

Policy Agenda for Inclusive Education of Children and Youth with Diverse SOGIESC

Background on Education of Children and Youth with Diverse SOGIESC

The Philippine Constitution upholds the dignity of all individuals and guarantees the full respect for their human rights, without exception for sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC). As a signatory to international human rights instruments such as the Universal Declaration of Human Rights (UDHR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR), the Philippines recognizes the inherent dignity and inalienable rights of all persons.

However, despite the existence of a Child Protection Policy that prohibits abuse, exploitation, violence, discrimination, and other forms of mistreatment, including discrimination based on SOGIESC, there is currently no effective monitoring mechanism in place to determine whether the policy is effectively protecting LGBTQIA+ (lesbian, gay, bisexual, transgender, queer, intersex, asexual, etc.) children in schools (Human Rights Watch,

2017). LGBTQIA+ organizations, advocates and school personnel have reported that the current mechanisms are insufficient in preventing the prevalence of violence against LGBTQIA+ children and youth and that many child protection committees are not equipped to handle LGBTQIA+ issues and often overlook policies and practices that discriminate against LGBTQIA+ children and youth.

LGBTQIA+ students often experience sexual bullying and face various forms of discrimination in schools, as highlighted in interviews conducted by the Human Rights Watch. These experiences create hostile and detrimental learning environments, negatively impacting their mental health and learning abilities.

Moreover, violence and discrimination against LGBTQIA+ children significantly increase their vulnerability to physical and mental health issues, including depression, anxiety, substance abuse, and even suicide. Studies consistently show a higher risk of suicidal ideation and attempts among LGBTQIA+ youth compared to their cisgender-heterosexual counterparts.

Human Rights Watch 2017— “Just Let Us Be: Discrimination Against LGBT Students in the Philippines,” is a 68-page report on the range of abuses against LGBT students in secondary schools. It details widespread bullying and harassment, discriminatory policies and practices, and an absence of supportive resources that undermine the right to education under international law and put LGBT youth at risk.

- ◆ 16% of young gay and bisexual men in the Philippines had contemplated suicide compared to 8% of young heterosexual men;
- ◆ 39% of young gay and bisexual men who had contemplated suicide had actually attempted it, compared to 26% of their heterosexual peers;
- ◆ 27% of young lesbian and bisexual women contemplated suicide, compared to 18% of young heterosexual women;
- ◆ 6.6% of lesbian and bisexual women made suicide attempts, compared to 3.9% of their heterosexual peers.

(Young Adult Fertility and Sexuality Survey)

These distressing realities emphasize the urgent need for comprehensive measures to address and prevent violence, discrimination, and their detrimental effects on LGBTQIA+ learners' well-being and academic success.

Issues and Contributing Factors on Discrimination against Learners with Diverse SOGIESC

Discrimination against learners with diverse SOGIESC in schools, learning centers and academic institutions is influenced by various factors. Common contributing factors identified by the Human Rights Watch and the Commission on Human Rights include:

- ◆ **Existing Sex-based Rules and Policies:** Many schools and educational centers and institutions enforce sex-based rules and policies, such as uniform and hair length restrictions. These policies force learners with diverse SOGIESC to dress and present themselves in ways that do not align with their gender expression. This leads to feelings of unhappiness, discomfort, decreased confidence, and impaired concentration and have caused extreme anxiety and humiliation, resulting in prolonged absences and even dropout cases.

Interviews have shown that allowing learners to dress in accordance with their gender expression positively impacts the learning environment.

- ◆ **Lack of Access to Facilities:** The lack of access to facilities, such as toilets, puts LGBTQIA+ learners at a higher risk of bullying, harassment, and sexual violence. In some cases, LGBTQIA+ learners face sanctions and disciplinary action for using the toilet that aligns with their gender identity or expression. Policies that deny access based on gender identity are discriminatory and compromise learners' safety, health, privacy, and the right to education.

- ◆ **Gender Classification:** The Human Rights Watch discovered that some educational institutions enforce gendered activities based on the sex assigned at birth, perpetuating stereotypes and fostering discrimination. This practice undermines efforts towards equality and non-discrimination among learners.

- ◆ **Exclusion from Curricula:** LGBTQIA+ learners have expressed concerns about the lack of inclusive information and resources regarding SOGIESC in their schools/educational centers. Textbooks mandated by the Department of Education often ignore the LGBTQIA+ community and portray gender characteristics in a fixed, stereotypical manner, without acknowledging diverse gender expressions.

- ◆ **Bullying and Other Forms of Violence:** According to the "2018 Philippine National School-Based Health Survey," which included responses from over 50,000 students aged 13 to 17, around 14% of students reported being bullied because of their appearance, behavior, or sexual orientation. Although bullying policies exist in some schools, there is insufficient discussion on the specific ways it manifests for children with diverse SOGIESC.

At the national policy level, while there are some laws that mention SOGIESC in their implementing rules and regulations (IRR), there is no comprehensive national legislation specifically addressing SOGIESC. For instance, the IRR of Republic Act 9710 or "The Magna Carta of Women," includes sexual orientation as a ground for discrimination. However, it does not encompass gender identity, which means the definition of "woman" in relation to this law refers to individuals assigned female at birth.

Similarly, while the IRR of Republic Act 10627, or "The Anti-Bullying Act of 2013," defines "gender-based bullying" to include acts of bullying based on SOGI (sexual orientation, gender identity), it does not provide a specific definition for SOGI. As a result, state actors responsible for implementation lack guidance on effectively addressing and monitoring cases of bullying related to SOGI.

Without explicit legal protections, individuals may continually face discrimination, harassment, and exclusion in various aspects of life, including education, healthcare, employment, and public services based on their SOGIESC. Enacting a definite law such as the SOGIESC Equality Bill is necessary to provide clear and consistent protections against discrimination, promote understanding and acceptance, and ensure equal treatment and opportunities for all individuals, regardless of their SOGIESC.

Recommendations - Inclusive Education of Children and Youth with Diverse SOGIESC

To promote a diverse SOGIESC inclusive education, it is crucial that education and learning environments become safe spaces for all children and youth, irrespective of

their sexual orientation, gender identity, gender expression, and sex characteristics. Therefore, the following recommendations are proposed to ensure a safe and inclusive education environment that supports the learning of all children and youth, regardless of their SOGIESC:

1. Enact Laws and Policies that Prohibit Discrimination on the Basis of SOGIESC

- ***Prohibit discriminatory policies:*** This includes regulations regarding dress codes, access to facilities, and participation in activities;
- ***Establish safeguards for a safe learning environment:*** Sanctions or penalties should be imposed for any form of discrimination based on SOGIESC;
- ***Eliminate strictly gendered activities:*** This helps to create a more inclusive and accepting environment for all learners;
- ***Establish monitoring mechanisms and regular assessment of policies:*** This help to evaluate the effectiveness of policies in schools, learning centers and educational institutions promoting inclusivity and non-discrimination such as the Child Protection Policy. Any provisions found to be discriminatory towards learners of diverse SOGIESC should be amended or removed.

2. Provide Safe, Accessible, and Supportive Educational Environment, Infrastructure and Facilities

- ***Recognize diverse SOGIESC:*** To promote inclusivity and respect for all;
- ***Implement self-esteem and belongingness programs:*** To foster a positive and supportive environment;
- ***Provide counseling services:*** To provide necessary support and guidance for learners who have experienced SOGIESC-based violence, harassment, discrimination, or other forms of abuse;

- **Establish reporting mechanisms:** To ensure that violations are promptly addressed and appropriate actions are taken;

- **Ensure access to infrastructure and facilities (Schools, Community Learning Centers, Higher Educational Institutions):** To cater to the needs of learners with diverse SOGIESC, such as safe, inclusive and gender-neutral bathrooms and changing facilities.

3. Well Trained Education Personnel

- **Provide guidelines for personnel conduct:** To guide the behavior and interactions of education personnel (administrators, teachers/educators, staff) with learners of diverse SOGIESC;

- **Offer training programs:** To educate administrators, teaching personnel and other staff on appropriate conduct and special care for learners with diverse SOGIESC especially those who may be victims of abuse, discrimination, or other forms of violence.

4. Gender Sensitive Curriculum and Educational Materials

- **Access to relevant materials:** To provide comprehensive information about learners' personal development and diverse SOGIESC. These materials should be age-appropriate and inclusive, promoting understanding and acceptance.

- **Inclusion of SOGIESC in the curriculum:** To educate learners on SOGIESC and inculcate sensitivity and respect to their peers.

5. Encourage Dialogue in Achieving a More Inclusive Child Rights Framework

- **Regular discussions and engagement:** To improve existing laws, policies, and practices, making them more inclusive and responsive to diverse SOGIESC.

- **Amplify marginalized voices:** To actively seek out their input, and incorporate their experiences into policy discussions.

By implementing these recommendations, schools, learning centers and educational institutions can create a more inclusive and supportive educational environment that respects and celebrates the diversity of SOGIESC among learners.

Ensure a Safe, Accessible, and Inclusive Education Environment that Supports the Learning of All Children and Youth, regardless of their SOGIESC!

End Discrimination on the Basis of Sexual Orientation, Gender Identity, Gender Expression, or Sex Characteristics (SOGIESC)!

Pass the SOGIESC Equality Bill, NOW! #####



Envisioning a Philippine society where quality education is a basic human right; where everyone has access to multi-cultural, gender-fair, liberating, lifelong education.