scholarships, internships or researches (Judit Takács ILGA-Europe and IGLYO, 2006).

Results for Central and Eastern Europe indicate harassment is also representative of the harmful situation that LGBT students are in, with the verbal assaults reaching as high as 47.5 %, the physical bullying reaching 10.3% and sexual bullying having the smallest percentage worldwide, at 2.6% (Richard, G. with MAG Jeunes LGBT, 2018). The survey showed, that the most incidents reported were those with victims being intersex and trans boys/men. At the same time, 37% of them report that they rarely or never feel safe at school, with the percentage of Europe reaching 23.03%.

The same survey, also pointed out another important discrimination that LGBTI people face in their school settings and it is no other than the absence of representation by the educational policies and learning materials. The exact percentages in Central and Eastern Europe are that 65,36% of the students don't feel represented and feel that their academic needs are unaddressed by educational policies, and only 2,93% responded positively to the same question. In Western Europe, the numbers slightly change, with the negative respondents being 64,40% and those who responded positively being 3,54 %.

Though there has been an increase in the awareness on gender-related matters that are covered within the school curricula, the information provided for the students aren't inclusive enough. As shown in a survey conducted by the original project of the London Gay Teenage Group, the students felt that the gender issues that are mentioned via school subjects are not presented in the most helpful way, or in some cases, they appear biased. As IBE noted in 2019 (Judit Takács ILGA-Europe and IGLYO, 2006), an inclusive learning experience would mean that the curriculum takes into consideration the experiences, interests and personal traits of all learners, ensuring that all students are a part of the learning process within a classroom.

Taking a look at the way that the school subjects that are taught at schools are established by the current educational policies, one would soon realize how the school

curriculum is non supportive towards the LGBT, since it is under-representational for the various sexualities and gender identities that exist among the students.

Also, another subject is the way that sexuality education is taught. Even though sexuality education is mandatory by law by almost all the EU countries and there are sexuality education classes in schools, the EU doesn't have policy-making competencies into making the subject inclusive for all sexualities and there are several Eastern and Southern European countries with deficient sexuality education programmes (Council Of Europe, 2018).

LGBT students may confirm that they have received sexuality education in their school, those classes don't include LGBTI-related information. The focus of the lessons was solely on HIV or STI's, which means that the classes weren't representative for different sexual orientations or gender identities and they don't cover all of the aspects of education on the students' sexuality. In a large-scale survey on homo and bisexuality that was conducted in Belgium, as covered in the work of Pelleriaux et al., 2003 (Judit Takács ILGA-Europe and IGLYO, 2006), students that were in their last three years of secondary education were asked about the information provided at school about LGBT issues. Only 23% of them thought that sufficient information was provided at school and one-fifth reported that teaching staff refers to LGBT positively.

First of all, is the subject of physical education (P.E.). The fact that boys and girls are kept separate in some countries, creates problems to the transgender students to fit in. A Finnish study shows that schools are, in this way, discouraging the existence of different sexualities and different gender identities, because of the non-existing facilities that would enable the LGBTI students to use the school premises in a way that feels welcoming to them (Lehtonen, 2003). Especially in the case that the social environment is disapproving, the young adults that are still at school may isolate themselves or conceal their identity out of fear of discovery, because they fear that their peers, or family or the general school and social environment will not accept them.

The problem becomes even more pressing in secondary education, because the peer pressure to conform to the gender norms is higher. Since gender-roles are formed through socialization, being at school, which depicts society in a smaller scale, the peers of LGBT enforce a set of the gender behaviors that apply to each gender role and expect everyone around them to follow them and adapt. With LGBT people though, that is not

the case and they can't seem to be able to follow these gender-role expectations and then, they are socially isolated from their cis-gender peers. This type of gender-based violence, is rooted in the perpetrator's socialization norms (Judit Takács ILGA-Europe and IGLYO, 2006).

2.3. The effects of the non- inclusive school environment

As it is clear by now, the discriminatory practices whether they are done so deliberately, on the cause of negligence or the non-inclusivity is undeliberate, the effects that it has on the LGBTQI students are harmful in many ways. From their academic performance to the development of their personality and the way that they see themselves as future citizens of the society, these students are feeling like they are not represented and cared for, they feel like they are on their own, like no one at school is seeing them and are guided by the fear of what might happen to them. They feel as if their identity isn't normal (Saunders, 2021) and it is something that they can't be open and honest about, but rather conceal it or avoid discussion around it.

First of all, the lack of terminology and legislation that protects and empowers the LGBTQ learners, causes the under-report of incidents of violence in schools. UNESCO's surveys show that students fail to report if they are subjected to harassment or violence because of their sexual orientation or gender expression. This is mostly applied to the states that have negative opinions and legislations towards the LGBTQ community. Even if the country does though, provide legal protection, there are cases where bullying because of gender expression is under-reported because out of fear for stigmatization.

Another contributing factor to that is the non-supportive behavior they get from the teaching staff. A survey that took place in European schools by IGLYO in 2019, with LGBTI respondents, showed that there were violent incidents that took place in the presence of a teacher or a school staff member and in a percentage as high as 80%, the school staff member did not intervene in any way. That fact was included as a reply to the question on why did the students avoid reporting any school bullying, with some of them saying that the school staff would do nothing even if they tried to report it (International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation, 2019).

In addition to that, one in two trans, non-binary, and gender non-conforming students say that their identity was not respected by teachers or other school staff and only one in ten received respect concerning their gender in school-related documentation. The disregard that teachers show upon their students when it comes to their identity, their failed attempts to take action when they are harassed, combined with the lack of measures of protection, create trust issues for the LGBTI youth (International Lesbian, Gay, Bisexual, Transgender, Queer and Intersex Youth & Student Organisation, 2019) Their teachers and the whole school system make them feel unwelcome, like their personalities are unimportant and there is no need to care for them and protect them against harassment and discrimination. This belief can bring up the issue of non-representative data on the matter, because students do not feel the liberty to participate in a survey that will further expose their identity, since there are no measures that will effectively protect them. That creates a vicious cycle by leaving the seriousness of the situation unassessed and the right measures that would bring balance are yet not as effectively taken, so the harassment and mistreatment continues.

According to Kosciw et al., 2016; UNESCO, 2016; Wimberly et al., 2015 (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021), the indifference that they get from their school environment and the violence and discrimination that they face, leads to their low academic attainment and low educational aspirations, similarly to all the cases where students have been a victim of violent or highly discriminative behaviour. Those responses are deeply rooted in the violence that the students accept, because what was noticed in the survey was that the more violent incidents a student got to report, the more they would feel like their needs weren't cared for at school.

Another serious effect, that is also connected to the non-supportive school environment, is the fact that the LGBT students feel the need to leave school more than their cis-gender peers. The students that have a different sexual orientation, gender identity or assigned sex, have more thoughts about leaving school because of the gender-based violence that they have to come across within their school environment (Richard, G. with MAG Jeunes LGBT, 2018).

Leaving school, according to D' Augelli, 2003, is also attributed to the fact that the students feel like they have to hide their sexual orientation and wait to express themselves freely when they are no longer in school and they don't depend on their families, as too often, there are cases where the family environment is also non-supportive, or even unaware of their sexuality. Those young LGBT people who experience estrangement from family in addition to losing friendship networks and receive harassment at school, are even more vulnerable and are more likely to have mental illnesses, experience underachievement at school or even leave their school and homes, becoming school drop-outs and homeless (Judit Takács ILGA-Europe and IGLYO, 2006).

Another side effect of leaving school, is the negative impact that this has in their search for a career in the labor market. The ILO in 2004 and 2005 stated that young people in Europe are at risk of facing unemployment, or come across difficulties and disadvantages entering the labor force after the end of their education, especially if they belong to a vulnerable group and too often that is the case with people who lose the support from their family environment (Judit Takács ILGA-Europe and IGLYO, 2006), which is, as aforementioned, the group of the LGBT.

So, if the LGBT experience school harassment, that leads them to drop-out of school and risk their future employment, because they will lack the education necessary for a career of their choice. If they do manage to pass on from their school years to the job sector and get that career, then they most likely had to hide a part of themselves throughout all that time to avoid the harassment or out of fear of losing their job.

Thus, it is certain that this group is at a disadvantageous position on terms of education and further employment. More accurately, the former president of the European Economic and Social Committee, Beatrice Rongoni Machiavelli, recognized that the European youth are in danger of exclusion because of their gender, ethnic origin, disability, employment status or sexual orientation (3).

The need for concealment and fear of coming out, interferes with their self-esteem, sense of self and identity, or in other cases, develop what Martin describes as a "survival strategy" and is essentially the concealing of their identity and the adaptation of their behavior to remain unidentified as LGBT and stay "in the closet" (Judit Takács ILGA-Europe and IGLYO, 2006). In this way, the mental stability of the person who

adopts concealment is endangered. As a Northern Ireland study of the mental health of gay men showed, 32% of them had a potential psychiatric disorder, 34% were diagnosed with mental illnesses, 27% had previously attempted suicide while 71% have suicidal thoughts, with 80% of them admitting that these thoughts were related to their sexual orientation. Further researches show that young LGBT people are at a higher risk of having suicidal thoughts because they are in high likelihood to deal with threats, insults or bullying at school (Robert Garofalo, 1998).

That fear of violence and negative behavior, is also transferred in their views on the authorities. More specifically, the respondents of the survey said that they never or almost never feel considered by their regional authorities. The percentages are shocking, with Eastern Europe reaching 93.94% and Western Europe being equally high, with 75.88%. Another outcome that is connected to that, is that approximately a third of them, don't envision a future in their country. That also bears a connection to education, because literature shows that there are students in the LGBT society that will not disclose their identities for safety, because they fear for punitive contexts (Jones, 2019).

Moving on from the socioeconomical consequences of the discrimination that the LGBTQ face in education, no one can deny the psychological effects that these practices have upon the students. As research shows, LGBT young people (68%) are twice as likely to contemplate suicide than their non-LGBTQ+ peers (29%), three times more likely to self-harm and twice as likely to have depression, anxiety, and panic attacks, thoughts of loneliness and worries about their mental health on a daily basis (Watts, 2021).

CHAPTER 3: BRINGING INCLUSIVITY IN EDUCATION FOR THE LGBTQ+

3.1. The role of the NGOs towards inclusivity in education for the LGBTQ

No one can deny, that in a situation where multiple people across the globe are being affected, the role of the NGOs has been not only to assist those individuals separately, but also create advocacy, cover legal issues that surface and provide important research that the states will use in order to improve the existing conditions and legislations for those individuals.

One of the most important NGOs that acts universally is the United Nations. They participate actively in eliminating the exclusion of the LGBTQ community from educational settings and as stated by the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Mr. Victor Madrigal-Borloz and the Special Rapporteur on the right to education, Mrs Koumbou Boly Barry, stigma and prejudice, rooted in deep cultural beliefs about gender roles, masculinity and femininity, is behind the stereotypes that cause discriminatory behavior against the LGBTQ people.

The UN Human Rights Council in 2011, in collaboration with South Africa, called for the need of the creation of an international legislation to tackle discrimination on the basis of sexual orientation and gender identity and a year later, in 2012, it published the Born Free and Equal policy, where it clarified that LGBTQ's rights to nondiscrimination in education is an issue that should be addressed with human rights legislation.

The updated International Technical Guidance on Sexuality Education formed by UNESCO, promotes inclusion, tolerance and respect for people with different sexual orientation and mentions that all educational settings must adopt the document and additionally provide sexuality education. UNESCO is responsible for many networking events on LGBTIs in education.

Another participating NGO is ILGA- Europe. The role of the ILGA- Europe, is to help the LGBTQ society gain the representation and advocacy they need in order to gain better treatment and enjoy their human rights in full. With the help of the European Union, IGLYO developed in 2018 the LGBTQI Education Inclusion Index, a document

that was based on ten domains that were mostly resolved around education. These had to do with the protection of the personality of the students, through legal gender-recognition for minors, anti-discrimination laws applicable in education, more inclusive education policies and action plans. Plus, it recognizes the need for the collaboration between governments and NGO's into creating support systems information and guidelines as well as focusing on data recollection of bullying and harassment at school. It also suggests compulsory and inclusive national curricula, and mandatory teacher-training on awareness. The survey, that was conducted as an outcome of the collaboration between those Institutions, was that there is not enough protection or representation of the LGBTI youth in education, because of their young age and sexual orientation.

The Dutch national level LGBT organization, COC-Association for Integration of Homosexuality, offers educational programmes about homosexuality in many institutions, schools included. They offered volunteering educational groups to contact all the schools in their region and offer two-hour sessions mostly to students aged between 15-18, because the idea behind it was that at this age is when sexual and societal issues were usually addressed in Dutch schools. These programs aimed at making homosexuality accepted and visible to the society and to facilitate an informed and free-of-prejudice lifestyle by openly and equally discussing homosexual and heterosexual lifestyles with students. However, while in the 1990s these groups managed to access 13% of Dutch schools, soon many students of non-Dutch origin started to attend some schools and these schools were afraid of the negative reactions of their parents and the loss of governmental financial support, so the program was cut short (Judith Takács ILGA-Europe and IGLYO, 2006).

In 2018, the Aleanca LGBT organization in Albania, with the support of the Ministry of Education and the Municipality of Tirana, began a series of workshops in public schools to create the school environment that embraces diversity. The campaign though was met with negativity from the media and public officials and the Ministry shortly after stopped the anti-bullying activities in schools.

Also, in the Flemish countries, there is Çavaria, which is an organization that carries an umbrella for many LGBT issues and through KLIQ, its education and training center, it supports training and guidance courses for students and teachers in LGBT

affairs, and operates since 2002 with the support of the Ministry of Education (Çavaria, n.d.). There is also a country-wide action plan against homophobic and transphobic violent acts that was adopted in 2013 and was renewed in 2018, with emphasis on raising awareness on LGBTQ matters.

3.2. The legislative measures taken by the EU for inclusivity in education

The issue of discrimination in education that is faced by the LGBTQ, should be directly addressed, because LGBTQ+ individuals face challenges in accessing education and achieving academic success. Discrimination, bullying, and harassment are common problems faced by LGBTQ+ students, which can lead to lower academic achievement, higher dropout rates, and lower self-esteem. Therefore, it is essential to promote inclusivity in education and ensure that LGBTQ+ students have access to safe and supportive learning environments. Apart from universal practices, EU has tried with a series of legislations and practices to assist in the inclusivity in education and the rights of the LGBTQ community.

One of the most significant policies adopted by the EU, is the Parliamentary Assembly of the Council of Europe in 2016, that specifically called on the member states to ensure access by LGBTI children to quality education by promoting respect and inclusion of LGBTI persons, that would be free from violence. It was a critical starting point, because 56 countries made this commitment before the UNESCO-convened Call for Actions by Ministers and the invitation still remains open for all countries to participate by 2030 and set themselves up for making a step towards inclusion, regardless of their legal, social and cultural contexts.

The European Pillar of Social Rights, that was proclaimed in November 2017. This comprises 20 principles, including the right to quality and inclusive education, training and lifelong learning. The pillar emphasizes the importance of ensuring that all individuals have access to education and training opportunities.

The EU has also adopted the Education and Training 2020 Working Group on Promoting Common Values and Inclusive Education, which aims to improve the quality of education and training in Europe. It focuses on promoting inclusivity and equity in education, emphasizes on ensuring that all individuals have access to quality

education and training opportunities and recognizes the importance of addressing the needs of vulnerable groups, including the LGBTQ+ community (European Commission, 2020).

Equally great in importance is the Gender Equality Strategy 2020-2025, that was initiated by the European Commission. This strategy recognizes the challenges faced by the LGBTQ+ individuals, including discrimination and social exclusion and highlights the importance of promoting their rights and inclusion in education. It also emphasizes the need for education and training on gender equality and diversity for teachers and other education professionals (European Commission, 2020).

Another way that the EU tries to support the LGBT, is by supporting LGBTI organizations such as ILGA-Europe, part of the International Lesbian, Gay, Bisexual, Trans and Intersex Association, Transgender Europe and IGLYO. The EU Commission, also funds LGBTI organisations at national level through the Rights, Equality and Citizenship Programme and the Erasmus+ programme. This funding helps organisations to raise awareness about the challenges and discrimination that LGBTI people face.

Especially the Erasmus+ programme, has tried to support the ‘P.R.I.D.E.’ and ‘Labels Down’ projects, which focused on breaking down stereotypes about the LGBTI community. In 2021, the program aimed at promoting the inclusivity in education by enhancing the quality and relevance of education and training and promote social inclusion and diversity in education and provide funding opportunities for projects that support this cause (European Commission, 2021).

Another legislative measure is the Directive on combating discrimination on grounds of sexual orientation, which prohibits discrimination on the grounds of sexual orientation in employment, education and access to goods and services so that the LGBT individuals have equal rights and opportunities in education and other areas of life.

EU also funds an online platform for school education, that is called “European School Education Platform”. It is an online platform that provides information and resources on inclusive education, promotes diversity in the classroom, includes materials on addressing the needs of LGBTQ+ students and provides a forum for teachers and education professionals to exchange ideas and best practices on inclusive

education. Also, it provides information on the e-Twinning and Erasmus+ programmes that are available in the EU, making an effort to bring closer together students from all around the EU.

Despite the great initiatives, if one were to speak with percentages, it would become known that only 61% of the 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. There were 5 countries overall that had laws covering sexual orientation and gender identity issues applicable in education and 18 countries that didn't have any anti-discrimination policies of any kind. Only 22 out of the 49 European Countries were able to enact policies and action plans focused on prevention of SOGIESC violence in schools. Less than half of the CoE Member States national or regional action plans explicitly prohibit homophobic, biphobic, transphobic or interphobic bullying, only four Member States have mandatory teacher training on LGBTQI awareness (IGLYO, 2016).

To sum up, the EU has taken an effort to recognize the importance of ensuring that all individuals have access to quality education and training opportunities, regardless of their personal characteristics. Those policies aim to create a safer and more supportive learning environment within the EU, that will promote diversity and inclusivity in education. Despite that though, the percentages show that there is not enough inclusivity for LGBT individuals in education and research shows that there is more ground to cover.

3.3. National equality policies across European states

Many European countries, have enacted an antidiscrimination accession policy, which is considered a criterion that must be followed in order to gain EU membership. Additionally, as mentioned in the first chapter, where the EU policies were covered, they recognize relationship rights for same-sex couples including civil unions or partnership registry; joint or second parent adoption rights for same-sex partners and marriage equality. Many of the EU countries have made efforts to equalize the rights of the LGBT within their states.

On the other hand, there are also countries that although follow some important steps towards the direction of inclusivity and equality, still allow the existence of policies that fail to promote equality for all the members of their country, or fail to see that they need to impose changes in other parts of their legislation in order to become more inclusive. On the edge of that category, stand countries that still remain negatively biased when it comes to enacting policies that will enhance the application of the rights of the LGBT.

Malta is one of the brightest examples of countries that has managed to achieve equality for the LGBT in many aspects of the legislation. From early on it legalized same-sex marriage and made legal the gender change without the requirement of surgery, while also banning any enforced surgical interventions in 2015, by the Gender Identity, Gender Expression and Sex Characteristics Act and the Trans, Gender Variant and Intersex Students in Schools Policy. In addition, Malta covers the non-binary gender option in legal documents and prohibits any acts of discrimination in terms of sexual orientation or gender identity.

The Netherlands, is a country with great tradition in providing the younger generation with education on sexual diversity. Also, it has offered great research for the countries where LGBT rights and the learning environment for this community is not a high priority (Judit Takács ILGA-Europe and IGLYO, 2006). Alongside Netherlands, Norway and Sweden, they have taken into account most of the EU's suggested Education Inclusion Index. Some regions in Spain have also enacted some of them, but still, the index does not apply nationally.

Sweden, is one of the countries that in 2009, passed the anti-discrimination law onto its school settings, making it legally obligatory to be followed in schools' every-day planning and activities. In 2015, it even introduced matters of sexuality and gender identity to the primary and secondary curriculum in biology, history, religion, ethics and civics. Although, researches show that despite the advocacy for inclusivity and equality, there are some differences in the school rhetoric and the practices that are followed, with the interviewees admitting that they would like more attention on the matter of LGBT inclusivity (Uli Streib-Brzic, 2011).

Denmark, according to the Rainbow Europe Map and Index that was published in 2022, boasts a prominent standing on the equity index pertaining to LGBT rights

(ILGA Europe, 2022), demonstrating its commitment to fostering inclusivity and equality. The country has achieved notable milestones, including the legalization of same-sex marriage and the establishment of civil unions that grant adoption rights. Moreover, Denmark has made significant advancements in transgender rights by introducing legislation in 2014 that permits gender reassignment without compulsory surgical procedures and offers the option of an "X" gender marker on passports. However, it is important to note that the "X" gender marker is currently accessible solely to transgender individuals who have not undergone a legal gender change. In order to safeguard the rights of the LGBT community, Denmark has enacted comprehensive anti-discrimination laws applicable to various realms of society, such as employment, housing, and the military.

Finland is trying to manage a more equal approach on LGBT rights, since it lays just above the EU average in inclusion policies (ILGA Europe, 2022). It was not until 2017 that it enacted the legalization of marriage for same-sex couples. It allows non-surgical change of gender and gives the right to adoption in same-sex married couples. It hasn't managed to recognize legally the non-binary gender or ban conversion therapies as an act of human rights violation (Equaldex, 2020).

Ireland with a constitutional referendum in November 2015 (Citizens Information, 2022), legalized same-sex marriage allowed the adoption of children. It also covers anti-discrimination policies that cover sexual orientation and gender identity. They allow changing genders without surgery, but despite that, they don't have a non-binary option in legal documents. Overall, it is a country with wide acceptance of the LGBT community, with great support on their cause.

Austria, is one of the countries that according to the OECD have the most legal protections for sexual and gender minorities (OECD, 2020). Austria since 2019, opened marriage to same-sex partners and ensures that they are treated equally before the law, while forbidding any kind of discrimination. By this act, the authorities guarantee equality in adoption and assisted reproductive technology. In an additional effort to include intersex people, by a decision in 2018, the Austrian Constitutional Court ruled that intersex people should have access to a non-binary gender option in the civil registry and other identity documents and clarified that being intersex is not a disorder, therefore there is no requirement for medical treatments of sex-normalising surgeries

and those should not be performed on intersex minors unless the child comes of age to provide informed consent (OECD, 2020).

France has also managed to achieve a great percentage in LGBT inclusion (Equaldex, 2021). It has legalized same sex marriage and adoption, the right to change gender and anti-discrimination policies that have been enacted since 2004. The only thing that remains to be addressed, is that of rearranging the legal documents so as to enlist the non-binary gender option.

In Belgium, same sex marriage applies since 2003, while adoption is also covered since 2006, with the Article 365-6 of the Belgian Civil Code (Justice Belgium, 2020). Since 1 January 2018, with the Law of 25 June 2017, transgender persons can change gender without surgery exists (Justice Belgium, 2020). Although there isn't any legal recognition of the non-binary gender. There are no laws restricting the discussion or promotion of LGBTQ+ topics and when it comes to education, there is mandatory gender and sexuality education for first-year secondary school students that operates since 2019. The school inspectorate monitors curriculum implementation while the French community in Belgium runs a mandatory course about the theory and practice of cultural diversity and its gender dimension, as well as a guide with a set of actions to be covered with extracurricular activities.

Portugal, has made considerable efforts to promote and protect the rights of LGBTI persons and to eliminate all forms of discrimination based on sexual orientation and gender identity. It has been since 2010 that it allowed same sex marriage, with Law 9/2010. In 2011, it allowed the recognition of gender identity without prior surgery, only with the diagnosis' report of gender identity disorder (Portugal, 2015). Since 2013, it recognizes gender identity as a cause of the crime of discrimination and bias-motivated crimes and in 2015 also added sexual orientation as one of the grounds on which discrimination is prohibited in the public administration. Considering specifically the right to education in LGBTQ+ people, it has enacted Law 60/2009 in 2009, that establishes the rules for sexual education in schools, forbids any discriminatory behaviour on grounds of sexual orientation or any violence on grounds of gender or sexual orientation. This raises awareness among young people of non-discrimination on the basis of sexual orientation and introduces sexual education in primary and secondary schools' curricula (Portugal, 2015).

Spain is one of the countries that have made an important effort to enact inclusivity policies that protect LGBT against discrimination and ban conversion therapy. The most recent act of increasing the respect for LGBT rights, is the so-called “trans law”. It essentially allows for gender recognition based on self-identification through a simple administrative process without the necessity of a surgery, and was applied in early 2023 (Cabrera, 2023). With this legal document, the state managed to enlist the recognition in legislation for intersex people. The country also protects the right of LGBT couples to marry and adopt since 2005.

Luxembourg allows same sex marriage for same-sex couples and also protects their right of adoption, as well as their right to non-discrimination; it bans discrimination against LGBT people and allows the change of gender without the need of surgery. Despite that, it doesn’t recognize legally the non-binary gender and it hasn’t been able to ban conversion therapy either.

Lithuania retained anti-LGBTI propaganda from Russian/Soviet influence in its policy trends, but had more recently acceded to EU anti-discrimination protection requirements. Lithuania was also therefore increasingly being exposed to 2013 policy samples from the Irish Department of Education and Skills, where a requirement was made for including school policies that cover transphobic and homophobic bullying (Jones, 2019).

Germany has done nicely in ensuring LGBT equality in many sectors of society. Since 2001, with the Framework curriculum for lessons and education in Berlin schools, it made sure that the words “different kind of life-styles” and “same-sex life models” were part of sex-education in schools. Also, in 2006 with the General Act on Equal Treatment, passed banning, among others, discrimination on sexual orientation and more recently, Germany launched a two-year campaign against homophobia addressing especially schools and the administrative level in the field of education (Uli Streib-Brzic, 2011). It covers same sex marriage and the right to adoption for same-sex people, allows the change of gender without surgery and offers legal document representation for intersex people.

Cyprus, according to the ILGA-Europe report of 2022, lies in the middle of a progressing legislative system as regards to inclusivity and LGBT rights (ILGA Europe, 2022). It tries though establishing a yearly compulsory program in education about

sexual orientation and gender identity from 2010 to 2011, to help people become more accepting of the LGBT community and to include both LGBT youth and LGBT parents in the curriculum. Despite that, there is still the discussion on whether it should be legal or not, the change of gender without any surgery. There is also not enough recognition of the LGBT because they are banned from donating blood, banned from having a child through adoption and not legally recognized as non-binary. Also, there are some inconsistencies with the legal protection against discrimination for the LGBTQ people, because until 2013 discrimination was only illegal in the workplace. In 2013, the Cypriot Penal Code has been amended to make violence against LGBT people an aggravating factor in sentencing. As it appears, the country does not perform well in measures against discrimination and legal gender recognition (ILGA Europe, 2022).

The same situation seems to apply also to Hungary. Homosexuality is decriminalized since 1961 and same sex union by registered partnership is allowed, plus LGBT people are allowed to join the military or donate blood. Also, LGBT discrimination in Hungary is illegal. Despite that, there are many reports of discrimination in housing or employing LGBT people. Additionally, although same sex unions are allowed in some form, the adoption of children is forbidden for same sex couples. Also, the right to change gender is illegal and there is no legal recognition of the non-binary gender (Equaldex, 2020).

The Slovenian government in early October of 2022, made it legal for same-sex couples in the country to marry and adopt children, by amending the Family Code (Andrinek, 2022). It also, allows the change of gender without the need for surgery, although it does not yet recognize the non-binary identity and doesn't ban conversion therapy, although it prohibits discrimination on the basis of sexual orientation and gender identity.

Estonia, by amending section 58 of its Penal Code, prohibited hostility and hatred towards the victim due to their sexual orientation or gender identity (ILGA-Europe, 2013). It also made sure that changing genders will not be a necessity to also get a surgery. Despite having legal recognition for same-sex marriage through civil unions though, Estonia doesn't allow the adoption of children for LGBT people. Also, it has not banned conversion therapy and does not allow blood donations. When it comes to preventing hate crime and hate speech, Estonia has only managed to enact a

hate speech law, protecting sexual orientation. It has not taken any measures to cover hate crime law, or inclusion in education (ILGA Europe, 2022).

Greece has similarly enacted a series of anti-discrimination laws for the workforce, such as Law 4443/2016 against discrimination at work and employment (Greek Ministry of Labour and Social Affairs, 2022) and voted a law to approve legal gender recognition without the need of surgery (Amnesty International, 2017). Despite that, this law presents several flaws. According to the report of Amnesty International, it forces married individuals to divorce in order to obtain legal recognition of their gender, it excludes adolescents under 17 from obtaining legal gender recognition, and stipulates that the amended gender marker corresponds to a person's 'external appearance' (Amnesty International, 2017). The situation is that there is no legal recognition of the non-binary gender, so as to give the opportunity to intersex people to express themselves. Moreover, there are no legislative measures that recognize the equality in marriage. The only documents that could cover same-sex relationships, is by the 2015 law on the extension of the cohabitation agreement to homosexual couples. There is no law for the civil unions of same-sex people or the adoption of children by the LGBT, so Greece has more ground to cover on that area.

In Italy, sex reassignment and legal gender recognition is granted by Law n. 164 of April 14, 1982 (Infotrans, n.d.). Italy also allows since 2015 the change of gender without surgery, but yet does not legally provide the non-binary gender option (Osella, 2022). It has anti-discrimination laws but those vary according to each region. As far as the right to marriage, Italy is one step ahead of Greece and allows civil unions among the LGBT community. In the field of education, it tries to combat homophobia, bullying and discrimination against LGBT people in schools and provide programs to educate its teachers.

Croatia, despite having implemented measures to prohibit discrimination against LGBTQ individuals, has adopted legal provisions that permit same-sex relationships and facilitate their formal recognition through civil unions. Additionally, Croatia has provided the option for individuals to change their gender without the requirement of medical procedures. However, it is worth noting that the legal framework in Croatia currently lacks provisions for the recognition and inclusion of non-binary gender identities in official documentation and records. In education on

human rights, it doesn't focus on rights based on sexual orientation, gender identity, expression or variations in sex characteristics (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021).

Czech Republic, although recognizes the right to marry for same-sex people, there is no law on LGBT adoption. The only option in which one is allowed to adopt, is the case of a single parent. And even if they find it legal to rearrange genders, one cannot do so without surgery and still the non-binary option isn't available.

On the other side of the countries that are trying to change their legislative systems in order to provide a more inclusive environment in which the LGBTI individuals will feel safe, lie the countries that have failed to provide any measure whatsoever to take a step closer towards that direction. Armenia, Azerbaijan, Belarus, North Macedonia, Monaco, Turkey and Ukraine are some of the examples of countries within the European continent that have failed to implement any measure towards the inclusion of LGBT people. Also, there are countries like Liechtenstein and the Republic of Moldova, that despite the fact that they made international commitments, they haven't implemented any measures yet.

In Romania, one can change their gender only by following a surgical procedure (Equaldex, 2019). It has also been found to be in violation of the European Convention on Human Rights, because of that law (Quell, 2021). A non-binary option is not legally present in any documents and the same-sex couples aren't able to marry and get recognized by the law, or adopt. There are little anti-discrimination policies that ensure the safety of LGBT people. An anti-discrimination law, exists in employment, but only covers the aspect of sexual orientation. In education, there is a bill that was submitted in November 2019 and approved in June 2020, that bans all educational institutions from discussing gender identity (Euronews, 2020).

Latvia is not very progressive either and has been characterized as one of the worst EU countries to be an LGBTQ (Eng.lsm, 2022). Although it is legal for an intersex person to change gender, they can do so only by gender reassignment surgery and there is no ban for conversion therapy in same-sex people. Also, there is not any legal document with the non-binary gender as an option and there is no law that currently recognizes marriage between same sex people. There are some anti-

discrimination laws on terms of sexual orientation, but those seem to apply only into some aspects of the labor market.

Poland only recognizes co-habitation and not marriage or adoption for LGBT couples (Equaldex, 2021). According to the same sources, they also haven't banned conversion therapy and haven't made serious engagements to protect LGBTQ rights in the legislations. They only cover the sectors of employment and only on grounds of sexual orientation. When it comes to genders, they only allow the option to rearrange via surgery, and the non-binary option is not available.

Slovakia, also doesn't seem to be going forward with LGBT rights. LGBT people, although appear not to be illegal, are banned from joining the military, are not allowed to donate blood, aren't able to have their marriage recognized and not even as a cohabitation and are prohibited from changing their gender. The last, remains as a large issue to be addressed, because the Slovakian law requires surgery and sterilization, in order to allow certain gender-reassignment procedures, something that was ruled illegal under EU court (Equaldex, 2020).

CHAPTER 4: CONCLUDING REMARKS

4.1. Lack of inclusive education policies

By now it has become clear that inclusivity in education may be considered as a basic human right, the LGBTI+ people clearly lack access to it, or if they manage to attend school and be included in educational settings, they still face stigma, harassment or social exclusion, so they are unable to enjoy the full potential of their rights.

Especially in Europe, a regional system that is considered to be one of the best when it comes to the legislative measures of inclusion, one would think that inclusivity of the LGBT in education would be a matter of high importance. Yet, statistics show that only 9 out of the 49 countries in the CoE offer pre-service training to teachers about sexual orientation, gender identity, gender expression and variations of sex characteristics. Only 21 countries offer a dim type of in-service training with only 4 of them making that type of training mandatory (IGLYO, 2018).

Another issue that has been noticed, is the fact that within all the legal documents that are provided by the states, the issue of equality in education for the LGBT people is not widely covered and supported. Although the right to education has been discussed and it is protected legally, and despite the several efforts for the inclusivity of the LGBTQ community to be enhanced, not many legislations specifically refer to the restrictions that these people experience in educational settings.

This legislative lack representation and lack of knowledge is one of the most important causes of social exclusion, as it is also associated with ignorance and misinformation, homophobia, biphobia and transphobia, misrepresentation and invisibility in media. There is very little education on LGBT matters and also little to no representation of how the life of that community is like. From kindergarten to higher education, there is no introduction on the life of LGBTQ people, so students don't get acquainted with different sexualities (Uli Streib-Brzic, 2011).

It is vital that the existing legislations covering the right to education, should also cover the education of and for the LGBT. That education needs to be enhanced and introduced at schools, so the students that belong to the LGBT group feel represented and the LGBTQ parents become relieved knowing that the school that their child will attend,

will provide with the adequate knowledge on the community and protect it against the discrimination that it often attracts.

Also, the right to non-discrimination needs to be updated in a way that discrimination is also tied to the lack of education that the LGBTQI people go through because of the discriminatory behaviors and policies that weigh against them. Plus, the right to non-discrimination should also specifically prohibit SODIESC-based violence, as it is something that exists within the educational settings and needs to be addressed.

So therefore, the states should make sure that each school has an anti-bullying policy that forbids discrimination and homophobic and transphobic bullying. Schools must be teaching to the students from a young age to be LGBTQ+ allies and ensure that the right to privacy will be respected both for students and as for teachers as well, so that every person feels like their personal identity is protected (IGLYO, 2009).

There are many areas where the LGBT rights in education seem to have very little application. It is important to provide for care, information and support on LGBT issues and protect them with legislative measures. These measures should cover counselling, community support both individually and in groups and make sure that all of the above exist in all educational settings as well.

A step that the EU could take, that would make education more inclusive for the LGBTI, would be the reevaluation of the horizontal Equal Treatment Directive of the European Union, in a way that would cover all areas of life, including education, reflecting the common values enshrined in Article 2 of the EU Treaty.

Another step that would be beneficial, would be to enact Human Rights training at a central part of education. Education on Human Rights should be integrated on all educational practices like teaching methods, school ethics, educational content, school curriculum, teacher training and whatever aspect is relevant to the education's sector. After that, what should follow is to include LGBT issues on the Human Rights Education courses, to raise awareness on matters of diversity (IGLYO, 2009).

The right to education should be considered as a progressive project, a living situation that should be constantly updated. It requires the states' full resources. Therefore, the states shouldn't only focus on the resources that they have but rather try to find potential new fundings to ensure that the right to education keeps on flourishing.

4.2. Unwelcoming school environment

Schools should provide supportive educational material that will enable students who feel different than the normative behavior to feel represented and informed. The LGBT students are more likely to feel that way, because they belong to an even more vulnerable sub-group (Judit Takács ILGA-Europe and IGLYO, 2006). This specifically happens because they are under-aged and don't have a voice of their own to represent their needs. So, they are left in an educational setting that makes them feel afraid of facing bullying by their peers or silenced with the non-existing education and the lack of training among the teaching staff (Council Of Europe, 2018).

An inclusive curriculum must cultivate the students' ability to express themselves and also connect and collaborate with diverse groups of people, in order to gain a multicultural skill that will be of use to them as they progress into adulthood. That should be a school curriculum's priority. A way for that to happen is if the school curriculum acts as a mirror (GLSEN, 2019). This metaphor means that all individuals should feel that they are reflected within the school curriculum and also provide the opportunity to understand other people's perspectives. If that approach is combined with an LGBTQI-friendly curriculum and promoted through all aspects of education, the LGBT youth would have a more positive image of themselves and others would begin to understand and connect more with them.

The school lessons must be developed in such way, that bias is avoided and positive representation of LGBTQ people is included (Watts, 2021). The whole school program should be infused with that perspective and not simply add fragments of topics to the curriculum, only when LGBTQ themes come, like teach LGBT inclusivity only during the Pride Month in June, or discuss the troubles of the LGBT only during the LGBTQ History Month in October.

Also, when subjects such as literature or history etc. are discussed into the classrooms, they shouldn't present only LGBTQ artists or scientists, or completely exclude them, because this will pass the message that the topics that concern the LGBTQI people are presented separately and they don't exist in society as a whole. So, the topics aren't connected to the big idea that is unification and inclusion. This, according to GLSEN can lead to curricular fragmentation or isolation. What should

happen, is that the curriculum, is structured with the foundations of inclusivity and normalization of the many identities that there are within the society.

Inclusive materials and textbooks, should exist in all subjects. For example, in the domain of Mathematics, when encountering a mathematical problem involving heterosexual couples, it is imperative to acknowledge and incorporate representations of LGBT couples and families, ensuring an inclusive approach that is grounded in factual information rather than biased convictions (Watts, 2021).

Or, when sex education classes are delivered, they shouldn't cover only heterosexual or procreative sex. It should focus on discussing openly same-sex relationships with the students in a way that it builds trust around sexuality, with additional care to their feelings. Thus, the students will understand that personal relationships should be based on emotion and that LGBT people have relationships with the exact same emotions like any other heterosexual couple.

Within art classes, an opportunity exists for the development of projects aimed at promoting anti-bullying and embracing diversity. These projects can be showcased in various public forums such as festivals or within the local community. Similarly, in literature classes, even at the early stages of schooling, the curriculum can be enriched by incorporating narratives that encompass themes of anti-discrimination. Such stories can serve as catalysts for discussions, illuminating the reality that certain individuals may face discrimination due to specific attributes or characteristics that deviate from societal notions of normalcy (Watts, 2021).

In that way, LGBTI students will feel they are in a safe and positive school environment that they are represented in and issues of sexual and gender identity are being discussed (Council Of Europe, 2018). They will also have the opportunity to explore their sexuality in a safe space, where they will not encounter hostility but inclusivity and then, in that moment, they will begin to build faith around a school that will be there to help them reach their best potential, rather than create obstacles for them.

Moreover, it is essential that the formulation of lesson plans involves a collaborative effort between students and the teaching staff, emphasizing the need for regular revisions (Watts, 2021). This responsibility should not solely lie with the state, as states may not possess comprehensive awareness of the unique dynamics within each

educational institution. Additionally, in the context of school libraries, it is imperative to incorporate LGBTQ materials, such as inclusive literature, posters, and informational pamphlets that foster inclusivity and encourage involvement in LGBT advocacy clubs.

4.3. The awareness of teachers and parents is inadequate

Sometimes, even where there is relevant index on LGBT matters, parents and teachers find it hard to adjust their personal, cultural or religious beliefs and incorporate the new skills that is required of them and take more inclusive approaches when it comes to parenting or teaching. This pathologizing and prejudice causes even more lack of interest and awareness on the matter and it deprives both parents and teachers of opportunities to discuss diversity and create a positive environment where the single concern lies on the well-being of all students.

Parents and teachers play a vital role in creating a safe space for all young adults regardless of their sexual orientation, gender expression or characteristics. Even with the absence or existence of laws and policies, governments should invest particularly in supporting the parents and teachers with psychological support, training on the awareness of the different realities of LGBTI people and adequate information to develop a critical understanding of their own beliefs and prejudices that could be harming to the LGBTI youth.

In terms of schooling, teachers hold an important role when it comes to shaping adolescents' ideas and they are very influential on the climate they create in the school environment (Kate L. Collier, 2015). Reports of the teachers show that even in cases where the school that they work has enacted anti-bullying policies,

A very important step that will need to occur from that moment on, according to UNESCO et al., 2018 (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021), would be to educate teachers more on LGBTI matters on how to address school violence and resolve exclusion of LGBTI in classrooms.

There is little literature on these issues that concern teacher-training on the way to include LGBTI in education and if there are, they are sourced mainly from the US and South Africa (Jones, 2019). In most countries, teacher education on sexual

orientation is neglected and many teachers still feel like they lack knowledge and confidence around discussing LGBTI issues or support LGBTI learners.

The view of Reid and Sriprakash, 2012 (Jones, 2019) is that LGBTI's issues should be considered as a matter of social multiculturalism rather than legal problems that need to be addressed. Therefore, when addressing these matters, an educator should have a more cultural and anthropological approach. Even if there may not be any support mechanisms offered, they can objectively discuss international legislative human rights protections and offer education on human rights.

Another practice that doesn't need any specific legislative coverage, is when the teacher wants to refer to families or ask about families, they could avoid using the words "mother" and "father", but rather refer to family as "parents" or "guardians" in an effort to be more inclusive to every type of family. Additionally, they can ask their transgender students how they would like to be addressed, or called "they" to avoid mis-gendering them. Transgender students with teacher support are less likely to drop out of school because of discriminatory behavior or bullying.

Another step that could be followed regardless of the existence of supportive legislations is to address the school bullying that they witness against the LGBTQ. There are assistive steps that the GLSEN suggest when educators come across harassment against LGBTQ people. They should focus on stopping the behavior at that very moment, acknowledge the situation and use the opportunity to educate all students at the same time to avoid repetition. The culprits should be held accountable for their behavior and the targeted group should be protected (GLSEN, 2019).

If need be, the educators could involve LGBT NGOS and work with them to find more inclusive approaches and techniques for their teaching or even collaborate with them to deliver each lesson as a team, so that the young adults will have the opportunity to get acquainted with different approaches.

4.4. Curricula embracing LGBTI people are rare

Having a supportive curriculum is of high importance, because the way a school curriculum is portrayed, it should attract the interest of the people that it aspires to reach out to. Therefore, its core should be inclusive and try to include minorities. In the case

of the LGBT students, who have been enlisted as a minority, there is a need for schools to supply information specifically on intersex variations, gender identities, gender expressions and variations in sex characteristics in their curricula. Even when the relevant educational legislations exist, they don't form a detailed curriculum, but general measures and approaches that go around the matter.

In countries where sex education exists, it is mostly a part of biology classes that don't include information on sexual orientation and gender issues. Recently, a review conducted by the IGLYO in 2018, showed that 23 CoE member states don't address sexual orientation, gender identity, gender expression or variations of sex characteristics in the curriculum, 7 made it optional and 19 made it compulsory. Out of these 19 states, only 21% addressed sexual orientation only, 63% covered sexual orientation alongside gender identity and expression and 16% included positive inclusive materials for variations of sex characteristics (Global Education Monitoring Report Team & International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex Youth and Student Organization, 2021).

The school curriculum should offer support features such as inclusive counselors and protect LGBT individuals from bullying. Where schools do not have supportive structural features in place, pre-service educators should advocate for them based on their own research. Additional support, as Frankowski, 2004 stated, can also be provided from professionals other than educational experts, such as pediatricians, who can assist in raising awareness among school and community leaders about LGBTI issues (Judit Takács ILGA-Europe and IGLYO, 2006).

By making the curriculum LGBT-inclusive, while adding extra educational material around LGBT issues, the students in this community will feel accepted and be encouraged to start a positive discussion around their identities (Saunders, 2021). At the same time, young people who don't belong to that group will be more educated and aware of the different identities that there are and they will be more open about them, thus reducing the risks of SODIESC- based violence. That will create with the time a more welcoming and supportive school environment, where every person can discover themselves in a healthy way.

4.5. Lack of LGBTQ Self-Advocacy

Self- Advocacy among the LGBTQ community, means that the individuals themselves should be able to speak up for their rights, and ask for what they need. LGBTQ self-advocacy requires self-awareness, assertiveness, and preparation (Satya Wellness Collective, 2022). Yet, it appears that the LGBT fear of participating actively in groups aimed at protecting and advocating for their rights.

A survey that was publicized in 2014, that was conducted by the University of Washington's Institutional Review Board, questioned LGBT youth about their overall well-being. The participants were fewer than the estimated numbers and those who joined the survey, were at a large percentage over the age of 14, school students or students in tertiary education. Some students, even declared themselves as straight supporters of the LGBT community, because they had friends who belong to the LGBT umbrella. Those supporters had to say that their peers don't participate in LGBT agencies of NGOS mainly because they are still afraid and felt the need to hide their LGBTQ identity. In the same survey, it was answered that the most frequent response to cope with a Stigmatized Identity, was isolation and negative feelings about themselves rather than advocating LGBTQ persons or issues (Darrel Higa, 2014).

Another point that brings out the same remark is that the national policies that are enacted in order to protect and advocate for the LGBTQ are based on the political suggestions made by cis-gendered politicians. The European Parliament itself, although has a department that is working for the rights of the LGBTQ within the organization, it has only 157 political members out of all the 27 Member-States of the EU (European Parliament's LGBTI Intergroup, 2023). Those who are enlisted, are mostly cis-gendered individuals and the vast majority comes from LGBTQ-friendly countries, like Denmark, Belgium, Spain, Finland, Ireland, Austria, France, Germany, Ireland, Netherlands, Slovenia, Italy, Portugal and Sweden. So, despite having at least one political member out of all the Member-States within the intergroup, the scale is clearly lacking balance, because there may be for example sixteen enlisted members from a country such as France and only one member from a country like Greece. This analogy brings out the underrepresentation that exists even within a region such as the EU and that is a sector that clearly needs to be taken into account when it comes to realizing and addressing the problem on LGBTQ inclusivity.

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