

The GALE Checklist, with pointers how to assess checkpoints

Introduction

We have noted that filling in the GALE Checklist on the Right to Education for [DESPOGI](#) (students who are Disadvantaged because of their Expression of Sexual Preference Or Gendered Identity) may be difficult for respondents. The checkpoints are formulated based on human rights language, framed in international conventions, but it may be unclear what these rights mean in daily practice and on the individual level. Also, some of the checkpoints may seem to overlap when you are not acquainted with international agreements or with how the education system works. We made this explanation of the checklist to help you make your assessment.

We are preferably looking for assessments based on objective data for each checkpoint, but often objective data (reliable research or policy documents) are not available. In such cases, anecdotes and personal impressions will be the main indicators. We are developing a short survey for individuals with the main questions that provide indicative statistics for this policy checklist.

The concrete questions in *italics* we offer after each checkpoint are meant to help you think about how to assess the educational right that is framed in each checkpoint. Of course, it may be that different questions have different answers in your country. Try to find a way to assess the checkpoint towards the score which fits the general trend and, if you have time, give some information to support your position.

Don't worry about being "wrong". The GALE Checklist will always be answered by respondents with different perspectives and assessments. But with your assessment, a dialogue can start with others who assess differently. We believe that such a dialogue can lead to cooperation between LGBTI people, the education sector and the government, which is the key to improving the quality of education.

Legal of social assessment?

It will often turn out that there are some legal or formal policies, but that they are not properly implemented; in such cases the policy is not effective and the score should focus on how you rate the social impact rather than to assess only based on the legal text.

Denying, ambiguous or supportive?

We make a rough distinction between denying/discouraging, ambiguous and encouraging/supportive. These assessments are always subjective but we do have some pointers on how to decide which it should be.

Denying: (1) There are laws that forbid being supportive for DESPOGI (for example criminalization or censorship laws) and they are implemented and socially supported. (2) There are no forbidding laws, or they are not really implemented, but the social attitudes are extremely negative. (3) The government supports such attitudes openly by making very negative statements about DESPOGI. Research is only done "under the radar" and has no policy impact.

Discouraging: (1) There are forbidding laws but they are not really implemented, but attitudes remain very negative. (2) There are no laws, but attitudes remain very negative. (3) The government shows disdain of DESPOGI, implying that they are not full citizens and that they should not be open about their identity. Some research may be available but recommendations are not taken seriously.

Ambiguous: (1) There are no forbidding laws, there may be laws and policies that forbid discrimination; usually such laws and policies are still flawed and not very well implemented. (2) The social context is characterized by ambiguous attitudes of the population (majority against discrimination but not so much for marriage and even less for adoption rights), of teachers and students and of government officials; in the early stage of ambiguity openness about sexual diversity may be rejected, at a later stage it may be tolerated but not welcomed. (3) Governments may support LGBTI organizations but it often depends on the current government or friendly officials. Some research is done, but the recommendations are not translated to policy.

Encouraging: (1) There are non-discrimination laws and attempts to develop laws and policies that cover a wider range of LGBTI protection and encourage social participation. (2) Social attitudes are largely supportive (large majority against discrimination, small majority for marriage, still substantial minority resistance against adoption). (3) Governments support LGBTI organizations (towards the end of this stage they may even fund them or LGBTI school projects generously) but they largely rely on LGBTI organizations to implement LGBTI policy and services and don't take real leadership in improving the education system. More research is done, but the recommendations do not consistently lead to improved policy.

Supportive: (1) There are non-discrimination laws that cover a wide range of LGBTI protection and policies that encourage social participation. (2) Social attitudes are mostly positive and supportive, with the exception of small minority communities that may express resistance to change, often in relation to

their own sense of desperation or exclusion in modern societies. (3) Governments take clear leadership and start cooperation processes to stimulate or force the education sector to comply with non-discrimination guidelines and to actively support personal development of LGBTI/DESPOGI students. There is a process of mainstreaming, which makes regular institutions sensitive and responsible for supportive attitudes and policies towards DESPOGI. There is evidence of government leadership in the shape of a government policy document that shows a strategic coherence and the government is not relying any more on implementation services by LGBTI organizations. In this phase, LGBTI organizations may shift from advocacy to consultancy with the government and with institutions, and a range of their support services are taken over by regular institutions ('mainstreamed').

The Checklist

Section 1: The right to go to school and to stay in school

1. Does the state secure that DESPOGI students have full access to educational institutions?

Were students ever refused to register for a school or internship because of their sexual orientation or gender identity? (Refusing to change a diploma for trans students falls under 5).

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

2. Does the state secure that DESPOGI students have freedom of self-expression in school?

Do students come out at your secondary (high) school or higher education for their sexual orientation or sexual identity? Did your school allow you to express positive opinions about LGBTI/DESPOGI?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

3. Does the state secure that DESPOGI students are protected against bullying and harassment?

Do students have negative behavior to DESPOGI students? Do teachers have negative behavior DESPOGI to students? Do schools have rules against bullying, do these include bullying based on sexual orientation or gender identity? Does the government of education district require school to combat bullying, is sexual orientation or gender identity mentioned, is non-implementation of such policies sanctioned?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

4. Does the state secure that DESPOGI students are supported to prevent drop-out?

Do students skip lessons or drop-out of school because of their sexual orientation or gender identity? Is there a general anti-drop-out strategy? Is there specific attention for drop-out by DESPOGI students?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

5. Does the state secure that DESPOGI students are supported to have an equal level of academic performance?

Do academic results of DESPOGI suffer because of their treatment based on their sexual orientation or gender identity? Do they get lower grades because of discrimination? Do they get lower grades because of emotional and social problems? Do they overcompensate to get higher grades while hiding their sexual identity? Can transgender students get a changed diploma when they changed gender?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

Section 2: The right to have a relevant curriculum

6. Does the state secure that public information about sexual diversity is supported?

Are there media guidelines to prevent hate-messaging and integrity of journalism? Are there censorship laws? How do the media offer information about sexual diversity/LGBTI in reality? Is the internet free and unmonitored? Can a student find public information about sexual diversity/LGBTI in a public library or on the internet?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

7. Does the state secure that regular textbooks have DESPOGI inclusive diversity?

Do the state guidelines for the content of education (national curriculum or ministerial formal guidelines) contain mandatory attention for or against tolerance, human rights, or social inclusion? Do the guidelines include sexual orientation and gender identity? Are there such guidelines on a lower level of school administration? Are there less formal guidelines or resources? Are sexual orientation or gender identity integrated in textbooks and other general school resources, are these textbook chapters of high quality/effective? Are there specific educational resources targeting all students by LGBTI NGOs available, are they of high quality/effective, are they funded or supported by the government, what is the extent of their dissemination in schools?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

8. Does the state secure that there is DESPOGI inclusive sexual education?

Is there sexual education, is it traditional sex education about pregnancy, family planning and sexually transmitted diseases, or "Comprehensive Sex Education" (CSE) which includes love, sexual fun, dating, sexual violence and exploitation and social dilemma's? Does CSE include sexual orientation and gender identity? If so, is it clear and supportive for L, G, B, T, I, other or non self-identified students and is it also sensitively targeting "straight" students lack of knowledge, fears and

anger? Is CSE offered as a state curriculum or just by family planning organizations? How is it implemented by schools?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

9. Does the state secure that there is specific information for DESPOGI students?

Are there books or other resources, like LGBTI youth magazines or websites with specific information for LGBTI young people? For example about dealing with your emotions, social pressure, coming-out, dilemma's? Are these resources by general publishers or by LGBTI NGOs? Are they of high quality/effective, are they funded or supported by the government, what is the extent of their dissemination in schools? Are they available in school libraries/media centers or are they blocked by government censorship, parental consent filters or anti-porn filters? Are they actively make available by schools?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

10. Does the state secure that DESPOGI students have informal peer-learning opportunities?

"Peer learning" means that young people learn how to be young and how to develop they personality in informal ways, like in youth clubs, social events and through online contacts. For LGBTI students this means specific L, G, B, T, I clubs or social web spaces, or joint spaces to meet at school.

Are there specific web spaces for under-age or 16-25 years old youth? Are there school clubs or events for LGBTI students, like Gay/Straight Alliances (GSA's)? Can LGBT youth express their affection in public without being harassed? Can same-sex couples attend a school dance or event?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

Section 3: The right to have good teachers

11. Does the state secure that teachers and other staff are *supportive* of human rights for DESPOGI students and staff?

In this checkpoint, the word "supportive" should be taken to refer to the *attitude* of teachers; their friendliness, not to their competence (checkpoint 12 and 13) or teamwork (checkpoint 14).

Are teachers or other school staff supportive of sexual diversity and of DESPOGI students? Is this different in primary schools, secondary schools, vocational schools and higher education? Do the school or other education authorities have a policy to improve the attitude of teachers and other staff?

0: forbidden by the state, or completely taboo

1: discouraged by state authorities and/or educational staff

2: no policy by the government, ambiguous responses by schools and staff

3: encouraged by the state, but initiative remains with activists or willing schools

4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy

5: no data or impressions available

12. Does the state secure that school staff has adequate competences to teach about sexual diversity?

This checkpoint refers to *competence to teach*, so with a focus on whether teachers are able to guide students to be more tolerant to DESPOGI students, to be friendly to and respectfully curious about LGBTI fellow-students and to support them when DESPOGI students are treated in a negative way. Good teaching can also mean informing and training students in dealing with diversity, conflict resolution and human rights strategies.

Are teachers in primary education, secondary education, vocational education and higher education trained in how to teach life skills, citizenship, sex education and more specifically dealing with diversity, conflict resolution and human rights? Are they trained to include sexual diversity? Is this training part of their initial training (teacher training college) or offered by later optional courses. Are such courses/training of a high quality (not just information, but also training skills and securing they teachers are supported to implement their learning after the course ("transfer"))? If the teachers are (only) trained by courses offered by LGBTI NGOs, are these training certified and/or recognized by the Ministry of Education? How many of the teachers are trained? How comfortable would you say teachers feel about talking about LGBTI issues in class?

0: forbidden by the state, or completely taboo

1: discouraged by state authorities and/or educational staff

- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

13. Does the state secure that school staff has adequate competences to support DESPOGI students?

This checkpoint refers to *support to DESPOGI students*. DESPOGI students may have a number of specific support needs, varying from identity dilemma's, coming-out, social and family rejection, homelessness, violence, HIV-risk or infection, alcohol or substance use and abuse, sexual intimidation and abuse and prostitution. All of these may need different counseling and support approaches due the specific context of sexual orientation and gender identity. School psychologists or school counselors (whether specific counselors or dedicated teachers) need to be trained and prepared for this.

Does initial teacher or psychology training contain information about LGBTI issues? Is there later additional training available? By whom? Is it high quality (shown to have high impact on experienced support)? In general, how comfortable would students feel about talking to their TEACHERS or SCHOOL COUNSELORS, one-on-one, about LGBTI issues?

- 0: forbidden by the state, or completely taboo
- 1: discouraged by state authorities and/or educational staff
- 2: no policy by the government, ambiguous responses by schools and staff
- 3: encouraged by the state, but initiative remains with activists or willing schools
- 4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy
- 5: no data or impressions available

14. Does the state secure that the school environment is supportive for sexual diversity?

In contrast to the last 3 checkpoints, this checkpoint is about teamwork in schools to create a supportive environment. The principal is responsible for such teamwork by establishing and guiding a school policy. A good school policy includes monitoring the school (DESPOGI) safety and setting objectives; planning school safety measures like rules for pro-social behavior, non-discrimination policy, child protection policy, a complaint procedure and visibility of the DESPOGI policy; planning a spiral curriculum and training teachers to carry out DESPOGI aspects; and integrating DESPOGI into the school's student support system. For all of this, good team work of teachers and other staff in cooperation with parents, is necessary and principals need management skills to organize this process. The checkpoint is about whether school managers do this and to what extent the state supports and secures this.

Do primary schools, secondary schools, vocational schools and higher education institutes have guidelines, rules or policies to create a supportive school environment which included respect and openness about sexual diversity? Are school principals open to take initiatives to make the school safe and inclusive for LGBTI students? Are school manager trained and supported to do this work? What is the role of the state in this? Does the state monitor the adequacy of the implementation of "whole school policies" including attention to DESPOGI, are there sanctions when school managers fail?

0: forbidden by the state, or completely taboo

1: discouraged by state authorities and/or educational staff

2: no policy by the government, ambiguous responses by schools and staff

3: encouraged by the state, but initiative remains with activists or willing schools

4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy

5: no data or impressions available

15. Does the state secure that there is employment protection for DESPOGI staff?

Is there employment protection for LGBTI school staff? Does the equality law contain exceptions for religious institutions? Are there open LGBTI teachers in schools? Are open LGBTI staff supported by the school management? When schools fire LGBTI staff, can they go to court and redress the decision?

0: forbidden by the state, or completely taboo

1: discouraged by state authorities and/or educational staff

2: no policy by the government, ambiguous responses by schools and staff

3: encouraged by the state, but initiative remains with activists or willing schools

4: actively supported by the state with policies, leadership and budget; activist organizations support the state policy

5: no data or impressions available