



**Why Sexual Orientation and Gender Identity Must be Specifically  
Referenced in the Forthcoming CEDAW  
General Recommendation on Girls' and Women's Access to Education**

**SUBMITTED TO:**

The United Nations Committee on the Elimination of  
Discrimination against Women (CEDAW)

**SUBMITTED BY:**

The International Gay and Lesbian Human Rights Commission (IGLHRC)

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## 1. Introduction

The International Gay & Lesbian Human Rights Commission (IGLHRC) submits this memo to the Committee on the Elimination of Discrimination against Women (CEDAW) to encourage the Committee to include explicit reference to sexual orientation and gender identity in its forthcoming General Recommendation on Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women (the “Recommendation”).

As this submission will show, discrimination based on sexual orientation or gender identity constitutes a barrier to effective enjoyment of Article 10 (equal access to education) of the Convention. The Office of the High Commissioner for Human Rights (OHCHR)<sup>1</sup> and the United Nations Educational, Scientific, and Cultural Organization (UNESCO)<sup>2</sup> have consistently recognized such discrimination as a hurdle to educational access. Both entities report that students experience widespread discrimination, harassment, and violence in educational institutions due to their sexual orientation or gender identity, and they link these conditions to refusal of admission, dismissal, or high drop-out rates.<sup>3</sup> Explicit inclusion of SOGI will therefore help guide States in the full implementation of their CEDAW obligations.

## 2. Obstacles to Accessing Education

Lesbians, bisexual women and girls, and transgender (LBT) people<sup>4</sup> face multiple obstacles to accessing education, all of which must be directly addressed through State action, in order for States to adequately discharge their obligations under the Convention. We wish to highlight those barriers that most consistently affect LBT youth, including: (a) gender stereotyping, (b) violence, (c) imposed gendered dress codes, and (d) bullying (advocacy of hatred).

The language of equality embedded in the Convention is based on a comparison between women and men. Yet, the Committee has repeatedly insisted that the obligations contained in the Convention express broader dimensions of inequality, including inequalities amongst women

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<sup>1</sup> UN Office of the High Commissioner for Human Rights, *Discriminatory laws and practices and acts of violence against individuals based on their sexual orientation and gender identity*, 17 November 2011, para. 58-61, available at [http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41\\_English.pdf](http://www.ohchr.org/Documents/Issues/Discrimination/A.HRC.19.41_English.pdf);

*Born Free and Equal: Sexual Orientation and Gender identity in International Human Rights Law*, UN Office of the High Commissioner for Human Rights, September 2012.

<sup>2</sup> “International consultation on homophobic bullying and harassment in educational institutions”, UNESCO concept note, July 2011; “Education Sector Responses to Homophobic Bullying,” United Nations Educational, Scientific, and Cultural Organization (UNESCO) available at <http://unesdoc.unesco.org/images/0021/002164/216493e.pdf>.

<sup>3</sup> V. Muñoz Villalobos, Special Rapporteur on the right to education, “Girls’ right to education Report” Economic, Social and Cultural Rights, U.N. Doc. E/CN.4/2006/45” (8 Feb. 2006) available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G06/106/70/PDF/G0610670.pdf?OpenElement>

<sup>4</sup> IGLHRC wishes to explain to the Committee its use of the language of “people” rather than “women” in this submission. The inclusion of women who happen to be lesbian or bisexual is within the scope of CEDAW is patently obvious. We hope that the inclusion of transgender people within the context of the CEDAW Convention is equally apparent, but we offer this explanation to any Committee members who would find a clarification useful. Transgender women must fall within the scope of the Convention because regardless of their sex assigned at birth, they live and identify as women, and therefore are subject to discrimination that specifically targets them as women whilst paired with frequently violent transphobia. Transgender men must fall within the scope of the Convention because even though they live and identify as men, the failure in many instances of society and law to recognize them as men means that they continue to be singled out for discrimination and abuse as women.

themselves. In pursuit of a robust definition of equality, the Committee has addressed the disproportionate burdens born by rural women, women with disabilities, and women with HIV/AIDS, among others.<sup>5</sup> In 2010, the Committee recorded the individual inequalities experienced by women it had reviewed by issuing *General Recommendation 28*, which addresses State responsibility to undertake affirmative corrective action against all forms of discrimination against women.<sup>6</sup> Thus, it is entirely consistent with the practice of the Committee and falls squarely within the meaning of the Recommendation for the Committee to further acknowledge the obstacles that LBT people face when trying to access education and for the Committee to include specific reference to sexual orientation and gender identity.

**a) Gender stereotyping**

LBT people face unique obstacles in accessing education because of gender-based stereotypes, which directly fuel discrimination and abuse. This Committee has emphasized “that full implementation of the Convention requires State parties not only to take steps to eliminate direct and indirect discrimination and improve the *de facto* position of women, but also, to modify and transform gender stereotypes and eliminate wrongful gender stereotyping, a root cause and consequence of discrimination against women.”<sup>7</sup> Wrongful gender stereotyping can apply to all women (*e.g.*, “a good woman is naturally inclined to want to be married”), but it may also apply to subgroups of women (*e.g.*, “lesbians do not want to/cannot be married, therefore they are not good”). Regardless of the focus—women as a whole or subgroups of women—these stereotypes constitute a violation of Convention provisions wherever they impair the full and equal enjoyment of human rights.

*Article 5* of the CEDAW Convention recognizes that gender stereotypes create the social, economic, cultural, and legal deprivations of women and that States should take appropriate measures to remedy circumstances that result in the subordination of women. The CEDAW Committee has acknowledged the hierarchical impact that adherence to gender stereotypes and roles has on women and men and calls for States to address and eliminate individual practices, laws, and policies that adversely impact women. Some stereotypes are statistical and descriptive (*e.g.*, men are stronger than women), while others are normative and prescriptive (*e.g.*, unmarried women are immoral). Whatever the basis, these stereotypes constitute discrimination when they result in differential treatment that nullifies or impairs the enjoyment of human rights. Even if the stereotype is correct in the aggregate (many men are, in fact, stronger than many women), this does not justify a law or policy that impairs the human rights of women who do not conform to that stereotype, as may be the case for many LBT women and girls.

Recent events in Nigeria are a very clear example of the intersection between the right to equal access to education and the state obligation to combat stereotypes. On April 14, 2014, the terrorist group Boko Haram violently infiltrated a Nigerian school and kidnapped more than 200 girls. Boko Haram leader Abubakar Shekau explained the kidnapping: “[g]irls, you should go

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<sup>5</sup> Art. 12(1); Art. 14; GR 19 ¶(24(O)); General Recommendation No. 24 - Women and Health (Article 12).

<sup>6</sup> CEDAW, Gen. Rec. No. 28, December 16, 2010, ¶18.

<sup>7</sup> CEDAW Committee, *R.K.B. vs. Turkey*, Communication No. 28/2010, UN Doc. CEDAW/C/51/D/28/2010, 13 April 2012, para. 8.8.

and get married.”<sup>8</sup> Boko Haram’s kidnapping of the girls was rooted in gender stereotypes about the role women are supposed to take on in society, as wives and mothers. Indeed, the normative and prescriptive stereotype that “educated women will not get married” constitutes a consistent barrier to access to education for girls, generally speaking, because education is linked to financial independence.

General gender stereotypes are directly harmful for LBT youth, as for all girls. However, these stereotypes cause special harm and exclusion to LBT youth, since they imply the inevitability of heterosexual relationships or of a particular gender expression. Indeed, many LBT individuals defy gender stereotypes by their very being and are thus seen as disruptive in society generally and distracting in schools specifically. The construction of gender stereotypes ultimately rests on the assumption that there are two opposite and mutually exclusive biological sexes. The assumption of heterosexuality is central to this gender binary.

At the root of much prejudice against LBT people is the belief that their derivations from culture, religion, and tradition are a choice. Consequently, many who arrest, beat, and otherwise punish LBT people on the basis of their sexual orientation or gender identity believe those who do not adhere to prevailing norms deserve to be punished—whether they are unaccompanied women, lesbians in committed relationships, or transgender people. It is imperative that the Committee combat the continuation of gender stereotypes, which threaten the right to equal access to education for girls in general and for LBT youth in particular.

## **b) Violence**

Violence is also a significant obstacle to education. For example, a survey of students in Argentina published in 2010 found that transgender people can encounter aggression from other students or school authorities, abuse which in turn leads them to leave school.<sup>9</sup> The Argentinian study found that nearly half (45 percent) of transgender people dropped out of secondary school and only 2.3 percent completed college (in contrast to completion rates of 20-27 percent of college students overall).<sup>10</sup>

Official data on homophobic and transphobic violence is patchy and scarce. Relatively few countries have adequate systems in place for monitoring, recording, and reporting homophobic and transphobic violence. Even where such systems exist, victims oftentimes do not trust the police enough to come forward, and are frequently scared of the potential consequences of identifying themselves as victims.<sup>11</sup>

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<sup>8</sup> Aminu Abubakar and Josh Levs, “*I Will Sell Them,*” *Boko Haram Leader Says of Kidnapped Nigerian Girls*, CNN (May 6, 2014, 11:42 AM), <http://www.cnn.com/2014/05/05/world/africa/nigeria-abducted-girls/>

<sup>9</sup> UNITED NATIONS EDUCATIONAL, SCIENTIFIC, AND CULTURAL ORGANIZATION, REVIEW OF HOMOPHOBIC BULLYING IN EDUCATIONAL INSTITUTIONS 19 (2012), *citing* Marcelo Ernesto Ferreyra, *Gender Identity and Extreme Poverty, in Gay and Lesbian Rights are Human Rights* (Ireen Dubel & André Hielkema eds., 2010).

<sup>10</sup> *Id.*

<sup>11</sup> United Nations Human Rights, *Free & Equal United Nations for LGBT Equality: Homophobic and Transphobic Violence*, [https://unfe-uploads-production.s3.amazonaws.com/unfe-5-UN\\_Fact\\_Sheets\\_v6\\_-\\_Homophobic\\_and\\_transphobic\\_violence.pdf](https://unfe-uploads-production.s3.amazonaws.com/unfe-5-UN_Fact_Sheets_v6_-_Homophobic_and_transphobic_violence.pdf)

As with violence against women generally, violence experienced by women based on sexual orientation or gender identity has a long history, particularly with respect to the issue of access to education for LBT youth.

**c) Dress codes**

Mandatory dress codes which require gender-specific outfits for boys and girls in school can impair LBT children's right to education and right to equal protection of the law. When administrators make dress codes gendered and enforce the code strictly according to students' assigned gender at birth (rather than chosen gender expression), they are contributing to acts of harassment and violence toward LBT youth. Dress codes and clothing are at the core of a person's freedom of expression: international law recognizes that it is a human right to wear what one wants, barring reasonable restrictions for the purposes of safety or to protect the rights of others.<sup>12</sup> The European Court of Human Rights has noted that gender identity—including the right to expression through dress—is one of the most basic elements of self-determination.<sup>13</sup>

Gendered dress codes which require students to dress consistent with their biological sex, facilitate abuse, especially toward LBT youth. Where LBT youth face sanctions and exclusion for being who they are, it is hard for them to avoid the basic feeling of being somehow “wrong.” Over time, this feeling of “wrongness” can contribute to depression and the conviction that violence and discrimination is inevitable. Mandatory dress codes in schools can result in increased dropout rates for LBT youth and may lead to segregation or marginalization of LBT students. According to one U.S. study, for example, 31.7 percent of LBT youth missed class because of feeling unsafe or unwelcome, compared to only 5.5 percent of all secondary school students.<sup>14</sup>

Indeed, in one documented case in the United States, a school principal prohibited a trans student from attending school because the student dressed in accordance with her gender identity—which was different from the gender assigned to her at birth.<sup>15</sup> The principal impaired the trans student's right to education by routinely sending the student home to change clothes. In this case, the court ruled that preventing a transgender student from wearing clothing of the opposite sex denies the student the right to free expression, the right to be free from sex discrimination, and amounts to denial of the student's liberty interest in appearance.<sup>16</sup>

**d) Bullying (Homophobic or Transphobic Hate Speech)**

Bullying, the use of strength or influence to harm or intimidate, is a behavior that presents a serious obstacle for LBT students. In Nepal, Bangladesh, India, and Latin America, among other places, transgender people face bullying and harassment in schools, and this targeting causes

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<sup>12</sup> Art. 19 of the International Covenant on Civil and Political Rights.

<sup>13</sup> European Court of Human Rights, Fourth Section Decision as to the Admissibility of App. No. 35968/97, available at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-22031#\[{"itemid":\["001-22031"\]}\]](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-22031#[{)

<sup>14</sup> Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). *The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools*. New York: GLSEN, pg. 47.

<sup>15</sup> *Doe ex rel. Doe v. Yunits*, 001060A, 2000 WL 33162199 (Mass. Super. Oct. 11, 2000) *aff'd sub nom. Doe v. Brockton Sch. Comm.*, 2000-J-638, 2000 WL 33342399 (Mass. App. Ct. Nov. 30, 2000).

<sup>16</sup> *Id.*

them to leave school prematurely.<sup>17</sup> School climate is not just about physical safety but also encompasses soft factors that permit a student to realize her right to education. LBT students who experience frequent harassment based on their sexual orientation were more likely to report missing school and had lower GPAs than students who were not as frequently harassed.<sup>18</sup>

Bullying creates a hostile educational climate: 73.6 percent of students surveyed in the United States 2009 National School Climate Survey heard homophobic remarks frequently at school; 66.5 percent of students were verbally harassed because of their gender expression; 44.1 percent of students had been physically harassed (pushed and shoved) because of their sexual orientation; and 30.4% because of their gender expression.<sup>19</sup> The *Concept Note on the Draft General Recommendation on Girls’/Women’s Right to Education* provides, “in school, girls may be confronted with challenges which include ... sexual harassment and abuse....[and] the daily journey to school may be unsafe for girls.”<sup>20</sup>

The Committee on the Elimination of Racial Discrimination has developed guidelines on the limits to freedom of expression and appropriate regulation of racist hate speech in its General Comment No. 35, “Combating Racist Hate Speech.”<sup>21</sup> Specifically referring to state obligations regarding education, that Committee concluded that “racism can be the product of, *inter alia*, indoctrination or inadequate education, [and so] especially effective antidotes to racist hate speech include education for tolerance, and counter-speech.”<sup>22</sup> The Committee also noted that “[t]he school systems in States parties represent an important focus for the dissemination of human rights information and perspectives,” and called for “educational policies calling attention to the harms produced by racist hate speech.”<sup>23</sup> These conclusions are applicable *mutatis mutandis* to homophobic or transphobic hate speech.

### **3. The Explicit Reference to Sexual Orientation and Gender Identity is Consistent with the Basic Objectives of Education in International Human Rights Standards**

The purpose of CEDAW’s Recommendation is to “interpret the definition, scope and expectations regarding the right to education, as outlined in Article 10.”<sup>24</sup> In its interpretation of Article 10, CEDAW specified four basic objectives of education:

- a) Developing the human personality;
- b) Strengthening of respect for human rights and fundamental freedoms;

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<sup>17</sup> SIDA, POVERTY AND SEXUALITY: WHAT ARE THE CONNECTIONS? OVERVIEW AND LITERATURE REVIEW 30 (2010).

<sup>18</sup> Kosciw, J. G., Greytak, E. A., Diaz, E. M., and Bartkiewicz, M. J. (2010). *The 2009 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation’s Schools*. New York: GLSEN.

<sup>19</sup> *Id.* at 27

<sup>20</sup> CEDAW, *Concept Note on the Draft General Recommendation on Girls’/Women’s Right to Education*, ¶ 5.4.2, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Womensrighttoeducation>.

<sup>21</sup> Committee on the Elimination of Racial Discrimination, “General Comment No. 35: Combating Racist Hate Speech,” 26 September 2013, UN Doc CERD/C/GC/35.

<sup>22</sup> *Id.* ¶ 30.

<sup>23</sup> *Id.* ¶ 32 and 36.

<sup>24</sup> CEDAW, *Concept Note on the Draft General Recommendation on Girls’/Women’s Right to Education*, ¶1, <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/Womensrighttoeducation.aspx>

- c) Promoting understanding, tolerance, and friendship among all nations, racial, or religious groups; and
- d) Maintaining the peace.<sup>25</sup>

Specific reference to sexual orientation and gender identity in Article 10 is both consistent with the above stated objectives of education and is necessary in order for “education ... [to be] equal, available and accessible *for all*.”<sup>26</sup> Indeed, school plays an important role in the life of many adolescents, as the venue for learning, development, and socialization. Article 29(1) of the Convention on the Rights of the Child states that education must be directed to “the development of the child’s personality, talents and mental and physical abilities to their fullest potential.”<sup>27</sup> In addition, General Comment No. 1 of the Committee on the Rights of the Child on the Aims of Education states, “Education must also be aimed at ensuring that ... no child leaves school without being equipped to face the challenges that he or she can expect to be confronted with in life. Basic skills should include ... the ability to make well-balanced decisions; to resolve conflicts in a non-violent manner; and to develop a healthy lifestyle [and] good social relationships ....”<sup>28</sup>

Considering the importance of appropriate education for the current and future health and development of adolescents, as well as for their children, the Committee has urged State parties, in line with Articles 28 and 29 of the Convention on the Rights of the Child to: (a) ensure that quality primary education is compulsory and available, accessible and free to all and that secondary and higher education are available and accessible to all adolescents; (b) provide well-functioning school and recreational facilities that do not pose health risks to students, including water and sanitation and safe journeys to school; (c) take the necessary actions to prevent and prohibit all forms of violence and abuse, including sexual abuse, corporal punishment and other inhuman, degrading or humiliating treatment or punishment in school, by school personnel as well as among students; (d) initiate and support measures, attitudes and activities that promote healthy behavior by including relevant topics in school curricula.<sup>29</sup>

The equality and non-discrimination guarantee provided by international human rights law applies to all people, regardless of sex, sexual orientation and gender identity or other status. There is no fine print, no hidden exemption clause, in any of our human rights treaties that might allow a State to guarantee full rights to some but withhold them from others purely on the basis of sexual orientation and gender identity.<sup>30</sup> Over the past two decades, treaty monitoring bodies have clarified that the right to non-discrimination contained in the various Conventions apply to everyone, regardless of their sexual orientation or gender identity. Many of the references to

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<sup>25</sup> *Id.* at ¶3.1.

<sup>26</sup> *Id.* (*emphasis added*).

<sup>27</sup> Convention on the Rights of the Child, Gen. Comm. No. 4: Adolescent Health and Development in the Context of the Convention on the Rights of the Child, CRC/GC/2003/41, July 2003, *available at* <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsiQql8gX5Zxh0cQqSRzx6ZfAICbDzm5DUreYo1tlYOkZcPE%2bQh98dgWJaknr%2bF7jm9%2bkvHmi4ctJTvJ1CPTUqN7%2f4K3R8rTQQIXpWvhMbx0f>

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> United Nations Human Rights, *Free & Equal United Nations for LGBT Equality: International Human Rights Law and Sexual Orientation & Gender Identity*, [https://unfe-uploads-production.s3.amazonaws.com/unfe-6-UN\\_Fact\\_Sheets\\_v6\\_-\\_International\\_Human\\_Rights\\_Law\\_and\\_Sexual\\_Orientation\\_Gender\\_Identity.pdf](https://unfe-uploads-production.s3.amazonaws.com/unfe-6-UN_Fact_Sheets_v6_-_International_Human_Rights_Law_and_Sexual_Orientation_Gender_Identity.pdf)

sexual orientation throughout the UN system began after the Human Rights Committee's landmark decision in *Toonen v. Australia*.<sup>31</sup>

Protecting individuals on the basis of sexual orientation and gender identity under the CEDAW Convention has taken many forms, including when the Committee expressed grave concern for women who face “multiple forms of discrimination and violence on grounds such as sexual orientation and gender identity.”<sup>32</sup> In more recent years, the Committee has systematized its recognition of sexual orientation and gender identity by naming them in concluding observations.<sup>33</sup>

Other treaty monitoring bodies have also addressed human rights violations against LGBT<sup>34</sup> people. The Human Rights Committee took official note welcoming positive legislation for same-sex couples as early as 1993<sup>35</sup> and has in the subsequent decades repeatedly called upon States to stop violence and discrimination against LGBT people. In fact, the Committee has made more than thirty (30) specific references to LGBT people, sexual orientation and/or gender identity in its concluding observations across different States in the last five years alone.<sup>36</sup> The Committee on Economic, Social and Cultural Rights has addressed the place of LGBT people within its Convention by issuing a general comment which clarifies that the prohibition of discrimination in the Covenant it oversees includes sexual orientation and gender identity among the prohibited grounds of discrimination.<sup>37</sup>

The Committee against Torture has expressed explicit concerns regarding LGBT people since at least 2002, and has thereafter repeatedly acknowledged LGBT people as a vulnerable group specifically targeted for torture or other forms of cruel, inhuman or degrading treatment.<sup>38</sup> The Committee on the Rights of the Child has issued both general comments and concluding

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<sup>31</sup> In *Toonen*, the Human Rights Committee addressed the equality provisions contained within the International Covenant on Civil and Political Rights (the “ICCPR”) under the category of “sex” as including protection from sexual orientation and gender identity discrimination. *Toonen v. Australia*, Communication No. 488/1992, U.N. Doc CCPR/C/50/D/488/1992, ¶¶ 8.1, 8.7 (1994).

<sup>32</sup> CEDAW Con. Obs.: Chile, U.N. Doc., C/CHL/CO 5-6 ¶16 (Oct. 24, 2012).

<sup>33</sup> *Id.*

<sup>34</sup> Lesbian, Gay, Bisexual and Transgender (LGBT).

<sup>35</sup> ICCPR, Conc. Obs: Norway, U.N. Doc., CCPR/C/79/Add.27 (Nov. 4, 1993).

<sup>36</sup> Concluding Observations: Sweden, CCPR/C/SWE/CO/6, May 7, 2009, Para. 3

<sup>37</sup> CESCR Gen. Comm. No. 20: Non-discrimination in Economic, Social and Cultural Rights (art. 2 ¶2), E/C.12/GC/20, July 2, 2009, ¶ 32 “‘Other status’ as recognized in article 2(2), includes sexual orientation. States parties should ensure that a person’s sexual orientation is not a barrier to realizing Covenant rights, for example, in accessing survivor’s pension rights. In addition, gender identity is recognized as among the prohibited grounds of discrimination; for example, persons who are transgender, transsexual or intersex often face serious human rights violations, such as harassment in schools or in the workplace.”

<sup>38</sup> CAT, Conc. Obs.: United States of America, CAT/C/USA/CO/2, May 17-18, 2006, ¶32, 37; Concl. & Recomm.: Poland, CAT/C/POL/CO/4, May 15, 2007, Para. 20; Latvia, CAT/C/LVA/CO/2, February 19, 2008, Para. 19; Costa Rica, CAT/C/CRI/CO/2, July 7, 2008, Para. 11 and 187; Concluding Observation Peru, CAT/C/PER/CO/6, December, 2012 *Attacks against members of the LGBT community*, ¶ 22; Russian Federation, CAT/C/RUS/CO/5, December 11, 2012, Para. 15; Norway, CAT/C/NOR/CO/6-7, December 13, 2012, ¶ 21; Norway, CAT/C/NOR/CO/6-7, December 13, 2012, ¶ 21; Armenia, CAT/C/ARM/CO/3, July 6, 2012, ¶ 19.



observations over the past ten years specifically directed at eliminating violence and discrimination against LGBT children and youth.<sup>39</sup>

#### 4. Conclusion and Recommendations

IGLHRC respectfully requests that CEDAW's forthcoming General Recommendation on girls' and women's right to education include provisions that specifically reference the particular barriers to education faced by girls and youth because of their sexual orientation and gender identity. Indeed, such provisions will help curb discrimination on the basis of sexual orientation and gender identity, which in turn, inhibits access to education of girls.

Promoting gender equality in education cannot be accomplished by ignoring lesbians, bisexual women and girls, and transgender people. As stated by the Commission on the Status of Women's (CSW) Expert Group, recognition of sexual and reproductive rights "help concretize equal citizenship and enable the achievement of substantive equality, especially for women and girls...empower[ing] women and men with rights which enable them to be equals in the public and in the most private spheres of life."<sup>40</sup> Sexual orientation and gender identity issues are inextricable from sexual and reproductive rights that include "the right of all persons, free of coercion, discrimination and violence, to . . . [the] choice of partner."<sup>41</sup> Indeed, "discrimination and violence on the basis of sexual orientation and gender identity . . . prevent[s] access to equality and to the full exercise of citizenship."<sup>42</sup>

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<sup>39</sup> The Convention on the Rights of the Child has issued the following General Comments addressing sexual orientation and gender identity: CRC Gen. Comm. No. 3: HIV/AIDS and the Rights of the Children, CRC/GC/2003/3 (March 17, 2003), The right to non-discrimination (art. 2), ¶ 8, Gen. Comm. No. 4: Adolescent health and development in the context of the Convention on the Rights of the Child, CRC/GC/2003/4 (July 1, 2003).

<sup>40</sup> UN Women, Report of the Expert Group Meeting on Structural and Policy Constraints in Achieving the MDGs for Women and Girls, Oct. 21-24, 2013, ¶15, U.N. Doc. EGM/MDG/2013/Report.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*