



# 5

## Legal Landscapes: Laws Impacting Gender and Sexuality Education Research

Tiffany Jones

### Introduction

Education—largely controlled by governments and international religious organisations—is the key industry in which politicised battles over gender and sexuality (G&S) issues are now being fought. Powerful transnational, national and local stakeholders are involved: the United Nations (UN) and its agencies, World Health Organisation (WHO), global religious organisations, regional governance bodies including the European Union (EU), governments, researchers and advocates. The volatility of G&S education issues is seen in how policies and programmes favouring wildly differing approaches are often applied, retracted and re-asserted again by different authorities within a few short years—including the US’ transgender student policies, Australia’s Safe Schools Program, and various African and Eastern European nations’ G&S education propaganda bills [1, 2]. There

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T. Jones et al. (eds.), *Uplifting Gender and Sexuality Education Research*, Palgrave Studies in Gender and Education, [https://doi.org/10.1007/978-3-030-24205-3\\_5](https://doi.org/10.1007/978-3-030-24205-3_5)

is a need for researchers to consider internationalist LGBTI education contextual legal knowledge to understand the legality of the phenomena they study in certain contexts. This chapter collates some basic G&S international and national laws/policies to inform researchers working in different regions.

## International Laws/Policies

Researchers should know and consider international laws and policies impacting G&S education issues. Since 2009 UNESCO Technical Guides have existed and been updated supporting comprehensive sexuality education [3, 4] and gender-based education equity [5–8]. Around 2011 a resolution sponsored by South Africa inspired international legislation protects non-discrimination in education on the basis of sexual orientation and gender identity [9]. When two-hundred UN Member States convened on issues of G&S in schools that year, then UN Secretary-General Ban Ki-moon called harassment of LGBTI students ‘a public health crisis’ [10]. The UN’s *Born free and equal* policy clarified LGBTI peoples’ rights to non-discrimination in education within international rights legislation [11]. UNESCO’s first international policy consultations on LGBTI issues in schools were conducted in Brazil, where education policy guidelines were developed by academics, governments and human rights representatives—including the author [12, 13]. The Global Network Against Homophobic and Transphobic Bullying in Schools formed and met annually in different global regions to further policy goals [14]. Global and regional bodies including for example the UN’s various arms (UNESCO/UNAIDS/UNDP) and the WHO promoted LGBTI rights in education to governments [15]. A *Ministerial Call For Action* committing to LGBTI student protections in educational institutions was signed by over 50 countries [16], committing to:

reinforcing efforts to prevent and address violence including that based on sexual orientation and gender identity/expression (...) and while taking into account the specificities of different legal and socio-cultural contexts. (p. 3)

Specific commitments included:

- systematic monitoring and research on violence against LGBTIs;
- national, subnational and school policies to address violence against LGBTIs;
- inclusive curricula providing age-appropriate, non-judgmental, human rights-based and accurate information on gender non-conforming behaviours;
- teacher training and education;
- inclusive and safe school environments; and
- evaluation (summarised from pp. 3–4).

Several countries (Chilli, The Netherlands, Norway, South Africa, the US and Thailand) and conglomerates (UNESCO, GALE and the EU) had roles supporting transnational policy rollout—however the nature of their roles were subject to change depending on changes in administrations. The US Trump Administration has most notably withdrawn from the US’ past considerable support for global networking efforts supporting LGBTI education issues, though US NGOs (including GLSEN) remain connected [1, 2]. The updated *International Technical Guidance on Sexuality Education* [3] strongly promotes tolerance, inclusion and respect for people of diverse sexual orientations, gender identities and intersex status with approaches sensitive to contextual and cultural differences. Researchers focussed on sociology; health, G&S education; and/or primary education from all regions should particularly disseminate the document to pre-service teachers and note that in many contexts any teacher may be called upon to provide sexuality education (particularly in the junior/primary years). This document’s key concepts, topics and learning objectives supply age-based recommendations for lessons on (summarised from p. 42):

- respecting diverse individuals (5–8yrs);
- understanding stigma, discrimination and bullying on the basis of sexual orientation and gender identity as harmful (9–12yrs);
- understanding non-discrimination around sexual orientation and gender identity as international human rights (12–15yrs); and

- challenging stigma and discrimination to promote inclusion (15–18+ yrs).

## Exploring Polity on Gender and Sexuality Education Issues Relevant to Research

Researchers should know *the spectrum of national and state laws and policies impacting G&S education research, so as to be aware of what laws to potentially look out for in their own contexts when doing this work*. To create this information, the author drew on semi-structured interview data with 102 key informants about their regions' polity contexts conducted at global networking events in 2014–2017 (in Dublin, Stockholm, New York, Paris, Krakow, Johannesburg, Berlin, Copenhagen, Reykjavik, Oslo and Helsinki). Informants were all over 18yrs, were selected through their participation in UN system activities and global networks on LGBTI issues, and received no payment. They included education ministers and ministry officials, government members, civil society leaders, the directors and employees of non-government organisations (NGOs) and academics (Table 5.1). Ethical approval was received from various ethics committees over time including the University of New England's (UNE) Human Research Ethics Committee in 2014 (HE14-005) and La Trobe's Human Research Ethics Committee in 2016–2017 (HEC16-021). Informants determined any use of their details in direct quotes, due to sensitivities around gender or sexuality education issues. Policy verifications were conducted continuing into 2018 to monitor additions, rescindments and other changes including desk-based policy analyses for 207 countries.

## Regional Trends & National Laws/Policies

Tables 5.2, 5.3, and 5.4 provide a snapshot of laws, policies and provisions related to G&S education issues across the main four regions (Africa, Asia-Pacific, Europe and The Americas) which can be considered by researchers. Table 5.2 maps a pattern towards more punitive treatment of LGBTIs in Africa, followed to a lesser extent by the mapping of the related Asia-Pacific

**Table 5.1** Key informant characteristics (*n* = 102)

<i>Informants' region</i>				
Africa	Asia-Pacific	Americas	Middle-East	Europe
30	13	15	8	36
Global South		Global North		
60		42		
<i>Informants' role</i>				
Civil society leadership/staff	Government members/staff	Education ministers/leaders/ Teachers/counsellors	NGO directors/staff	Academics
7	20	22	31	22
<i>Informants' sex/gender</i>				
Male/masculine identifying		Female/feminine identifying		Non-binary/genderqueer
46		44		12
Transgender or gender diverse		Cisgender		
24		78		
Declared intersex variation/s		Did not declare any intersex variation/s		
4		98		

policies in Table 5.3. Researchers should recognise that provisions are continually in flux and check local updates, however they must be aware of the likelihood that these impacts will remain influenced by the trends for some time and should be especially cognisant of the need to plan research activities with sensitivity to these laws and to their own personal safety—as well as that of their participants—when thinking about what circumstances and questions their research may entail. It is important for researchers to explore how homophobic or sexually conservative approaches, or stances against certain perspectives on female and gender diverse rights or students, are not innate to these regions; informants explained many laws actually stem from British or other colonisers' examples, and religious organisations with global colonising histories.

Researchers should note that Asia-Pacific nations (Table 5.3) were also strongly represented alongside African nations in the 16 countries with unequal age of consent for same-sex sexual activities, 78 countries with anti-LGBTI bans of varying kinds, 67 nations with prison penalties (ranging from one month to life sentences, sometimes accompanied by public flogging or fines) and 15 countries with the death penalty (public hanging, stoning and other methods) for penalised LGBTI-related activities. The latter countries had largely autocratic rule and sometimes several Sharia laws applied (Nigeria and Somalia for example). Some nations had penalty text within the penal code—(Russia, Nigeria and Egypt), more had it within morality code or religious laws (Algeria, Qatar, Syria and many others). Most bans apply to females and males, some to males only (Pakistan, Singapore, Turkmenistan and others). African bans are more likely to include female same-sex sexual activities. The majority of nations with a ban penalised going 'Against Nature' (31 nations including Uganda and the United Arab Emirates/UAE). This broad-ranging categorisation could variously cover same-sex sexual activities, relationships or preferences; gender expressions; or bodily formations (having an intersex variation or having undergone sex affirmation treatments)—depending on arresting officials and social trends. Fifteen nations penalised 'same-sex sexual acts'—mainly in Africa and the Middle East (e.g. Maldives, Yemen and others). Thirteen penalised 'Buggery' (e.g. Kiribati, Solomon Islands and others) and eleven penalised 'Sodomy' (e.g. Cook Islands, Iran, Samoa and others)—terms taken from (colonising) British rule. Four

Table 5.2 African policy contexts on impacting gender and sexuality education

Region country	Bans (X):										
	Unequal age of consent for same-sex acts	Male same-sex acts (M)	Female same-sex acts (F)	Gender diversity (G), LGBTI propa- ganda (P)	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy pro- tection/s for LGBTI students
Algeria		X/M/F			X						
Angola		X/M/F			X		X5				
Benin	X										
Botswana		X/M/F			X		X5/Ga				
Burkina Faso											
Burundi		X/M/F			X						
Cameroon		X/M/F			X					X	
Cape Verde Central							X5				
African Republic											
Chad	X										
Comoros		X/M/F			X						
Congo	X										
Côte d'Ivoire	X										
Democratic Republic of Congo											

(continued)

Table 5.2 (continued)

Region country	Bans (X): Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propa- ganda (P)	Unequal age of consent for same-sex acts	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call For action for LGBTI students	Specific education policy pro- tection/s for LGBTI students
Djibouti									
Egypt	X/M/F		X						
Equatorial Guinea									
Eritrea	X/M/F		X						
Ethiopia	X/M/F		X						
Gabon									
Gambia		X							
Ghana	X/M/F		X						
Guinea	X/M		X						
Guinea- Bissau	X/M/F		X						
Kenya	X/M		X		X				
Lesotho									
Liberia	X/M/F		X		X				
Libya	X/M/F		X						
Madagascar		X						X	
Malawi	X/M/F		X		X				
Mali									
Mauritania	X/M/F		X						

(continued)



Table 5.2 (continued)

Region country	Bans (X):										Specific education policy pro- tection/s for LGBTI students
	Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propa- ganda (P)	Unequal age of consent for same-sex acts	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for LGBTI students			
Mauritius	X/M		X		X	X/S				X	
Morocco	X/M/F		X		X	X/S				X	
Mozambique					X						
Namibia	X/M				X						
Niger		X									
Nigeria	X/M/F/P		X	X							
Rwanda		X			X						
São Tome and Principe											
Senegal	X/M/F		X								
Seychelles					X	X/S					
Sierra Leone	X/M		X								
Somalia South	X/M/F		X	X	X	X/S/Ga/I	X/Me/A			X	X
Africa South	X/M/F		X								
Sudan											

(continued)

Table 5.2 (continued)

Region country	Bans (X): Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propaganda (P)	Unequal age of consent for same-sex acts	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protection/s for LGBTI students
Sudan	X/M/F		X						
Swaziland	X/M		X						
Tanzania	X/M		X						
Togo	X/M		X						
Tunisia	X/M/F		X						
Uganda	X/M/F/P		X		X				
Zambia	X/M/F		X		X				
Zimbabwe	X/M		X		X				

Table 5.3 Asia-Pacific policy contexts on LGBTIs impacting education

Region country	Bans (X):										
	Unequal age of consent for same-sex acts	Male same-sex acts (M)	Female same-sex acts (F)	Gender diversity (G), LGBTI propa- ganda (P)	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tion/s for LGBTI students
Afghanistan				X/M/F		X					
Australia							X/S/Ga/I	X/Me/A	X	X	
Bahrain	X										
Bangladesh		X/M				X					
Bhutan		X/M/F			X						
Brunei		X/M/G			X						
Darus- salam											
Cambodia										X	
China							X/Ga	X/A(varies)			
Cook Islands		X/M			X						
East Timor											
Fiji						X	X/S X/S/Ga		X	X	
Gaza		X/M			X						
Guam											
India		X/M			X	X	X/S/Ga X/Ga/I	X/Me/A		X	
Indonesia	X	X/M/F/G/P			X Sumatra, Aceh	X	X/Ga				
Iraq		X/M/F(in practice)				X					

(continued)

Table 5.3 (continued)

Region country	Unequal age of same-sex acts	Bans (X): Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propaganda (P)	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for LGBTI students	Specific education policy protection/s for LGBTI students
Iran		X/M/F		X		X/Ga/I			
Israel						X/S/Ga	X/A	X	
Japan						X/S/Ga		X	
Jordan						X/Ga			
Kazakhstan									
Kiribati		X/M/F	X		X	X/S			
Kuwait		X/M							
Kyrgyzstan					X	X/Ga			
Laos									
Lebanon		X/M				X/Ga			
Malaysia		X/M/F/G	X			X/Ga			
Maldives		X/M/F	X						
Marshall Islands									
Micronesia									
Mongolia					X	X/S/Ga			
Myanmar					X				
Nauru		X/M	X						
New Zealand					X	X/S(Ga(varies))	X/Me/A		X
Nepal					X	X/S			X

(continued)

Table 5.3 (continued)

Region country	Bans (X):									
	Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propa- ganda (P)	Unequal age of consent for same-sex acts	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tions for LGBTI students	
Northern Mariana						X/Ga	X/Me/A			
North Korea	X/G/P		X	X						
Oman	X/M/F		X							
Pakistan	X/M		X	X	X	X/Ga/(varies)				
Palau										
Papua New Guinea	X/M		X							
Philippines										
Qatar	X/M/F		X	X	X	X/S/I/(varies)	X	X	X	
Saudi Arabia	X/M/F		X	X						
Samoa	X/M		X		X	X/S/Ga				
Singapore	X/M		X			X/Ga				
Solomon Islands	X/M/F		X							
South Korea					X	X/S/Ga				
Sri Lanka	X/M/F/G		X	X	X					
Syria	X/M/F		X	X						

(continued)

Table 5.3 (continued)

Region country	Unequal age of same-sex acts	Gender diversity (G), LGBTI propa- ganda (P)	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tion/s for LGBTI students
Taiwan					X	X/S/Ga	X/Me		X
Tajikistan						X/Ga			
Thailand					X	X/S			
Tonga		X/M/G	X			X/S			
Turkmenistan		X/M	X						
Tuvalu		X/M	X						
Vanuatu						X/S			
Vietnam						X/Ga			
United Arab Emirates		X/M/F/G	X	X					
Uzbekistan									
West Bank in the Occupied Pales- tinian Territory		X/M	X						
Yemen		X/M/F		X					

Asia-Pacific nations penalised ‘Indecency’, covering homosexual expressions and in some cases gender diversity within Sharia law (Indonesia’s South Sumatra and Aceh Provinces, Iraq, Singapore and Iran—informants explained the latter did not punish transgender or intersex people after ‘*conforming*’ surgeries). At least five countries directly penalised gender diversity as ‘cross-dressing’, ‘impersonation’ or ‘imitating the opposite sex’ (Brunei Darussalam, Indonesia, Malaysia, Sri Lanka, Tonga, and UAE)—a Malaysian informant traced the rules to ‘*colonial legacies or Islam*’. Several countries banned LGBTI educational ‘propaganda’ or expressions considered against state interests, sometimes within communist/socialist stances (e.g. Russia and North Korea).

There were significantly more protections for LGBTIs’ rights, relationships and education interests in Europe (Table 5.4). The 89 with countries with a Network for Regional Healthcare Improvement (NRHI) *actively inclusive of LGBTI rights* are listed because they encouraged anti-discrimination and education policy protections for LGBTIs—teachers should understand that these and any other local non-government organisations (NGOs) considerably aid work on LGBTI education issues (whereas countries restricting their work these difficulties are usually reflected in education). Overall 115 countries had some form of protections for any LGBTIs—100 protect from sexuality discrimination. Eleven countries had constitutional protections for students’ non-discrimination on the basis of sexual orientation and/or gender identity (Bolivia, Brazil, Ecuador, Fiji, Kosovo, Malta, Mexico, Nepal, Portugal, South Africa and Sweden). Eighty countries protected the right to gender affirmations (variably name changes only, e.g. in El Salvador, required surgical options, e.g. in Lebanon, or with free choice for any or no affirmation options, e.g. in Australia). Laws or in some cases court rulings (e.g. in Botswana) reflected global de-pathologisation efforts for transgender people in psycho-medical and rights networks this decade. Some countries required sterilisation for gender affirmations (e.g. Russia, Turkey, others), borrowing from Swedish Eugenics perspectives that prevented people with mental illnesses from reproducing (Frederik Nilsen, RFSL Director, explained the NGO had worked with Sweden to rescind these past requirements a decade ago).

There were also more protections for LGBTIs’ rights, relationships and education interests in the Americas (Table 5.5), and three nations officially

Table 5.4 European policy contexts on LGBTIs impacting education

Region country	Unequal age of same-sex acts	Gender diversity (G), LGBTI propaganda (P)	Male same-sex acts (M), Female same-sex acts (F)	Bans (X):	NRHI include LGBTI/ liberal sex ed	Death penalty	Prison penalty	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X)	Ministerial call for action for LGBTI students	Specific education policy protection/s for LGBTI students
Albania				X				X/S		X	
Andorra								X/S	X/A	X	
Armenia											
Austria				X				X/S	X/Me/A	X	
Azerbaijan								X/Ga			
Belarus								X/Ga			
Belgium				X				X/S/Ga	X/Me/A	X	X
Bosnia and Herzegovina				X				X/S/Ga/I			
Bulgaria				X				X/S			
Croatia				X				X/S/Ga	X	X	
Cyprus				X				X/S/Ga	X	X	
Czech Republic				X				X/S/Ga	X	X	
Denmark				X				X/S/Ga	X/Me/A	X	
Estonia				X				X/S/Ga	X/A	X	
Finland				X				X/S/Ga/I	X/Me/A	X	
France				X				X/S/Ga	X/Me/A	X	X
Georgia				X				X/S/Ga	X/Me/A	X	
Germany				X				X/S/Ga	X/Me/A	X	X

(continued)



Table 5.4 (continued)

Region country	Unequal age of consent for same-sex acts	Gender diversity (G), LGBTI propaganda (P)	Male same-sex acts (M), Female same-sex acts (F)	Bans (X):	NRHI include LGBTI/ liberal sex	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protections for LGBTI students
		Death penalty	Prison penalty						
Greece	X				X	X/S/Ga/I	X	X	
Hungary					X	X/S/Ga	X		
Iceland						X/S/Ga	X/Me/A	X	
Ireland					X	X/S/Ga	X/Me/A		X
Italy					X	X/S/Ga	X	X	
Jersey					X	X/S/Ga/I			
Kosovo					X	X/S			X
Latvia					X	X/S/Ga			
Liechtenstein					X	X/S	X	X	
Lithuania					X	X/S			X
Luxembourg				X/P	X	X/S/Ga	X/Me/A	X	
Macedonia					X	X/S			
Macedonia (FYROM)					X	X/S			
Malta					X	X/S/Ga/I	X/Me/A	X	X
Moldova					X	X/S		X	
Monaco						X/S			
Montenegro					X	X/S/Ga		X	
Netherlands					X	X/S/Ga	X/Me/A	X	X
Norway					X	X/S/Ga	X/Me/A	X	
Poland					X	X/S/Ga			
Portugal					X	X/S/Ga	X/Me/A	X	X
Romania					X	X/S/Ga	X/Me/A	X	X

(continued)

Table 5.4 (continued)

Region country	Unequal same-sex acts for same-sex acts	Age of consent for same-sex acts	Gender diversity (G), LGBTI propaganda (P)	Bans (X): Male same-sex acts (M), Female same-sex acts (F), Gender	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X)	Ministerial call for action for LGBTI students	Specific education policy protection/s for LGBTI students
Russia			XP (Chechnya M/F/P)		X			X/Ga			
San Marino								X/S		X	
Serbia							X	X/S			
Slovakia							X	X/S/Ga			
Slovenia							X	X/S		X	
Spain							X	X/S/Ga	X/A	X	X
Sweden							X	X/S/Ga	X/Me/A	X	X
Switzerland								X/S/Ga	X	X	
Turkey								X/Ga			
Ukraine								X/S/Ga			
United Kingdom							X	X/S/Ga	X/Me/A		X

banned conversion therapies (Brazil, Ecuador and Malta). Twelve countries' provisions considered intersex people in some way—some banned discrimination around 'intersex status' (Australia, Jersey) or 'sex characteristics' (Bosnia and Herzegovina, Finland, Greece, Malta, South Africa); two countries in the Americas banned enforced surgical interventions (Malta and Chile). Forty-one countries had relationship rights for same-sex couples including civil unions or partnership registry; 29 had joint or second parent adoption rights for same-sex partners, and 25 countries had marriage equality (mainly in Europe). Over 50 countries (and counting) supported the Ministerial *Call for Action* supporting protection of LGBTI students in educational contexts and committing to generate specific education policies; 30 have such provisions already. One informant said '*governance and funding-based alliances in Europe such as the EU and also in South America are a major factor in encouraging regional support for LGBTI issues in education*'. Some policies were in dispute, for example the US Government's Obama administration (2009–2016) had supported the Ministerial Call and sent an eight-page *Dear Colleague Letter* to all education sectors advising Education Departments to treat a transgender student according to their gender identity [17]. The current Trump administration (2017+) repealed these protections; US informants explained this repeal was being appealed by multiple students.

## Geopolitics Impacting Gender and Sexuality Education Research

Global networking had complex influences on policies: decolonising discourse, EU membership anti-discrimination accession criteria and UNESCO networking events on G&S education issues encouraged many formerly colonised nations' new policy provisions. Cambodia, Viet Nam, Thailand and other nations in the Asia-Pacific had particularly increased their protections and teacher education on LGBTI education issues due to UNESCO and multilateral collaborative work. Notably, South Africa and Cape Verde, the African nations signing on to the Ministerial *Call for Action*, are post-colonial nations which have rejected their former colonisers' laws criminalising homosexuality and engaged in global networking

Table 5.5 American (North and South) policy contexts on LGBTIs impacting education

Region country	Bans (X):		Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tion/s for LGBTI students
	Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propa- ganda (P)	Unequal age of consent for same-sex acts							
Antigua and Barbuda	X/M/F		X						
Argentina					X	X/S/Ga	X/Me/A X	X	X
Aruba						X/S			
Bahamas	X								
Barbados	X/M		X			X/S/Ga			
Belize						X/S/Ga	X/Me(retracted)		
Bermuda						X/S			
Bolivia					X	X/S/Ga		X	X
Brazil					X	X/S/Ga	X/Me/A	X	X
Canada					X	X/S/Ga	X/Me/A	X	X
Caribbean	X				X	X/S/Ga	X/Me/A		
Costa Rica					X	X/S/Ga		X	
Chile	X				X	X/S/Ga/I	X	X	
Colombia					X	X/S/Ga	X/Me/A	X	
Cuba						X/S			
Dominica	X/M/F		X			X/S			
Dominican Republic					X	X/S/Ga	X	X	X
Ecuador									

(continued)

Table 5.5 (continued)

Region country	Bans (X):									
	Male same-sex acts (M), Female same-sex acts (F), Gender diversity (G), LGBTI propa- ganda (P)	Unequal age of consent for same-sex acts	Death penalty	Prison penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tion/s for LGBTI students	
El Salvador						X/S/Ga			X	
Falkland Islands						X/S	X/Me/A			
Greenland						X/S	X/Me/A			
Grenada	X/M	X			X	X/S/Ga			X	
Guatemala	X/M	X			X				X	
Guyana					X					
Haiti					X					
Honduras					X					
Jamaica	X/M	X			X	X/S/Ga				
Mexico					X	X/S/Ga	X/Me/A		X	
Nicaragua					X	X/S			X	
Panama					X	X/S/Ga			X	
Paraguay		X								
Peru					X					
St Kitts and Nevis	X/M	X				X/S/Ga			X	

(continued)

Table 5.5 (continued)

Region country	Unequal same-sex acts	Age of consent for propa- ganda (P)	Gender diversity (G), LGBTI	Male same-sex acts (M), Female same-sex acts (F), Gender	Bans (X):	Prison penalty	Death penalty	NRHI include LGBTI/ liberal sex ed	Protections (X): Sexual orientation (S), Gender affirmation (Ga), Intersex people (I)	Same-sex civil partnership (X) Marriage (Me), Adoption (A)	Ministerial call for action for LGBTI students	Specific education policy protec- tion/s for LGBTI students
St Lucia					X/M/F	X			X/S			
St Vincent and the Grenadines					X/M/F	X						
Suriname	X								X/S			
Trinidad and Tobago					X/M/F	X		X				
United States									X/S/Ga(in dispute)	X/Me/A	X	X(in dispute)
Uruguay								X	X/S/Ga	X/Me/A	X	X
Virgin Islands									X/S/Ga varies	Varies		
Venezuela							X	X	X/S			

work; Cape Verde has also joined the EU. A South African NGO worker commented on how anti-apartheid intersex activists like Sally Gross were crucial in the development of anti-discrimination laws, and entwined post-colonialism with LGBTI diversity rights in the country.

One transgender African noted that South African colloquiums on LGBTI education issues '*were not whites-only ivory tower events. LGBTI education was explored in post-colonial African approaches*'. In several African nations active efforts are being made against imperialist outside attempts to incite local anti-LGBTI violence. In 2016, US pastor Steven Anderson was declared an 'undesirable' in SA due to his use of homophobic and transphobic hate speech to seek to influence South African policy and people and on this one SA informant said '*This placed South African LGBTs above US extremism, colonising power and money*'. A Ugandan educator described similar legal actions; '*Ugandan activists [with] legal support [had also] sued an American religious extremist for his malicious international interference in our LGBT rights issues*'. An Indian NGO worker described how '*anti-colonial resistance*' contributed to the approach in local Supreme Court efforts since 2014 to '*undo the legacies of British legislation and American religious fervour, which attacked our native hijra*'.

Some countries had differing influences reflected in their conflicting policies; Lithuania retained anti-LGBTI propaganda from Russian/Soviet influence in its policy trends, but had more recently acceded to EU anti-discrimination protection requirements and was increasingly being exposed to 2013 policy samples from the Irish Department of Education and Skills (requiring school policies to include a clause on transphobic and homophobic bullying). Irish NGO BelongTo Director Michael Nanci Barron commented that Lithuanian organisations were more open to pro-LGBTI work as a collaborative de-colonising effort, working with other post-colonial EU nations such as Ireland which had broken away from colonisation through increased anti-discrimination work and '*international bodies – the EU, Council of Europe, OSCE and then international networks such as ILGA and IGLYO*'. A Fijian government informant noted global networking work and development support had reinforced decisions to require action against '*homophobic remarks, name calling, threats*' in its 2015 Ministry of Education Child Protection policy.

## Conclusion

Countries' support for females, sexual progressiveness, and LGBTIs in schools is influenced by geopolitical power expansion efforts, (post-)colonial dynamics and financial alliances. In this complex setting it is researchers' role to inform school staff, and school staffs' roles to inform students and school communities, of the new provisions in international rights legislation impacting education and to explore research on how these can best be manifested in the daily experience of schooling spaces. Given local restraints and ethical obligations, how this can occur at all will vary considerably. Females, LGBTIs and those people of diverse gender expression or relationship/marital status now have rights to non-discrimination, safety and access in educational institutions recognised in international human rights legislation and policies. Where researchers explore contexts endorsing the Ministerial *Call for Action*, it is useful to consider the extent to which endorsing this call translates into difference or debates around G&S at local policy and practice levels. Researchers in all contexts should be aware of backlash to G&S education and research efforts and programmes [18]; and how the instability of local laws and ethical provisions for different institutions they study or study in, may impact their work. There will always be, however, creative ways of bringing objectivity to G&S education issues whether overtly or otherwise, adapting one's work to the possibilities of the context one works in—research reported on in the other chapters within this book showcase how researchers overcome significant contextual barriers and backlash. Researchers in restricted contexts may simply consider an objective look at locally dominant policy provisions and texts or efforts in G&S provisions in schools, or universities if this is preferable, as a first step. International bodies (particularly the UN's agencies), are seeking to mediate the notable variances between nations' treatments of gender, sexuality and LGBTI education issues whilst encouraging localised cultures and sharing of best practices. Researchers can reinforce these change efforts, making creative training and research contributions and supplying data or insights to international bodies for comparative purposes or where these entities are significantly more able to publish and consider the results.



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