**Submission to inform the upcoming thematic report of the Special Rapporteur on Right to Education on the subject of the Right to Education, Advances and Challenges**

*13 January, 2023*

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| The present submission is prepared by the Eastern European Coalition for LGBT+ Equality[[1]](#footnote-1) focusing on Armenia, Georgia, Moldova and Ukraine and responding to questions 6, 8 and 9 of the call for submissions.  |

**(Q6) To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country?**

1. In all 4 countries reviewed for the scope of this submission, protection of LGBTI students and pupils from discrimination and ensuring their full enjoyment of right to education is far more theoretical than it is practical. There are some differences in protective legislation that can apply to education, for example, Georgia, Ukraine and Moldova have previously adopted laws on elimination of all forms of discrimination prohibiting, however only Georgian law explicitly mentions sexual orientation, gender identity and expression in a manner that applies to education as well. None of the 4 countries mention sex characteristics among the protected grounds at all[[2]](#footnote-2).
2. The laws regulating education (general and higher) in the 4 countries fail to mention SOGIESC issues[[3]](#footnote-3), which also leads to lack of support systems that are tailored to the needs of LGBTI children and youth in education settings, leaving them without access to help. This point is illustrated by the survey results from Moldova, where respondents revealed, that while they are aware of the presence of school psychologists, majority do not approach them with issues related to bullying or other experiences based on SOGIESC, because they expect these specialists to have a negative opinion about LGBTI people.[[4]](#footnote-4) Similarly a survey conducted in Ukraine in 2021 found that 55% of the respondents did not have a single adult in school they could turn to for support.[[5]](#footnote-5)
3. Another important area, where discrimination is present, are the general education curricula, that lack any positive information on SOGIESC issues or LGBTI people. The introduction of human rights-based education opportunities and curricula in schools is always accompanied by backlash and is rarely adopted without substantial changes to placate the conservative institutions and groups. Attempts to introduce CSE in Moldovan schools in 2010, for example, failed due to protests from the Orthodox Church and conservative parents’ groups. The same scenario unfolded in Georgia in the early 2000s. The opposition was also harsh when a subject ’’Me and Society’’ (part of civic education) was being introduced in Georgian schools, even though it did not explicitly cover SRHR[[6]](#footnote-6). In Armenia, the ongoing education reform envisioning the introduction of some aspects of CSE into school programs faced toxic speculations from the far-right groups, who claim that there is not enough focus on family, and the program could become a way to promote tolerance for LGBTI people[[7]](#footnote-7).
4. Georgia[[8]](#footnote-8), Moldova[[9]](#footnote-9), and Armenia[[10]](#footnote-10) have received several recommendations on introducing CSE into the education system and, over the years, within the frames of various reforms, different elements pertaining to CSE appeared in the school curricula of these states[[11]](#footnote-11) [[12]](#footnote-12) [[13]](#footnote-13) [[14]](#footnote-14). However, despite these positive shifts the level at which topics pertaining to CSE are covered is far from sufficient. The fact that teachers overwhelmingly lack competence in this area makes efficient implementation of existing programs even more difficult. In addition, the optional nature of some of the topics (such as pregnancy and contraception) and lacking monitoring efforts make it difficult to follow-up on which areas are adequately covered and which are omitted. In addition, essential topics concerning sexual orientation, gender identity, expression, and sex characteristics are left out of the curricula entirely.
5. Higher education curricula (especially, in medicine, law and psychology) throughout the region still present substantially outdated and negative references to SOGIESC issues. However, the fact that higher education institutions have a larger autonomy in such matters, there are higher chances of achieving change by lobbying them. For instance, in 2020 the Public Defender of Georgia recommended that Tbilisi State Medical University remove textbooks that contain stigmatizing language related to LGBTI people. In this case, the University complied which is highly commendable[[15]](#footnote-15). Also, in 2020, two major Georgian Universities introduced courses on queer theory, in cooperation with a community-based organization Equality Movement, in which 80 students took part.

**(Q8) In your view, what are the main challenges in your country in implementing the right to education?**

1. None of the 4 States reviewed in this submission address bullying against LGBTI children and youth in education settings as a serious problem. Ukraine is the only country with an anti-bullying legislation (since 2018), however it fails to explicitly mention SOGIESC among the protected grounds[[16]](#footnote-16)
2. Due to these gaps in legislation and political will, the phenomenon of bullying remains undocumented across the region, especially in relation to children from vulnerable groups such as LGBTI community, at the same time as civil society organisations continue to have a very restricted access to education institutions. In 2021, Genderdoc-M conducted a survey exploring experiences of LGBTI teenagers in Moldova revealing that most respondents also stated that they know of situations where LGBT + adolescents were verbally and physically threatened and assaulted by schoolmates, and some respondents have been personally threatened/assaulted themselves[[17]](#footnote-17). Similar results are seen in a survey conducted in Ukraine in 2021 finding that 80% of LGBT students feel unsafe in school and 87% feel excluded. In the month preceding the survey, 40% of LGBT students reported having missed school due to personal safety concerns; 70% of LGBT students have witnessed homo/bi/transphobic remarks made against them and two-thirds of them were targeted by teachers.[[18]](#footnote-18)
3. There are numerous examples of violence and bullying in schools and higher education settings, that do reach the civil society and public and point at the severity of the problem. For instance, in Armenia, several cases of teenagers being bullied in their educational settings were reported in the last 3 years, no one has been held accountable and in some cases the charges were not pressed because of the survivors’ parents’ assessment that it would increase risk of further violence. In one case the assault on the part of peers lead to physical injuries, but police refused to start an investigation[[19]](#footnote-19). In 2020, a lesbian student was expelled from the military university, and the headmaster referred to her sexual orientation being the reason[[20]](#footnote-20). Several other cases are documented in Pink (Armenia) annual reports[[21]](#footnote-21) pointing at the systemic failure on the part of the state as well as educational institutions to protect LGBTI students.
4. Genderdoc-M reports that many respondents in their 2021 survey described being exposed to opinions that LGBT people are "perverts," "sick," "dangerous" in the educational process. One respondent mentioned that at one time, a teacher noticed two boys looking at each other during the lesson and commented, "your parents want grandchildren, not same-sex relationships." Another teacher did not allow two girls to sit on the same bench and did not start the lesson until those girls were separated and each sat with a boy. One of the trans respondents to the survey stated that his attempt to move to a different school was turned down, because the school administration refused to, in their words, take responsibility for his safety. In the same report another case is described of violence bullying endured by a trans teenager, that lead to several suicide attempts[[22]](#footnote-22). In 2022 a trans teenager in Moldova committed suicide, after being bullied and not having been able to find help[[23]](#footnote-23)
5. Another important aspect related to protecting LGBTI students from violence, discrimination and allowing them to flourish and thrive in educational settings, is the devastating lack of knowledge on SOGIESC issues among teachers. Moreover, teachers often demonstrate the detrimental stereotypes towards LGBTI people, making students even more unsafe. NGO’s rarely have access to education settings, this includes inconsistence in teacher trainings that are provided, because it is left to the discretion of the school and/or education ministry to allow the teachers to participate in those. For example, in 2018, the NGO Equality Movement wanted to prepare a study on teachers’ attitudes towards LGBT people, but schools as well as the Ministry of Education denied their requests[[24]](#footnote-24). However, in 2020, another organisation Georgian Democracy Initiative sensitised 100 public school teachers on LGBTQI issues. This illustrates a tendency, that civil society organisations manage to only have sporadic access to teachers and their sensitization on SOGIESC issues does not have a systemic character.
6. Another important challenge, that is being overlooked, in both general and higher education across the region, is the interconnection of access to education and one’s inherited and/or acquired socio-economic status. This problem plays out in a particular way in relation to LGBTI people, who are often trapped in the vicious cycle of socio-economic exclusion, that has to do with lack of access to education from quite an early age. On the one hand, not being able to feel safe at home and/or in school, may lead to academic challenges and learning difficulties, as well as LGBTI youth to drop out and move away from the family of origin. With or without completed school education, many LGBTI people, have to enter labor market at a young age, especially when they lack support system in the family of origin, working low-wage jobs jobs and not being able to find enough resources and time to continue education, pay tuition fees etc. In the long run, this traps many LGBTI people in the informal sectors, as well as lower-wage service jobs, and/or sex work which is criminalized across the region and brings additional risks.
7. Last but not least, Eastern Partnership countries continue to be ravaged by wars. Most recently the war in Nagorno Karabakh, and Russia’s full-scale invasion of Ukraine have brought the turbulent political situation in the region to a new boiling point. The devastation that the wars bring have a detrimental effect on access to education in general and in particular in relation to vulnerable communities. Alongside very real security risks connected to, for example, shelling, the socio-economic and mental health effects of trauma and displacement are also a great hindrance to proper enjoyment of the right to education. Additionally, in Ukraine, currently many of the educational processes have shifted online, which in case of vulnerable communities, such as LGBTI children and youth, traps them in the social settings that may be hostile. In the longer term, wars also bring the challenge of disruption of the already established support systems, as well as societal shifts towards militarism, which is rarely conducive to acceptance of diversity and challenging of the gender norms.

**(Q 9)What are the crucial issues to address, nationally as well as internationally, to ensure the realization of the right to education?**

1. As is evident from previous sections of the report, governments in the 4 countries reviewed here largely ignore the needs and challenges of LGBTI students, do not collect any relevant data and do not commit to train education personnel, or update curricula in order to ensure inclusion of SOGIESC issues and cultivation of safe space for LGBTI students. We believe that in order to ’’ensure inclusive and equitable quality education for all’’ as is eloquently formulated in SDG 4, the education institutions and state authorities need to start accounting for diversity of the societies that they are embedded in. We recommend that the states of Armenia, Georgia, Moldova and Ukraine:
	1. Ensure inclusion of SOGIESC as protected grounds in legislation covering education in an explicit manner;
	2. Apply SOGIESC-inclusive intersectional analysis to education plans and strategies, exploring challenges of different social groups’ access to education;
	3. Develop intersectional and tailored solutions to the challenges mentioned above and embed the possibilities for continued learning and necessary shifts in the strategies, in cooperation with the civil society organisations;
	4. Commit to introducing mandatory education opportunities for teachers and personnel (such as psychologists and doctors) responsible for providing support to children and youth in education settings, ensuring that they have access to up-to-date, non-discriminatory information about gender, sexuality and SOGIESC issues;
	5. Ensure that school is a safe space for all the children, establish necessary SOGIESC-inclusive and sensitive support systems against bullying, as well as proper documentation of the problem.
	6. Initiate the process of updating the relevant higher education curricula to remove discriminatory language and ensure introduction of CSE as well as civic-education modules in school, that are inclusive of SOGIESC issues in a manner that is positive and scientifically correct.
1. https://www.facebook.com/LGBTEasternCoalition [↑](#footnote-ref-1)
2. <https://www.iglyo.com/wp-content/uploads/2018/05/Education_Report_April_2018-4.pdf> [↑](#footnote-ref-2)
3. <https://www.education-index.org/wp-content/uploads/2022/05/IGLYO-LGBTQI-Inclusive-Education-Report-2022-v3.pdf> [↑](#footnote-ref-3)
4. 2021 Report by Genderdoc-M [↑](#footnote-ref-4)
5. https://suspilne.media/114071-80-pidlitkiv-lgbt-ne-pocuvautsa-v-bezpeci-u-skoli/ [↑](#footnote-ref-5)
6. <https://jam-news.net/sexual-education-in-georgia-who-is-against-having-it-included-in-the-school-curricula/> [↑](#footnote-ref-6)
7. <https://oc-media.org/features/armenias-new-education-standards-under-fire-for-lack-of-armenianness/> [↑](#footnote-ref-7)
8. <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsldCrOlUTvLRFDjh6%2Fx1pWDqKYdAsZCi%2FpTG5mONu7rLEgGDzc4uYj4EX9q0OwgEtztAerYJ0NdpVEHSESZXwGVYxjsz8OaUw6uLeEqhG0qBpr7G2F1eAhw8U9lp5arMXA%3D%3D> [↑](#footnote-ref-8)
9. Committee on the Rights of the Child (CRC) Recommendation 2017 Source:[CRC/C/MDA/CO/4-5](http://undocs.org/CRC/C/MDA/CO/4-5) [↑](#footnote-ref-9)
10. Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material Recommendation 2016 Source:[A/HRC/31/58/Add.2](http://undocs.org/A/HRC/31/58/Add.2) [↑](#footnote-ref-10)
11. <https://www.bzga-whocc.de/fileadmin/user_upload/Dokumente/BZgA_Factsheets_Online_Ukraine.pdf> [↑](#footnote-ref-11)
12. Information provided by Genderdoc-M [↑](#footnote-ref-12)
13. [Prime Minister Presents Education Reform Vision at Ikalto Monastery Complex](http://gov.ge/index.php?lang_id=ENG&sec_id=497&info_id=67853), see: <http://gov.ge/index.php?lang_id=ENG&sec_id=497&info_id=67853> [↑](#footnote-ref-13)
14. Mikheil Batiashvili presentation of the Education Reform in Ikalto Monastery Complex, see:

<http://mes.gov.ge/content.php?id=8658&lang=eng> [↑](#footnote-ref-14)
15. <https://www.education-index.org/wp-content/uploads/2022/05/IGLYO-LGBTQI-Inclusive-Education-Report-2022-v3.pdf> [↑](#footnote-ref-15)
16. <https://www.kyivpost.com/ukraine-politics/poroshenko-signs-law-on-fines-for-bullying-in-schools.html> [↑](#footnote-ref-16)
17. Reporting on the Situation of LGBT people’s Rights in the Republic of Moldova, Genderdoc-M, 2021 [↑](#footnote-ref-17)
18. https://suspilne.media/114071-80-pidlitkiv-lgbt-ne-pocuvautsa-v-bezpeci-u-skoli/ [↑](#footnote-ref-18)
19. <https://ilga-europe.org/files/uploads/2022/04/annual-review-2022.pdf> [↑](#footnote-ref-19)
20. <https://www.education-index.org/wp-content/uploads/2022/05/IGLYO-LGBTQI-Inclusive-Education-Report-2022-v3.pdf> [↑](#footnote-ref-20)
21. <https://www.pinkarmenia.org/en/publications/report/> [↑](#footnote-ref-21)
22. Reporting on the Situation of LGBT people’s Rights in the Republic of Moldova, Genderdoc-M, 2021 [↑](#footnote-ref-22)
23. https://balkaninsight.com/2022/04/13/transgender-teenagers-suicide-in-moldova-sparks-call-for-law-change/#:~:text=The%20teenager%20jumped%20to%20her,the%20LGBT%20community%20in%20Moldova. [↑](#footnote-ref-23)
24. <https://www.education-index.org/wp-content/uploads/2022/05/IGLYO-LGBTQI-Inclusive-Education-Report-2022-v3.pdf> [↑](#footnote-ref-24)