

**Written Submission to the Special Representative to the Secretary
General on Violence Against Children (SRSG-VAC)**

In connection with report mandated by GA Res A/RES/69/158

Submitted by:

OutRight Action International

and

European region of the International Lesbian, Gay, Bisexual, Trans
and Intersex Association (ILGA-Europe)

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OUTRIGHT
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Human Rights for LGBTIQ People Everywhere.

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The ILGA Europe logo features the text 'ILGA' stacked above 'EUROPE' in a bold, sans-serif font. To the right of the text is a decorative graphic consisting of a grid of colored dots. The dots are arranged in a pattern that tapers to the right, with colors including red, orange, yellow, green, blue, and purple.

Equality for lesbian, gay, bisexual,
trans and intersex people
in Europe

Introduction

This written submission to the Special Representative to the Secretary General on Violence Against Children (SRSG-VAC) has been prepared by OutRight Action International (formerly known as the International Gay and Lesbian Human Rights Commission (IGLHRC)) and by the European region of the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA-Europe) in advance of the development of the SRSG-VAC report mandated by the UN General Assembly through resolution A/RES/69/158. Both organizations are in special consultative status with ECOSOC. [OutRight Action International](#) is a non-governmental organization dedicated to the protection and promotion of human rights for all, regardless of sexual orientation, gender identity, or gender expression. ILGA-Europe is a non-governmental umbrella organization bringing together [422 organizations from 45 European countries](#). Its vision is of a world where dignity, freedoms and full enjoyment of human rights are protected and ensured to everyone regardless of their actual or perceived sexual orientation, gender identity, gender expression and sex characteristics.

The submission summarizes documentation of violence against children in educational settings, gathered in several countries across the world over the past 5-10 years. Our research and experience indicate a clear link between generalized homophobia and transphobia in society (including through the criminalization and discrimination of sexual and gender minorities) and the continued victimization of children on account of their sexual orientation and gender identity or expression.

Background

Bullying, including cyberbullying, on grounds of real or perceived sexual orientation, gender identity, or gender expression, remains a serious but largely underreported issue in most contexts. Negative cultural attitudes towards non-normative sexual and gender identities and expressions contribute directly to bullying in a myriad of settings in which children and young adults interact among themselves and with adults. These attitudes are exacerbated and legitimized by laws that criminalize same-sex intimacy, cross-dressing, and other laws policing gender conformity. Research shows that many children experience bullying if they are perceived to be gay, lesbian, bisexual, intersex or transgender and, in some cases, if their parents identify as such.¹ In fact, LGBTI identified children are generally at a heightened risk of experiencing bullying compared to non-LGBTI identified children.²

Forms of bullying against children on account of their real or perceived sexual orientation, gender identity or expression include physical abuse, verbal harassment, targeting by school administration sexual harassment, cyberbullying and social

¹ Eliminating Discrimination against Children and Parents Based on Sexual Orientation and/or Gender Identity, *Current Issues*, No. 9, United Nation's Children's Fund, available at http://www.unicef.org/esaro/Current_Issues_Paper-_Sexual_Identification_Gender_Identity.pdf (accessed September 18 2015).

² Eliminating Discrimination against Children and Parents Based on Sexual Orientation and/or Gender Identity, note 1 above.

exclusion.³ Perpetrators of bullying may be school colleagues, playmates, siblings, adult relatives and administrative staff at schools, camps as well as juvenile facilities.

Laws criminalizing same-sex sexual conduct and anti-bullying policies that fail to acknowledge bullying and cyberbullying on grounds of sexual orientation and gender identity or expression, are part of structural barriers that heighten the vulnerability of children and young people to bullying. In our research and experience, in particular in contexts where perceived homosexuality, gender non-conformity, or being transgender is stigmatized or criminalized, children reporting violence on the grounds of sexual orientation and gender identity or expression face mocking, inaction, hostility or abuse from teachers and administrators.

Where reported cases of bullying go unaddressed or are inappropriately addressed, victims often face retaliation and continued acts of violence and harassment at a heightened level from their peers. As a direct result, in surveys, victims of bullying on grounds of sexual orientation, gender identity, or gender expression expressed unwillingness to report instances of abuse or harassment to parents or school staff, citing fears that doing so would negatively impact an already dire situation or that reporting would not have effectively tackled instances of abuse or harassment.⁴

Children who undergo abuse, harassment and discrimination on account of their real or perceived sexual orientation or gender identity or expression, experience both short-term and long-term effects on their physical and psychological health which affects their ability to participate fully in society, even as adults.⁵ Bullying has far-reaching negative consequences for both victims and perpetrators. Research points to a higher likelihood of self-harm, including suicide attempts and suicidal ideations among victims of bullying who had been targeted on account of their sexual orientation and gender identity and expression.⁶

For instance, in the Netherlands, 9 percent of gay students and 16 percent of lesbian students have attempted suicide at least once. Fifty percent of LGB students reported having suicidal thoughts.⁷

Research also indicates that experiences of bullying at school have an impact on the future career of victims: 37 percent of respondents to an online survey launched by IGLYO (the International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organization) “thought that their experiences had influenced their choice of job/career

³ *Hidden in Plain Sight: A Statistical Analysis of Violence Against Children* (September 2014), United Nations Children Fund, p. 129.

⁴ *Hidden in Plain Sight*, note 2 above p. 129.

⁵ *How Bullying Affects Lesbian, Bisexual and Transgender (LGBT) Young Adults*, Frances McClelland Institute of Children, Youth and Families – University of Arizona, undated, available at https://mcclellandinstitute.arizona.edu/sites/mcclellandinstitute.arizona.edu/files/ResearchLink_Vol.%204%20No.%201_Bullying.pdf (accessed September 18 2015).

⁶ D’Augelli, A. R., Pilkington, N. W., & Herschberger, S. L. (2002) *Incidence and mental health impact of sexual orientation victimization of lesbian, gay, and bisexual youths in high school*. *School Psychology Quarterly*, No. 17, pp. 148-167.

⁷ *Education Sector Responses to Homophobic Bullying*, Booklet 8, UNESCO, May 2012, p 22. <http://unesdoc.unesco.org/images/0021/002164/216493e.pdf> (accessed on 22 September).

(e.g. what job, which location) and/or their choice of studies (e.g. what course, what institution) (29 percent)".⁸

Bullying by peers

In OutRight Action International's and ILGA-Europe's research and experience, peers, school colleagues and playmates are the main perpetrators of bullying and cyberbullying. Various forms of bullying documented over the years include physical abuse, verbal harassment, sexual harassment, humiliation, 'outing' (in which perpetrators disclosed someone's sexual orientation and gender identity), and social exclusion. Although interactions among children can provide the basis for positive child development, our experience shows that pervasive stereotypes and negative beliefs about sexual and gender minorities fuels hostility against many LGBTI children at school.

In a recent report on the rights of the child in Iran, OutRight Action International and its civil society partners documented a pattern of bullying of LGBTI children by other children. The report found instances of bullying, physical and sexual violence at high school, middle school and even elementary school, with classmates being the main perpetrators, and school authorities ignoring or facilitating abuse.⁹ Bullying went hand-in-hand with mocking and other forms of denigration (such as insults) when children did not conform to gender norms at the school setting.

OutRight Action International's research from Japan found that transgender students, especially transgender girls, experienced physical violence when their gender identity was discovered by fellow students. In one incident that we documented, a transgender student was stripped naked by a gang of high school girls who demanded, "What gender are you?"¹⁰ OutRight Action International has documented that similar abuses were reported in Uganda.¹¹

An online survey conducted among LGBTQI young people in Croatia, Denmark, Ireland, Italy, and Poland indicates that 78 percent of respondents experienced rumors and/or

⁸ The impact of homophobic and transphobic bullying on education and employment, A European survey 2013, By Eleanor Formby, Sheffield Hallam University and IGLYO. <http://www.iglyo.com/wp-content/uploads/2012/04/IGLYO-Bullying-Research-2013.pdf> (accessed on 22 September).

⁹ Rights of the Child in Iran: Joint Alternative Report by Civil Society Organizations on the Implementation of the Convention of the Rights of the Child by the Islamic Republic of Iran, March 2015, p X, http://OutRightInternational.org/files/CRC71_Iran_JointSubmission_FINAL2.pdf (accessed on September 16, 2015).

¹⁰ Violence through the Lens of Lesbians, Bisexual Women and Trans people in Asia p. 37 (2014) <http://OutRightInternational.org/content/violence-through-lens-lbt-people-asia> (accessed on 17 September 2015).

¹¹ Violation of the Human Rights of Lesbian, Bisexual, Transgender (LBT) and Kuchu People in Uganda, Shadow Report to the 47th Session of the Committee on Elimination of all Forms of Violence Against Women, September 2010 [http://OutRightInternational.org/sites/OutRight Action International.org/files/445-1.pdf](http://OutRightInternational.org/sites/OutRight%20Action%20International.org/files/445-1.pdf) (accessed September 16, 2015).

gossip about them and just under three quarters (73 percent) experienced name-calling. Over a quarter (28 percent) had experienced physical assault¹².

Bullying or inappropriate responses to bullying by teachers and school administration

Through a five-country research on violence against lesbians, bisexual women, and trans women in Asia, OutRight Action International documented numerous cases of abuse perpetrated by teachers and administration school staff against children on the grounds of their real or perceived sexual orientation, gender identity, or gender expression.¹³ It was also clear from this research that negative attitudes by teachers and administrative staff affect their ability to respond effectively and appropriately to cases of bullying.¹⁴ In various countries that we studied, school administrators also contributed to continued harassment of transgender students by forcing them to dress and style their hair in accordance to the sex they were assigned to at birth.¹⁵

In OutRight Action International's research from Iran, we found that some teachers and school administrators had taken measures to confront bullying and abuse against students who do not conform to gendered norms. However, we found that most cases of bullying on such grounds remain unaddressed or inappropriately addressed. Students who identify as lesbian, gay, bisexual, transgender, or intersex are routinely told to behave according to their biological sex as a "solution" to continued instances of harassment and abuse.¹⁶ More worryingly, teachers and school administrators, in some cases, participated in or lead the abuse by humiliating LGBTI students in front of their classmates.¹⁷ OutRight Action International and IRQO also documented instances of sexual violence against LGBTI students by teachers and school administrators.¹⁸ The victims of this sexual violence were targeted on account of their vulnerability and isolation.

¹² The impact of homophobic and transphobic bullying on education and employment, A European survey 2013, By Eleanor Formby, Sheffield Hallam University and IGLYO. <http://www.iglyo.com/wp-content/uploads/2012/04/IGLYO-Bullying-Research-2013.pdf> (accessed on 22 September).

¹³ Violence through the Lens of Lesbians, Bisexual Women and Trans people in Asia p. 77 (2014) <http://OutRightInternational.org/content/violence-through-lens-lbt-people-asia> (accessed on 17 September 2015).

¹⁴ For instance, Interview with Menika, School Principal, Women's Support Group, Sri Lanka, June 16, 2011 cited in the report.

¹⁵ Violence through the Lens of Lesbians, Bisexual Women and Trans people in Asia p. 118 (2014) <http://OutRightInternational.org/content/violence-through-lens-lbt-people-asia> (accessed on 17 September 2015).

¹⁶ Rights of the Child in Iran: Joint Alternative Report by Civil Society Organizations on the Implementation of the Convention of the Rights of the Child by the Islamic Republic of Iran, March 2015, http://OutRightInternational.org/files/CRC71_Iran_JointSubmission_FINAL2.pdf (accessed on September 16, 2015).

¹⁷ Rights of the Child in Iran: Joint Alternative Report by Civil Society Organizations on the Implementation of the Convention of the Rights of the Child by the Islamic Republic of Iran, March 2015, http://OutRightInternational.org/files/CRC71_Iran_JointSubmission_FINAL2.pdf (accessed on September 16, 2015).

¹⁸ Rights of the Child in Iran: Joint Alternative Report by Civil Society Organizations on the Implementation of the Convention of the Rights of the Child by the Islamic Republic of Iran, March 2015, http://OutRightInternational.org/files/CRC71_Iran_JointSubmission_FINAL2.pdf (accessed on September 16, 2015).

In some cases, instances of bullying are reported in national news. Though the reporting is often sensationalized, it demonstrates the lack of appropriate response to bullying based on sexual orientation, gender identity, or gender expression. In 2006, for example, the New Vision in Uganda reported that Martha Gabula, a high school student, died after being assaulted by her teacher, Noah Nawagala, in Uganda.¹⁹ Gabula was said to have attempted to commit suicide after her fellow students accused her of lesbianism, after which the teacher beat Gabula severely in an attempt to get her to divulge whether she had taken an overdose of chloroquine.²⁰

Also in Uganda, OutRight Action International had documented cases of violent bullying dating back to 2003. At that time, an 18-year-old senior student, Paula Rwomusahana, at St. Joseph's Secondary School in Nsambya, was beaten and humiliated in front of a school assembly for allegedly writing love letters to fellow students.²¹ Rwomusahana died a few days after the beating after school administration failed to respond to her claims that she had a fever. In addition, the research showed that students who were perceived to be lesbian, bisexual, or transgender routinely were expelled from Ugandan high schools.²²

In regards to discrimination in public schools in El Salvador, some schools regarded boys as 'effeminate' and were consequently forced to play football in order to "correct" their behavior. In one case documented in an OutRight Action International report, after being the target of attacks at school for her sexual orientation, a lesbian girl was rebuked by the disciplinarian authority to behave more in conformity with her expected gender role and expression.²³

In the United Kingdom, 36 percent of secondary school teachers and 29 percent of primary school teachers have heard homophobic language or negative remarks about lesbian, gay or bisexual people from other school staff.²⁴

In addition, some teachers are not even aware of the fact that some of their students may identify themselves as lesbian, gay, bisexual, trans or intersex. A study conducted in

¹⁹ The New Vision "School director charged with student's murder", Monday 2 October 2006, available at <http://www.newvision.co.ug/D/8/13/524495> accessed on 3 October 2006.

²⁰ Ibid

²¹ Violation of the Human Rights of Lesbian, Bisexual, Transgender (LBT) and Kuchu People in Uganda, Shadow Report to the 47th Session of the Committee on Elimination of all Forms of Violence Against Women, September 2010 <http://OutRightInternational.org/sites/OutRightActionInternational.org/files/445-1.pdf> (accessed September 16, 2015).

²² Ibid. p. 20.

²³ Interview with William Hernandez, supra footnote 15, and speech by Ana Cisneros, on behalf of the organization "Alianza por la Diversidad Sexual LGBT", during the launch of the Minimum Platform on Sexual Diversity, Social Inclusion Secretary, May 13, 2010. Available at: <http://www.scribd.com/doc/31452844/Discurso-Ana-Cisneros-13-de-mayo-2010-Foro-Inclusion-Social-y-Diversidad-Sexual> cited in 'The Violation of the Rights of Lesbian, Gay, Bisexual and Transgender Persons in El-Salvador': Shadow Report Submitted to the United Nations Human Rights Committee, October 2010 <http://OutRightInternational.org/sites/iglhrc.org/files/439-1.pdf> (accessed September 16, 2015).

²⁴ Homophobic bullying in Britain's schools, the 2014 teachers' report, Stonewall. https://www.stonewall.org.uk/sites/default/files/teachers_report_2014.pdf (accessed on 22 September 2015).

Lithuania in 2015 indicates that nearly two thirds of teachers did not know whether homosexual or bisexual students study in their school.²⁵

Recommendations

Children who identify as gay, lesbian, bisexual, transgender or intersex, or those who may be perceived as such, deserve protection and redress from acts of violence perpetrated against them at home, at school, in detention facilities and in other settings in which they engage with their communities.

We urge the Special Representative to the Secretary General to make the following recommendations to member states in the forthcoming report:

- Repeal or amend laws that criminalize same-sex sexual conduct and work to dismantling cultural beliefs that promote violence and discrimination on grounds of sexual orientation and gender identity or expression.
- Include anti-discrimination protections on grounds of sexual orientation and gender identity or expression in all relevant laws and national guidelines.
- Put in place national anti-bullying policies that take into consideration the enhanced vulnerability of children who are bullied on grounds of their real or perceived sexual orientation or gender identity and expression and/or that of their parents. Anti-bullying policies should also set out a clear mandate on the role of adults in preventing and responding to cases of bullying. Anti-bullying policies should also involve all children as agents of change in addressing harassment and violence in settings such as schools.
- Dedicate funds to research bullying on grounds of sexual orientation and gender identity or expression.
- Dedicate funds for training and awareness about bullying on grounds of sexual orientation and gender identity or expression.
- Dedicate funds for counseling services for all victims and child perpetrators of bullying.
- Ban expulsions on ground of sexual orientation, gender identity, or gender expression.
- Allow student choice of uniform, or institute gender neutral uniforms where school uniforms are mandated.

²⁵ Homophobic bullying in Lithuanian schools, survey results and recommendations, Lithuanian Gay League, 2015.