

Kristof De Witte, Oliver Holz, Lotte Geunis (eds.)

# Somewhere over the rainbow

Discussions on homosexuality  
in education across Europe

WAXMANN



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## Preface

“Everyone has the right to education, without discrimination on the basis of, and taking into account, their sexual orientation and gender identity.”

(Yogyakarta Principles, Article 16)

Homophobic and transphobic behaviour is still painfully common in schools across Europe. A recent report by UNESCO shows a significant number of LGBT pupils experience homophobic and transphobic bullying, and are more likely to experience violence. In addition to the mental health issues that arise as a result, this leads to poor performance and higher drop-out rates, affecting the education, general well-being and even employment perspectives of LGBT pupils (UNESCO, 2016). Our schools are meant to offer a safe and secure environment for all young people to develop, to learn, and to thrive. Sadly, for many, they fall short.

Europe is no exception. It leads the way on legal and institutional frameworks that protect the LGBT community, but actions and initiatives that promote a better understanding and acceptance of homosexuality are not sufficiently being taken up by our schools. The European Parliament has urged the European Commission and Member States to tackle homophobia and transphobia in education, but education remains the purview of individual states. As this publication will show, those states have a long way to go to create safe schools for LGBT pupils.

Before we outline the structure of this publication, a few words on terminology. LGBT is an umbrella term that stands for ‘Lesbian, Gay, Bisexual and Transgender’. The acronym is remarkably malleable: in recent years, it has seen a variety of additions to reflect the inclusion of Intersex (I), Queer (Q), Questioning (Q) Asexual (A) and Pansexual (P) people, among others. Consistent use of these extended versions has proved elusive, and the shapeshifting of the term has been criticised for causing confusion. This publication will predominantly focus on lesbian, gay, bisexual and transgender people and will predominantly employ the term ‘LGBT’. Where transgenders are not included, the term ‘LGB’ will be used instead.

This publication is the product of a partnership between fifteen European secondary and higher education institutions. It was launched towards the end of 2016 under the auspices of a strategic partnership (KA2) within the European Commission’s ERASMUS+ programme and will run until August 2019. By selecting and financially supporting this partnership, the European Commission underlines the importance of the issues outlined above, and the need to urgently counter homophobic and transphobic behaviour. The project supported by this partnership, Homo’poly, seeks to promote greater understanding of acceptance of homosexuality, with the explicit aim of improving the school life of LGBT pupils.

The eight countries involved have strongly diverging track records where homosexuality is concerned. Where the Netherlands are widely considered a pioneer on gay rights, Hun-

gary faces a rapidly shrinking civic space for gays and bisexuals. Religious convictions render homosexuality a difficult topic in Turkey, Poland and – to a lesser extent – Spain, whereas the UK is keen to portray itself as progressive but lags behind in practice. Belgium appears reasonably comfortable embracing homosexuality, but here too, equal rights, protections and opportunities still too often elude the LGBT community.

The studies collected here explore these trends in greater detail and shed some light as to how and why homosexuality is (or is no longer) such a divisive issue across Europe. To frame the context, it explores the attitudes towards homosexuality of teachers, pupils and parents in Homo'poly's eight participating countries. Reviewing a unique range of survey results – pupils, teachers and parents – it sets out to capture how young people see homosexuality, and what role schools (can) play in shaping these views. The study outlines the data collection methodology and presents the results and key findings. As this is the first qualitative analysis on homosexuality in these eight countries, we are confident that these results provide new insights that can help guide policy recommendations in this area.

Following this, the first country study focuses on Belgium. The authors analyse different legal aspects regarding homosexuality in Belgium as well as relevant aspects of the Flemish educational system. Finally, the article explores daily classroom practice through the eyes of a teacher, illustrating how these issues can be addressed in day to day teaching.

The second study deals with Germany. Following an overview of homosexuality in German's history, the study compares the curricula and guidelines on the subject of sex education in two German federal states. It also explores how the issue of homosexuality is dealt with in both initial and continued training of junior and senior teachers. Finally, a number of illustrative external projects and organizations will be portrayed, which provide seminars and workshops in cooperation with schools to promote the inclusion of homosexuality in all types of secondary education and at universities.

Inspired by Al Gore's book and film *An Inconvenient Truth*, the third country study tackles Hungary. It provides a comprehensive overview of Hungary's history of 'diversity', as well as past approaches to and the current situation of the LGBT community. It explores how homosexuality features in Hungary's legislation in 2017 before moving on to how and through what instruments the Hungarian Constitution ensures equal treatment for the LGB community. The final section touches on homosexuality in education, including the different tools teachers have at their disposal to promote awareness and understanding.

The fourth article reviews how the LGBT community fared throughout Polish history. It recalls the origin of the terminology and outlines how homosexuality has been treated different throughout the centuries – with, to this day, a different treatment of men and women who are attracted to same sex partners. Young people face stark challenges as schools are not (yet) safe spaces for homosexual pupils: bullying is common and the topic goes unaddressed in the curriculum and in the classroom. Overall, Poland is a long way from understanding and acceptance of homosexuality, and the treatment of (young) LGBTs remains a cause for concern.

Next, the article on Spain reviews current social attitudes towards homosexuality, both in education and society more broadly. A retrospective look at Spain's recent history explores the social consideration of gender and homosexuality, as rooted in the models for education



in general and gender education in particular. Special mention will be made of the position of homosexuality in secondary education, the initiatives taking place outside of schools and the representation of the homosexual community in Spanish literature, as an example of how homosexuality might be on its way to gain value by means of new models for its representation.

The sixth country study turns to the Netherlands, exploring how Dutch society views the LGBT community and what factors shape the different attitudes we find. It zooms in on young people and schools, documenting that life quite simply remains harder for LGBT students and that much of the Dutch education policy and curricula on LGBT, as ambitious and well-intended as it may be, falls short where implementation is concerned. Lastly, the article touches on some key priorities going forward, including cultural diversity, cyberbullying and the rise of social conservatism.

The seventh study focuses on Turkey. Turkish people, shaped by thousands of years of history, religion, geography and so on, share common interpretations of homosexuality. This country study is an attempt to present the historical background of homosexuality in Turkey and to focus on its place in education and in the educational system (curricula, educational programs and so on) today.

The eighth and final country study focuses on the United Kingdom. Research demonstrates that young people feel more comfortable talking about their sexuality but that teachers can compound the learning environment by their tendency to heteronormativity. This article introduces Kumashiro's work on teaching 'queerly', which means to understand curriculum as a gender text and, by being 'queer', have educators question normative ideals about genders and sexualities. By doing so, they normalise other ways of being (Sedgwick, 1991, 2003, 2013), challenging binary logic.

Lastly, a note on the approach. The comparative study is listed first, to capture the key findings and provide a baseline for the country studies, which follow in alphabetical order. All country studies were written by Homo'poly's partner institutions and therefore vary in style and approach. They all, however, reflect the country-specific criteria and extensive experience of the authors. While we are keen to acknowledge that several other European countries are doing exciting work in this field, this publication has limited itself to the eight participating countries of Homo'poly.

We leave you with an invitation to visit our website: [www.homopoly.eu](http://www.homopoly.eu). This publication is the first of a range of resources Homo'poly will develop to promote the understanding and acceptance of homosexuality in schools. We look forward to seeing you online for further updates and exchanges.

Kristof De Witte, Oliver Holz & Lotte Geunis  
Maastricht, January 2018

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# Coming out. A Comparative Analysis of Pupils', Teachers' and Parents' Perspectives in Eight European Countries

*Kristof De Witte, Oliver Holz, Lotte Geunis*

*This comparative study explores the attitudes of pupils, teachers and parents towards homosexuality across Homo'poly's eight participating countries. In doing so, it provides a baseline understanding of how the different countries – and the different groups within each country – view homosexuality, what the main stumbling blocks are, and what this tells us about how schools might better tackle the issue. The comparative study builds on the results of surveys that were conducted by the Homo'poly team in late 2016. Broadly, results indicate that participating countries can be categorised in two groups. The first group includes Belgium, Germany, the Netherlands, Spain and the United Kingdom, which – on the basis of their average scores – can all be considered very tolerant of homosexuality. A second group comprises Hungary, Poland and Turkey, which, on the basis of the results returned here, are notably less tolerant of homosexuality. The country-specific elements highlighted in this comparative study will be explored in greater detail in the chapters that follow.*

*Key words: homosexuality, comparative study, country surveys, attitudes*

## 1. Introduction

There is a significant heterogeneity among European countries with respect to the rights of homosexuals, and the leeway they receive in society. For example, where the Netherlands are widely considered a pioneer on gay rights, Hungary faces a rapidly shrinking civic space for gays and bisexuals. Religious convictions render homosexuality a difficult topic in Turkey, Poland and – to a lesser extent – Spain, whereas the UK is keen to portray itself as progressive but lags behind in practice. Belgium appears reasonably comfortable embracing homosexuality, but here too, equal rights, protections and opportunities still too often elude the LGBT community.

This chapter provides a comparative study of the perception of teachers, parents and pupils on homosexuality. This comparative study follows from the European KA2 strategic partnership Homo'poly. This partnership – described in greater detail in the introduction to this publication – sets out to promote a wider understanding and acceptance of homosexuality in schools, targeting (future) teachers, teacher trainers and pupils in Belgium, Germany, the Netherlands, the United Kingdom, Spain, Poland, Hungary and Turkey. For each of these countries, we provide detailed individual country studies which explore the country specific debates in greater detail and shed some light as to how and why homosexuality is (or is no longer) such a divisive issue across Europe.

To better understand how young people see homosexuality, and what role schools (can) play in shaping these views, this comparative study explores the attitudes towards homosexuality of teachers, pupils and parents in Homo'poly's participating countries. It should be

noted that the qualitative analysis presented here does not aim to offer a representative country analysis. On the contrary – it provides only partial evidence of the situation in a particular country. Nevertheless, as this is the first comparative analysis conducted on homosexuality in these 8 countries, we are confident that our results provide innovative insights and some strong indications that can help guide policy recommendations in this area.

This chapter unfolds as follows. Section 2 outlines the data collection for the pupils', teachers' and parents' survey. Section 3 presents the results of the pupils' survey, section 4 discusses the findings in the teachers' survey, and section 5 reviews the outcomes of the parents' survey. A final section concludes and provides policy advice.

## 2. Data collection and methodology

This chapter focusses on the questionnaires which were set out in 8 different countries. The questionnaires are analysed in three different ways.

First, we provide some summary statistics to indicate the external validity of the questionnaires. Recall that the comparative analysis does not aim for a representative analysis per country or at the European level.

Second, we highlight the answers to some of the questions. Thanks to this partial analysis, differences across countries in terms of opinion or behaviour become clear. We also indicate whether there are significant differences between girls and boys, male and female teachers, and the place of living or different age groups.

Third, using regression analysis (ordinary least squares – OLS) we estimate *ceteris paribus* effects. In doing so, we control for age, country, living place (e. g. town or country side), sexuality (e. g. homosexual, asexual) and a neutral question. The latter is necessary to avoid a bias in answering pattern across individuals (e. g., some people answer also on the neutral question more positively or negatively). For the analysis, consider a linear functional form that includes the set of control variables of individual  $i$  ( $X_i$ ) in addition to country fixed effects ( $C_i$ ), and an intercept ( $\alpha$ ). The dependent variable ( $Y_i$ ) measures the answers on some outcome variables that proxy the perception of equality of homosexuals, fear against outing as a homosexual, knowledge of homosexuality, rights, problem with homosexual friends and fallout of homosexual friends.  $u_i$  represents an i.i.d. error term of pupil  $i$ .

$$Y_i = \alpha_i + \sum_j \beta_j X_{j,i} + \sum_l \beta_l C_{l,i} + u_i \quad (1)$$

## 3. Descriptive statistics

### 3.1 Pupils' survey

3 594 pupil surveys were conducted across eight different countries: Belgium, Germany, Hungary, the Netherlands, Poland, Spain, Turkey and the United Kingdom. The pupils were asked to respond to a wide number of statements related to homosexuality, using a 6-point Likert scale. The lower the number, the stronger the pupil disagrees with the statement. More detailed descriptive statistics of the data are shown in Table 1.

*Table 1 Descriptive statistics pupils*

	# pupils	%-boys	%-town or city	< 13 years old	13/14 years old	15/16 years old	> 16 years old
Belgium	449	30	9	13	35	27	25
Germany	557	49	45	2	39	52	7
Hungary	254	46	70	6	77	11	6
Netherlands	983	45	46	16	36	30	18
Poland	163	52	74	5	23	70	2
Spain	310	52	61	5	57	28	10
Turkey	183	37	91	2	5	26	67
United Kingdom	695	50	98	52	40	7	1

The largest number of responses comes from the Netherlands, where 983 pupils completed the survey. This is followed by the UK with 695 pupils and Germany with 557 pupils. The smallest number of responses come from Turkey (183) and Poland (163).

We surveyed pupils from different backgrounds and across different age groups. In Poland, Turkey, Hungary and the UK in particular, the survey was conducted among pupils who live in a town or city. In all countries, a minority of respondents hailed from the countryside. The age groups are relatively similar across all countries, with the exception of Turkey, where the largest group of pupils over 16 completed the questionnaire, and the UK, where it was mainly pupils under 13 who completed the questionnaire.

Using a Cronbach alpha analysis, we examine the internal consistency of the responses. The Cronbach alpha amounts to 0.70, which points to a high internal consistency of the results. In other words, the respondents answered in a consistent way.

### 3.2 Teachers' survey

A total of 1 742 teachers from all eight Homo'poly countries filled out the survey. The descriptive statistics of the data are shown in Table 2. The largest number of responses originates from Spain (691 respondents) and Germany (309). The lowest number of responses were returned in Hungary (59 teachers), the UK (83) and Poland (8). It should be noted that these data are, therefore, the least reliable, and should be interpreted with caution. Given the non-random nature of the sample, it is also difficult to generalize. Following the pupils' survey methodology, teachers were asked to mark their views on a 6-point Likert scale.

In line with the general feminization of the teaching profession, the number of female teachers is significantly higher than the number of male teachers. In our sample, male teachers are only in the majority in the Netherlands (51%). We further observe that a significant share of the teachers are heterosexual. In Germany about 13% of the teachers in the sample are homosexual. The teachers in the sample are, on average, the youngest in Poland and Turkey. The oldest surveyed teachers are observed in the Netherlands.

The internal consistence, as measured by a Cronbach alpha analysis, amounts to 0.89. This suggests a high internal consistency in the answer pattern.

*Table 2 Descriptive statistics teachers*

	# teachers	Homo- sexual	%-man	%-city	< 30 years	30–40 years	40–50 years	> 50 years
Belgium	170	4	24	52	10	31	31	28
Germany	309	13	30	79	18	34	26	22
Hungary	59	0	20	74	12	26	34	28
Nether- lands	137	7	51	83	29	19	17	35
Poland	98	2	13	67	36	19	26	20
Spain	691	6	34	56	05	29	38	28
Turkey	195	2	14	92	35	40	21	4
United Kingdom	83	9	22	92	29	45	18	9

### 3.3 Parents' survey

A total of 1 124 parents filled out the survey in seven participating countries (no parents' survey was conducted in Spain). The descriptive statistics of the data are shown in Table 3. The largest number of responses comes from the Netherlands (360). The lowest number of responses come from Hungary (58) and Poland (52). For the latter two countries, we should interpret the results with sufficient caution. Here, once again, parents were asked to mark their views on a 6-point Likert scale.

Table 3 indicates that the majority of our respondents are women between 40 and 50 years old.

*Table 3 Descriptive statistics parents*

	# parents	%-man	< 30 years old	30–40 years old	40–50 years old	> 50 years old
Belgium	138	22	4	14	66	17
Germany	192	26	7	12	56	24
Hungary	58	29	5	22	52	21
Netherlands	360	22	1	12	63	25
Poland	52	21	6	23	54	17
Turkey	129	27	9	49	33	10
United Kingdom	194	20	2	18	61	20

## 4. Item analysis

### 4.1 Pupils' survey

#### 4.1.1 *Separate questions*

Table 4 presents for some questionnaire items the average response that the pupils gave on the 6 point likert scale. The higher the score, the more they agree with the statement. Analysing the averages, we can distinguish two types of countries. The first group includes Belgium, Germany, the Netherlands, Spain and the UK, which are, on the basis of their average scores, very accepting of homosexuals. The second group, including Hungary, Poland and Turkey, is, considering their average scores, less accepting of homosexuality.

Across all surveyed countries, Polish pupils show the lowest acceptance of homosexuality. A possible explanation for this score can be found in Poland's strongly religious past, as Dorota Hall indicates in her research paper "Antagonism in the Making: Religion and Homosexuality in Post-Communist Poland" (2015).

We discuss some questions in more detail. The first questionnaire item polled pupils' responses to the question 'people should perceive homosexuality as equal to heterosexuality'. The results indicate that Germany and the Netherlands have the highest number of pupils who agree with this statement. This is followed by pupils from Belgium and the UK. On the other hand, pupils from Poland, Hungary and Turkey, on average, are less likely to agree that homosexuals and heterosexuals are equal. As these figures might be influenced by some observed characteristics of the respondents (e. g. living place, gender or neutral question), we will analyse the underlying patterns more deeply in the regression analysis.

With respect to equal rights for homosexuals and heterosexuals, we observe that pupils in the Netherlands favour equal rights the most. This is also evident from the other chapters in this book, which describe the legal and practical situation of homosexuals in different countries. The equal rights of homosexuals are least favoured by Polish pupils. While the right to marry or enter into a legal partnership is a legal right in many European countries, pupils' perception of this right is rather mixed. It is generally considered as normal among pupils from the Netherlands, Germany and Belgium, but not for pupils from Poland, Hungary or Turkey.

It is interesting to observe that pupils perceive differences between homosexual girls and homosexual boys as revealed by distinct responses to the questions 'I don't have any problem at all if 2 girls are kissing on the lips in public' and 'I don't have any problem at all if 2 boys are kissing on the lips in public'. On related questions, too, homosexual girls are considered less of an 'issue' than homosexual boys. We will explore this in a later section in greater detail.

#### 4.1.2 *Cross country correlation*

Naturally, there is a strong correlation between the views of pupils across the survey questions, and across the participating countries. Pupils that answer in favour of a homosexual marriage are likely to answer positively on the equal rights between homosexuals and heterosexuals. To examine the existence of a cross-country pattern in pupil responses, we run a

Table 4 Item analysis for pupils' survey

<b>People should perceive homosexuality as equal to heterosexuality.</b>							
BE: 5.10	DE: 5.46	HU: 3.90	NL: 5.46	PL: 3.68	ES: 5.26	TR: 4.56	UK: 4.87
<b>Homosexual people should have the same rights as heterosexuals.</b>							
BE: 5.46	DE: 5.64	HU: 4.57	NL: 5.68	PL: 3.71	ES: 5.47	TR: 5.14	UK: 5.22
<b>Homosexual people should have the right to get married.</b>							
BE: 5.38	DE: 5.57	HU: 4.13	NL: 5.71	PL: 3.79	ES: 5.52	TR: 4.66	UK: 5.27
<b>Homosexual people should have the right to adopt children.</b>							
BE: 5.35	DE: 5.33	HU: 4.10	NL: 5.56	PL: 3.73	ES: 5.53	TR: 4.27	UK: 5.19
<b>I don't have any problem if 2 girls holding hands in public.</b>							
BE: 5.33	DE: 5.62	HU: 4.53	NL: 5.65	PL: 3.26	ES: 5.59	TR: 5.09	UK: 5.24
<b>I don't have any problem if 2 boys hold hands in public.</b>							
BE: 5.01	DE: 5.34	HU: 3.39	NL: 5.42	PL: 3.45	ES: 5.22	TR: 4.73	UK: 5.14
<b>I don't have any problem at all if 2 girls are kissing on the lips in public.</b>							
BE: 4.70	DE: 5.32	HU: 3.49	NL: 5.08	PL: 3.42	ES: 5.19	TR: 4.34	UK: 4.84
<b>I don't have any problem at all if 2 boys are kissing on their lips in public.</b>							
BE: 4.52	DE: 4.97	HU: 2.67	NL: 4.86	PL: 3.84	ES: 4.83	TR: 3.94	UK: 4.72
<b>I would not have a problem with my best friend coming out as homosexual.</b>							
BE: 4.99	DE: 5.29	HU: 3.89	NL: 5.38	PL: 3.51	ES: 5.19	TR: 4.76	UK: 5.10
<b>My parents would not have a problem with my best friend coming out as homosexual.</b>							
BE: 4.60	DE: 5.08	HU: 3.64	NL: 5.39	PL: 3.51	ES: 4.84	TR: 3.18	UK: 4.84
<b>My parents would not have a problem with me being gay.</b>							
BE: 3.94	DE: 4.57	HU: 3.10	NL: 5.22	PL: 3.43	ES: 4.12	TR: 2.57	UK: 4.40
<b>I would fall out with my best friend if she/he would come-out as homosexual.</b>							
BE: 1.81	DE: 1.43	HU: 2.14	NL: 1.70	PL: 3.71	ES: 2.09	TR: 1.56	UK: 1.88
<b>I do not have a problem with men/women kissing in public.</b>							
BE: 5.44	DE: 5.55	HU: 5.09	NL: 5.31	PL: 3.29	ES: 5.52	TR: 5.18	UK: 4.99
<b>I do not have a problem if men and women hold hands in public.</b>							
BE: 5.60	DE: 5.70	HU: 5.12	NL: 5.70	PL: 3.24	ES: 5.61	TR: 5.70	UK: 5.17
<b>Teachers at my school deal differently with heterosexuals and homosexuals.</b>							
BE: 2.37	DE: 2.32	HU: 2.54	NL: 1.86	PL: 3.66	ES: 2.32	TR: 3.12	UK: 2.87
<b>I would be scared to out myself as a homosexual.</b>							
BE: 3.80	DE: 3.53	HU: 4.06	NL: 3.11	PL: 3.29	SP: 3.27	TR: 3.03	UK: 3.49
<b>I think it is important to learn at school about homosexuality?</b>							
BE: 4.21	DE: 4.67	HU: 3.71	NL: 4.21	PL: 3.22	SP: 4.55	TR: 4.64	UK: 4.57

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom.



correlational analysis at country level. The correlations of the above questions are shown in table 5. As before, we observe that pupils from Poland show different answering patterns than pupils from other countries. The highest correlation in pupils' answering patterns is observed between Germany and the Netherlands, with a correlation of 0.41.

*Table 5 Correlation analysis for pupils' survey*

	BE	DE	HU	NL	PL	ES	TR	UK
BE	1							
DE	0,3704	1						
HU	0,2350	0,1481	1					
NL	0,3205	0,4135	0,1764	1				
PL	-0,0034	-0,0054	-0,0711	0,0292	1			
ES	0,3389	0,3483	0,1981	0,3502	-0,0057	1		
TR	0,2562	0,2807	0,1081	0,2198	-0,0716	0,1979	1	
UK	0,2887	0,3553	0,1423	0,3283	-0,0077	0,2852	0,1810	1

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom. The dark grey boxes indicate the absence of a significant correlation, (regularly grey boxed suggest some correlation, while white boxes present a significant correlation.

#### *4.1.3 Comparative analysis for gender specific answers*

We observed earlier that there are differences in the answering patterns on the outing of homosexual girls and homosexual boys. In general, pupils are more offended by the latter group than by the former group. This section explores this in more detail by analysing the answers for boys and girls differently. The crosses for a specific gender in Table 6 indicate where we observe a significantly higher answer by this gender (significance at a 10 %-level). In the absence of a cross, there is no significant difference between the two genders. This analysis provides us with insights into (1) the differences between countries, and (2) the differences between the sexes. It should be noted that, due to the different sample sizes, the power of the analysis differs. Consequently, in countries with many observations, the probability of significant differences is larger than in countries with fewer observations.

The results in Table 6 suggest a similar pattern across countries. In all countries, girls are discussing what are traditionally considered to be 'girls' topics' with their mother (e.g., discussion about clothes, children or make-up). For traditional boys' topics, we observe that boys are discussing them more with their father, except for Poland, where both boys' and girls' topics are more frequently discussed with the mother.

A similar questionnaire was conducted four years ago as part of the European EDGE project (Education and Gender) (see De Witte and Holz, 2013). As the target group and target countries were similar between both questionnaires, it is interesting to compare the outcomes. The results of the EDGE survey are indicated in Table 6 by EDGE (2013). Comparing the Homo'poly (2017) and EDGE (2013) results indicates that there is clear trend towards more gender specific answers.

*Table 6 Significant differences between boys and girls in the different countries*

			BE	DE	HU	NL	PL	ES	TR	UK
I discuss girls' topics with my mother (e. g. discussion about clothes, children, make-up ...)	EDGE (2013)	Boy								
		Girl	×	×	×	×			×	×
	Homo'poly (2017)	Boy								
		Girl	×	×	×	×	×	×	×	×
I discuss boys' topics with my father (e. g., sports, politics, daily news ...)	EDGE (2013)	Boy		×			×			×
		Girl				×				
	Homo'poly (2017)	Boy	×	×	×	×		×	×	×
		Girl					×			

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom. EDGE (2013) refers to a similar survey as the Homo'poly survey in 2017.

#### 4.1.4 Comparative analysis for age specific answers

A similar analysis to the comparative analysis for gender specific answers can be done for age specific answers. In particular, we analyse whether younger or older pupils respond differently to some questions. The results, presented in Table 7, indicate whether there is a significant (at 10%) difference between the age group 13/14 years old and the age group of 15/16 years old.

The results suggest that both age groups answer similarly to (1) the reception of reliable sex education at school, to (2) the fundamental difference between both genders in sexual activity, and to (3) knowledge of the other gender. On the other hand, we observe that pupils of 15 and 16 years old answer significantly differently from their younger age group to ques-

*Table 7 Significant differences between age groups across countries*

	13/14 years old	15/16 years old
I receive reliable sex education at school.		
I think it is important to learn at school about sex.		×
I can talk openly about sex and relationships with my parents.		×
I can talk openly about sex and relationships with my teachers.		×
I know a lot about different kind of relationships between girls and boys.		×
I agree with the statement that most teenagers are sexually active.		×
There are fundamental differences in roles and sexual motives of girls and boys towards sexual activity.		
Trust between partners is important.	×	
Male adolescents have limited knowledge of their female peers.		×
Female adolescents have limited knowledge of their male peers.		

tions that deal with sex education, relationships at school and sexual activity of females. 13/14 years old consider trust between partners more important than the older peer group.

## 4.2 Teachers' survey

### 4.2.1 Separate questions

This subsection discusses the findings of the comparative teachers' survey. Table 8 presents the item analysis. Again, all responses were originally given on a 6 point Likert scale where a higher scores indicates a higher agreement to the question.

Table 8 Item analysis for teachers' survey

<b>People should perceive homosexuality as equal to heterosexuality.</b>							
BE: 5.64	DE: 5.68	HU: 4.59	NL: 5.69	PL: 4.33	ES: 5.60	TR: 4.40	UK: 5.57
<b>Homosexual people should have the same rights as heterosexuals.</b>							
BE: 5.73	DE: 5.65	HU: 4.69	NL: 5.77	PL: 4.36	ES: 5.77	TR: 4.63	UK: 5.87
<b>Homosexual people should have the right to get married.</b>							
BE: 5.77	DE: 5.68	HU: 4.57	NL: 5.78	PL: 4.11	ES: 5.70	TR: 3.88	UK: 5.67
<b>Homosexual people should have the right to adopt children.</b>							
BE: 5.57	DE: 5.25	HU: 4.14	NL: 5.60	PL: 2.44	ES: 5.43	TR: 3.25	UK: 5.66
<b>I don't have any problem if 2 woman or 2 men hold hands in public.</b>							
BE: 5.53	DE: 5.75	HU: 4.61	NL: 5.73	PL: 4.37	ES: 5.70	TR: 3.80	UK: 5.81
<b>I don't have any problem at all if 2 woman or 2 men are kissing each other in public.</b>							
BE: 4.95	DE: 5.38	HU: 3.76	NL: 5.16	PL: 3.90	ES: 5.48	TR: 3.05	UK: 5.36
<b>I would not have a problem with my best friend coming out as homosexual.</b>							
BE: 5.49	DE: 5.64	HU: 5.04	NL: 5.77	PL: 5.09	ES: 5.78	TR: 4.18	UK: 5.79
<b>My parents would not have a problem with my best friend coming out as homosexual.</b>							
BE: 4.77	DE: 4.43	HU: 3.82	NL: 5.36	PL: 3.91	ES: 4.76	TR: 3.08	UK: 5.12
<b>Being gay or lesbian means being ill.</b>							
BE: 1.09	DE: 1.14	HU: 1.49	NL: 1.20	PL: 1.82	ES: 1.21	TR: 2.21	UK: 1.03
<b>It wouldn't be any problem for my parents if I were gay.</b>							
BE: 3.96	DE: 3.45	HU: 2.98	NL: 4.89	PL: 2.63	ES: 3.51	TR: 1.90	UK: 4.09
<b>I would break with my best friend if she/he were come out as gay or lesbian.</b>							
BE: 1.21	DE: 1.12	HU: 1.43	NL: 1.64	PL: 1.42	ES: 1.25	TR: 1.97	UK: 1.15
<b>I do not have any problem at all if a man and woman are kissing each other in public.</b>							
BE: 5.09	DE: 5.46	HU: 4.49	NL: 5.14	PL: 4.07	ES: 5.53	TR: 3.75	UK: 5.37
<b>I do not have any problem if a man and a woman hold hands in public.</b>							
BE: 5.77	DE: 5.78	HU: 4.80	NL: 5.73	PL: 5.01	ES: 5.76	TR: 5.07	UK: 5.76

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom.

Drawing on the averages in table 8, we can again distinguish two groups of countries. A first group includes Belgium, Germany, Netherlands, Spain and the UK. The responding teachers in these countries are relatively accepting of homosexuals. A second group of countries includes Hungary, Poland and Turkey. The teachers' responses in these countries are significantly lower than the responses of the first group. If we take a closer look at the scores, we notice that it is again Poland noting the lowest scores of all countries.

For example, teachers in the Netherlands, Germany and the Netherlands respond more favourably to the question 'People should perceive homosexuality as equal to heterosexuality'. Equality is rated lowest by teachers from Poland, Turkey and Hungary. A similar pattern emerges for the question 'Homosexual people should have the same rights as heterosexuals' and 'Homosexual people should have the right to get married'. Fortunately, a majority of teachers in all countries disagree with the statement that homosexuality is an illness.

#### 4.2.2 Cross country correlation

To examine the cross-country correlation in the answers, we run a correlation analysis at item level for the different countries. The correlations of the above questions are shown in table 9. The two groups of countries that we observed before re-emerge as such in this analysis. For Hungary, Poland and Turkey we find a low correlation (indicated by a dark grey coloured box), which means that they have low correlations with the other countries. The highest correlation is noted between Spain and the UK, with a correlation of 0.76.

Table 9 Correlational analysis for teachers' survey

	BE	DE	HU	NL	PL	ES	TR	UK
BE	1							
DE	0,6730	1						
HU	0,4189	0,4663	1					
NL	0,6740	0,6691	0,4429	1				
PL	0,3829	0,3909	0,2544	0,3601	1			
ES	0,6648	0,6773	0,5013	0,6500	0,4074	1		
TR	0,3123	0,3241	0,1772	0,2977	0,2882	0,3701	1	
UK	0,7072	0,7179	0,4925	0,6765	0,3324	0,7592	0,3192	1

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom. The dark grey boxes indicate the absence of a significant correlation, (regularly) grey boxed suggest some correlation, while white boxes present a significant correlation.

#### 4.2.3 Comparative analysis for age-specific answers

Due to differences between the number of male and female respondents, a meaningful analysis of gender specific answers is impossible. Nevertheless, we can check for age specific answering patterns. For a few questions, we determine whether there is a significant (at 10% level) difference between the answers from the age group < 30 and the age group 40/50. This can provide us with insight into the different views over the ages. A cross indicates that

this age group is significantly more consistent with the statement than the other. The results are shown in table 10.

In general, we observe that the youngest age group (younger than 30) has different attitudes towards boys and girls in their classroom. This might suggest that they are more aware of the principles of class differentiation, in line with recent pedagogical approaches. This would suggest that younger teachers prefer to teach in homogenous class groups.

The youngest group of teachers is also more concerned about the outing of homosexual pupils in school than older teachers. Compared to older teachers, they disagree that the school pays (sufficient) importance to gender issues. These results suggest that, at least at school, younger teachers are more open towards homosexuality than older teachers. Despite the openness of young teachers towards homosexuality at school, however, they seem less open towards homosexuality in their daily lives as they consider it more problematic to have a friend who outs himself/herself as homosexual.

*Table 10 Significant differences between age groups across countries*

	< 30 years	40/50 years
During my lessons, I have a different attitude towards boys and girls.	×	
I think that a pupil outing himself/herself as homosexual would be problematic at our school.	×	
Our school attaches importance to gender issues.		×
I teach boys differently to girls.	×	
I would prefer to teach only boys or girls (homogenous class groups).	×	
In daily life (outside school), I have a different attitude towards boys and girls.	×	
A friend outing himself/herself as homosexual would be problematic for me.	×	

### 4.3 Parents' survey

Besides the opinion of pupils and teachers, it is interesting to analyse parents' views on homosexuality. It should be noted that the parents' questionnaire was not conducted in Spain. The results, presented in Figure 1, indicate that parents in the Netherlands and Belgium are more open towards pupils learning about different sexualities at school. Surprisingly, parents in Poland are also relatively open towards learning about sexuality in school.

Next, we observe that in the Netherlands, Belgium, Germany and the UK parents openly talk with their children about other people's sexuality. This is less the case in Turkey or Hungary. A similar pattern is observed for the other questions.

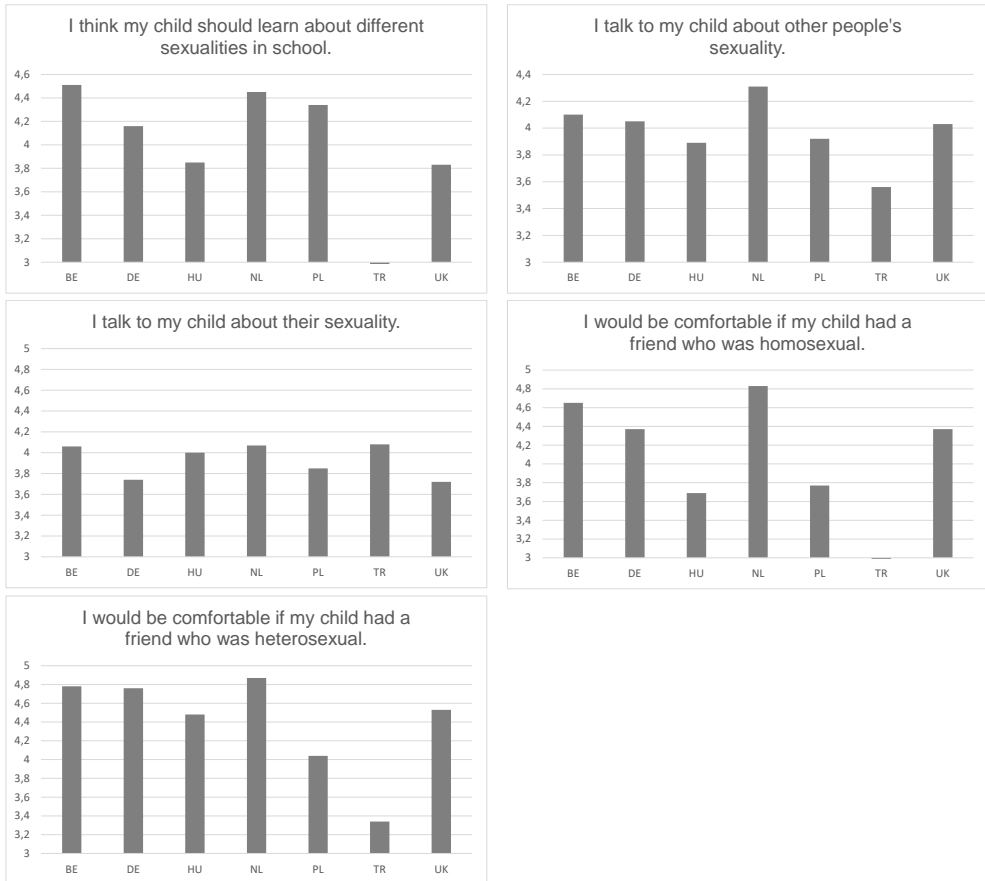


Figure 1 Parents' opinions on homosexuality in different countries.

Note: BE = Belgium; DE = Germany; HU = Hungary; NL = Netherlands; PL = Poland; ES = Spain; TR = Turkey; UK = United Kingdom.

## 5. Regression analysis

### 5.1 Pupils' survey

To obtain deeper insights in the differences between countries, we explore the relationship between selected survey questions and the participating countries by means of an ordinary least squares analysis. In doing so, we control for age, location (e.g. town or country side), sexuality (e.g. homosexual, asexual), and a neutral question. By controlling for these observed characteristics we account for the non-random nature of the questionnaire. As we are mainly interested in patterns across countries, we only report these estimated coefficients.

As a first model specification, we analyse the response of pupils to the statement 'People should perceive homosexuality as equal to heterosexuality'. From the results in Table 11 it is evident that girls answer this question significantly more positively than boys (i.e., after

Table 11 Regression analysis for pupils' answers

	equal	fear	Knowledge	rights	problem	fallout
Female (ref = male)	.446***	.0876	-.0340	.3057***	.4925***	-.400***
country (ref = Belgium)						
Germany	.2877***	-.244**	.1053**	.172**	.255***	-.372***
Hungary	-.9011***	.3055**	.1832***	-.590***	-.777***	.253*
Netherlands	.3428***	-.688***	.0344	.2190***	.386***	-.125
Poland	-.724***	-.1344	.0594	-.947***	-.550***	1.700***
Spain	.144	-.464***	-.070	.0269	.2633**	.2311*
Turkey	-.676***	-.5502***	.0865	-.434***	-.407***	-.151
United Kingdom	.043	-.376***	.1887***	.0101	.429***	-.096
N	3077	3077	3077	3077	3077	3077
R <sup>2</sup>	0.261	0.0517	0.061	0.275	0.275	0.127

Note: Opinion of pupils, controlled for age, living place (e. g. town or country side), sexuality (e. g. homosexual, a-sexual), and a neutral question.

controlling for country, age, living place, sexuality, and a neutral question). Girls thus perceive equality as more important than boys. In addition, we observe that, when compared to Belgian pupils (and controlled for all of the elements listed above), German pupils respond significantly more strongly that there should be equality between homosexuals and heterosexuals. Pupils from the Netherlands are most favourable towards equality; Hungarian pupils are least favourable.

A second model specification estimates feelings of fear or anxiety. This is measured by the question 'I would be scared to out myself as a homosexual'. We observe that there is no longer a significant difference between boys and girls. For the countries, a familiar pattern emerges: pupils are least afraid in the Netherlands and most in Hungary. Compared to Belgian pupils, German, Dutch, Turkish, British and Spanish pupils are less scared to out themselves as homosexual.

A third model specification compares the knowledge of pupils as measured by the question 'In history homosexuals have always been socially discriminated'. While there is no significant difference in knowledge between girls and boys, we observe that there is most knowledge in Hungary, the UK and Germany. In the other countries, we do not observe a significant difference when comparing with the level of knowledge of the Belgian pupils. Linking this finding to the other chapters of the book, it is not surprising that Hungarian pupils are more aware of the discrimination of homosexuals as this is anno 2017 a significant debate in Hungary.

Fourth, we analyse how pupils respond to the statement that ‘Homosexual people should have the same rights as heterosexuals’. The results suggest that Dutch pupils advocate most strongly for equal rights, while Polish pupils are most likely to contest this statement. All other things being equal, girls perceive equal rights as more important than boys.

Fifth, we examine whether pupils would have a problem with their best friend coming out as homosexual. Girls would have less of a problem with this than boys. With respect to the countries, we observe that pupils in the UK are most open, while this is more problematic in Turkey, Poland and Hungary.

A final model specification explores the statement ‘I would fall out with my best friend if she/he would come-out as homosexual’. We see that boys are significantly more likely to fall out with their best friend than girls. Particularly in Poland, pupils would fall out with their best friend if he/she would come out as homosexual. This is also the case in Spain and Hungary. Pupils from Germany would not fall out with their best friend.

## 5.2 Teachers’ survey

In line with the analysis of the pupils’ survey, we run a multiple regression analysis to examine country-specific answering patterns in the teachers’ survey. All three model specifications correlate the same set of control variables (i. e., age, living place (e. g. town or country side), sexuality (e. g. homosexual, asexual) and a neutral question) to country dummies (where Belgium is the reference country) and the opinion of teachers on some topics. A first specification analyses the perception of equality as measured by the statement ‘People should perceive homosexuality as equal to heterosexuality’. The results, displayed in Table 12, suggest that women agree significantly more with this statement than men. There is least agreement on this statement for Polish, Hungarian and Turkish teachers, while for the other countries we do not observe any significant differences.

A second question measures the rights of homosexuals. In particular, we asked whether ‘Gays and lesbians should have the same rights as heterosexuals’. Again, women are significantly more likely to agree with this proposition than men. The country dummies reveal a similar answering pattern as the first model specification.

Finally, we asked the teachers in 8 different countries whether ‘It wouldn’t be any problem for me if my best friend were to come out as gay or lesbian’. The results indicate that women agree more than men, while coming out as homosexual would be more an issue among Turkish, Hungarian and Polish teachers. In comparison to the reference group of Belgian teachers, coming out as homosexual would be less problematic for teachers from the Netherlands, Spain and the UK.

## 5.3 Parents’ survey

Finally, we estimate two model specifications in which we analyse parents’ views on homosexuality. To do so, we make use of the data collected in 7 countries (no parent surveys were conducted in Spain). In line with the previous analyses, we control for some observed characteristics in the regressions. Unlike before, this consists of the gender of the parent, the age, highest level of education, and marital status.



Table 12 Regression analysis for teachers' answers

	Equal	Rights	Problem
gender (male = ref)	.226***	.1385**	.275***
country (Belgium = ref) Germany	-.0345	-.149	.103
Hungary	-1.065***	-1.006***	-.460**
Netherlands	.0820	.0228	.335**
Poland	-1.304***	-1.327***	-.371**
Spain	-.0466	.0567	.326***
Turkey	-1.222***	-1.011***	-1.239***
UK	-.125	.0692	.3040*
N	1480	1480	1480
R <sup>2</sup>	0.167	0.183	0.182

Note: Opinion of teachers, controlled for age, living place (e. g. town or country side), sexuality (e. g. homosexual, a-sexual), and a neutral question.

A first model specification examines the differences between countries in the behavior of parents towards a homosexual friend of their child. In particular, we use the question 'I would be comfortable if my child had a friend who was homosexual'. In the regression, as a neutral question, we control for the responses of parents to the statement 'I would be comfortable if my child had a friend who was heterosexual'. The results are presented in Table 13. *Ceteris paribus* to the control variables specified before, we observe that mothers would be more comfortable with their child having a friend who is homosexual than fathers. Compared to the reference country Belgium, parents in Germany, Hungary, Poland and Turkey would feel less comfortable. Parents in the other countries do not significantly differ in their answers.

A second model specification analyses the views of parents towards coming out of his/her own child as homosexual. To do so, we asked parents 'I would be comfortable if my

Table 13 Regression analysis for parents' answers

	Friend as homosexual	Child as homosexual
gender (male = ref)	.155***	.292***
country (Belgium = ref) Germany	-.276***	-.337***
Hungary	-.712***	-1.332***
Netherlands	.093	.235**
Poland	-.369***	-.351**
Turkey	-.778***	-1.318***
UK	-.127	-.130
N	1033	1033
R <sup>2</sup>	0.632	0.513

child was homosexual'. Similar to before, as a neutral question, we control for the opinion of parents for the 'neutral comfort' by the question 'I would be comfortable if my child was heterosexual'. Compared to fathers, we observe that mothers would be more comfortable with a homosexual child. While, again, German, Hungarian, Polish and Turkish parents feel less comfortable with a gay or lesbian son or daughter, we observe that parents in the Netherlands still feel comfortable with this statement.

## 6. Conclusion

This comparative study has explored the attitudes of pupils, teachers and parents in eight European countries. Results indicate that they can broadly be categorised in two groups. The first group includes Belgium, Germany, the Netherlands, Spain and the United Kingdom, who – on the basis of their average scores – can all be considered very tolerant of homosexuality.

A second group comprises Hungary, Poland and Turkey, and is, on the basis of the results returned here, notably less tolerant of homosexuality. Comparing the Homo'poly (2017) and EDGE (2013) results further indicates a clear trend towards more gender specific answers. The country-specific elements highlighted here will be explored in greater detail in the next chapters of the book.

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# Being Gay in Belgium: No Problem @ All?!

*Alexandre Pirotte, Oliver Holz, Evi Bovijn*

*This article aims to explain the current situation about being gay in Belgium. The authors will analyse different legal aspects regarding homosexuality in Belgium as well as educational aspects of the Flemish educational system. Finally, the daily classroom practice will be part of this country specific article. The country specific studies in this publication refer to the European project "Homo'poly" as already mentioned in the preface. Eight countries take part in this strategic partnership. The authors of this article will apply examples, explanations and/or comparisons between the project countries Belgium, Germany, Hungary, the Netherlands, Poland, Spain, Turkey and the United Kingdom.*

*Key words: homosexuality, International, European and Belgian law, being gay in and outside school, Cavaria*

## 1. Introduction

Firstly, this article provides insight into why it is complicated to instate gay rights at a European or international level by explaining the different bottlenecks at each level. Most importantly, this part aims at making the reader understand the broader and global context and the ongoing evolution in LGBT rights. We will focus on the history of gay rights and more specifically of gay marriage. Anti-discrimination law (discrimination on the basis of sexual orientation) or transgender rights are not discussed. We explore how gay rights in Belgium took shape: the reasons why gay marriage was institutionalized and which arguments opponents brought forward. This article then focuses on the concept of gay marriage within international and European law and checks whether a gay couple can enforce a right to marry on the basis of international or European law. Next, this article will draw a parallel with recent developments in the United States, notably the Obergefell v. Hodges-judgement of the US Supreme Court of 2015 through which all U. S. States must recognize marriages between same sex partners.

Secondly, this article will explain the situation of LGBTQ people in comprehensive education in Flanders. While in the first part all aspects are related to Belgium, in the second part all aspects are only related to Flanders. The responsibility for education in Belgium belongs to the communities (Dutch-speaking, French-speaking and German-speaking community) of the country. The article aims to show facts, initiatives and organisations working in this field in and outside school and how the topic is part of daily school life. After providing a short introduction of the Flemish educational system, aspects of educational policy and higher education will be analysed.

Thirdly, experiences of a young gay female teacher will be outlined. This part also explains the attitude of pupils towards LGBT teachers in Flanders. The daily classroom practice and didactical approaches to work on the topic LGBTQ will conclude this article.

## 2. Homosexuality in Belgium: Some legal aspects

Law can be defined as the set of rules that governs our society during a specific period of time. It determines what is allowed and what is forbidden and how conflicts should be solved. Research on gay rights is interesting because it shows us how a ruling political class determines the rights, freedom and liberties of certain individuals. As such, these politicians determine whether and how a (gay) minority is protected and how tolerant a society is. They make legislation and, thus, have the power to decide whether two people of the same sex can get married or not. This way, politicians can – top down – help to have certain groups accepted in society. This top-down push for tolerance and acceptance of homosexuality in legislation shows to be effective. This underlines that a top-down approach of tolerance around homosexuality is important and that schools and universities play an important role in how youthful people grow up to be tolerant and accepting individuals.

### 2.1 On the road to gay rights

In the past, homosexuality and more specifically gay sex was considered a crime, punishable by law (in the criminal code). It was often punishable by death or imprisonment (or else: corporal punishment). Even today, gay sex is a criminal offense punishable by law in more than 77 countries in the world. Moreover, some African countries recently re-established a prohibition on gay sex, e. g. Egypt in 2000, Burundi in 2009 and Chad in 2016.

In Europe, it was Napoleon who de-penalised homosexuality in 1810 so that it would no longer be punishable by law. When Belgium was founded as a country, it applied almost all Napoleonic legislation. Therefore, homosexuality and gay sex was never a criminal offense in Belgium.

It is, of course, not because gay sex is punishable by law, that the law is always strictly applied and gay people are always prosecuted. However, due to corruption in many countries, gay people who live in a country where gay sex is punishable by law are often exposed to extortion. Therefore, de-penalising gay sex is an important first step toward acceptance of gay people in society.

For years, homosexuality was considered a mental disorder by the American Psychiatric Association, a position adhered to until a referendum amongst U. S. psychiatrists in 1973, after which it was removed from the list of psychological illnesses.

The Netherlands was the very first country in the world to open up marriage to gay couples on 1 April 2000. By doing so, it enhanced and increased the acceptance of homosexuality in society. Since then, gay marriage has been allowed in approximately 22 countries in the world<sup>1</sup>. A registered partnership between same sex partners is accepted in even more countries.

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<sup>1</sup> Belgium (2003), Spain (2005), Canada (2005), South Africa (2006), Norway (2009), Sweden (2009), Portugal (2010), Iceland (2010), Argentina (2010), Denmark (2012), Brazil (2013), France (2013), Uruguay (2013), New Zealand (2013), the United Kingdom (2014), Luxembourg (2015), the United States (2015), Ireland (2015), Colombia (2016), Finland (2017) and Germany (2017).

In the European Union, homosexuality and gay sex is allowed in all 28 Member States. Thirteen out of the 28 Member States recognize gay marriage and 22 out of 28 Member States have a registered partnership for same sex couples.

It is important to note that not all countries define a registered partnership in the same way. This means that the concept of registered partnership can differ from one country to another. The rights, obligations and legal consequences of a registered partnership in Germany for example are very similar to marriage. One can then ask the question why it has taken Germany so long to open up marriage for gay couples (see later). Consequently, a German same sex registered partnership is considered equal to a gay marriage in Belgium. The same cannot be said about a Hungarian same sex registered partnership since its rights, obligations and legal consequences are not similar to a marriage.

## 2.2 Gay marriage in Belgium

Belgium is the second country in the world opening up marriage for gay couples. This happened on the basis of a proposal by members of parliament. This proposal was founded on the proposal of bill introduced by the Purple-Green Verhofstadt I government with liberal parties (Open-VLD and MR), socialist parties (PS and Spa) and green parties (Ecolo and Groen). Gay marriage was first approved by the Senate and then the House of Representatives. The Flemish Catholic party (CD&V) and the Flemish Nationalist party N-VA (then not part of the government) supported the proposal in the Senate and House. However, in the House, three members of parliament of CD&V abstained. Amongst them the later first President of the European Union, Herman Van Rompuy. Strangely, the Walloon liberal party MR did not support the proposal although one of the people submitting it was Monfils of MR and the MR was part of the government who initially proposed similar legislation. The Walloon Catholic party cdH and the extreme right wing parties (Vlaams Blok and Front National) opposed the bill or abstained.

The proposal was discussed during several meetings in the Judiciary Committee of the Senate and subsequently in the Judiciary Committee in the House of Representatives. The meeting minutes provide a good idea of the points of view of the different parties, the reasons why the gay marriage bill was introduced and the arguments of the opponents of gay marriage. Psychology professors and professors in the field of law were consulted and research was discussed during these committee meetings.

Opening up marriage for same sex couples, in 2002, was revolutionary. Only one country in the world allowed a gay marriage, the Netherlands. Homosexuality was not yet fully accepted in all Member States of the European Union (which is still a problem for some Member States today). Nevertheless, almost all parties were convinced that gay couples should not be discriminated.

There was, however, one issue: the proposal was submitted in May 2002 but one year later, in May 2003, Belgium was due to hold elections. The proponents of the proposal therefore pushed for a fast approval in the Senate and House. This required them to split off parentage.

Belgian law foresees that the husband of a pregnant mother is legally considered to be the father of the child. The same sex marriage bill abolished this rule. This means that a woman

married to another woman is not automatically considered a parent of the child. To establish a legal bond, they have to go through an adoption procedure. Since 2006, same sex couples have the same rights as heterosexual couples regarding adoption. The adoption law is federal legislation. The adoption procedure itself, however, is regulated at the level of the Communities. That is why you can see differences in the amount of adoptions between the Dutch-speaking community or French-speaking community.

There are domestic adoptions and international adoptions. The latter often pose problems for same-sex couples when countries of origin have gay-unfriendly legislation. In case of adoption both the sending State's and receiving State's legislation will be applicable. This means that same-sex couples will then not be able to adopt children from those countries that do not accept homosexuality.

Back to same sex marriage: the reason for this marriage proposal is clear, it flows from a general conviction that heterosexual and homosexual relationships should be treated equally. Consequently, the debate in both Committees wasn't really focussed on whether same sex relationships should be institutionalized, but more on how to institutionalize it.

The proponents of gay marriage point out that opening up marriage for same sex partners is an important symbolic step. They indicate that the degree of tolerance in a society can be measured by the respect it has toward minorities. By opening up marriage to same sex partners, the legislator actively contributes to the acceptance of homosexuality and the acceptance of this specific minority. The former Minister of Justice, Marc Verwilghen, even considers the right to marry to be a fundamental right.

The proponents then mention the fact that a marriage is no longer focussed on procreation and parentage but that it has evolved over time, whereas the legislation remained unchanged. Many children are born outside a marriage and many marriages are without children. People who were first married with children and then divorced, now form new families with each other's children. People no longer marry to enjoy the parentage and ancestry rules. People get married because marriage embodies the highest ideals of love, fidelity, devotion, sacrifice and family which partners want to share with everyone close at heart. Ideals that also same sex couples seek.

Thirdly, by opening up marriage, same sex couples can enjoy the same freedoms and protection provided by marriage. A registered partnership does not provide the same protection.

Proponents recognize that a same sex marriage will be a new legal institution and this might lead to certain legal issues regarding the international recognition of it. At the time of the proposal, a same sex marriage will not be recognized in any other country than the Netherlands since no other country allows same sex couples to marry. The supporters of the proposal find this irrelevant. They refer to the fact that, in the past, new legislation regarding the possibility to get a divorce wasn't rejected simply because other countries did not recognize this possibility.

Finally, supporters of the proposal deliberately chose to open up marriage to same sex couples and not to provide similar rights, freedoms and protection via a broadened version of registered partnership. They argue that an extended version of the registered partnership would be considered a "second-class marriage" and it would further stigmatise same sex couples.



Opponents of same sex marriage indicate that the institution of marriage is not suitable to be used for same sex couples. To them, a gay relationship is different from a heterosexual relationship. When opening up marriage for same sex couples this would lead to legal issues regarding parentage and the ancestry rule. The opponents, thus, do not recognize the evolution of the concept of marriage. They find some support in the advice of the Conseil d'Etat/ Raad van State (administrative court providing legal advice on legislative proposals) to the proposal which states that *the legislator should take into account that the notion of marriage is considered as relationship between a man and his wife and is also defined in that way in international treaties*. The Raad van State also states that keeping the right to marry exclusively to heterosexuals would not be considered a discrimination. This advice has been criticized by many because the Council overstepped its competence by judging values instead of simply limiting itself to a legal analysis.

Some opponents find that recognized partnership should be extended and then serve as a “marriage for same sex couples”. They do not respond to the argument that such an institution can be considered a “second class marriage”. Moreover, they do not recognize the symbolic meaning that opening up marriage for same couples has: it underlines the acceptance of same sex couples in society.

Finally, opponents argue that opening up marriage for gay couples would hinder the freedom of religion since a legal marriage always precedes a religious marriage. Therefore, religious people would, in the future, be obliged to first conclude a legal marriage that is not in accordance with their religious beliefs since it has been opened up to same sex couples.

### **2.3 Homosexuality in an international and European legal framework**

It is interesting to explore whether gay marriage can be enforced via international or European law in countries where no such gay marriage (Hungary) and/or gay registered partnership (Poland and Turkey) exists. International law and European law provide a “right to marry” as well as anti-discrimination rules.

Laws made in Belgium are subsidiary to legislation made at European level. The relationship of different legal rules is called the hierarchy of rules. The hierarchy of rules is traditionally presented as a triangle. Legislation that precedes all the rest is found at the top and they are, top down, international law, European law, the national constitution, national laws and executive orders. Legislation at a higher level precedes legislation at lower level. Legislation at a lower level cannot simply deviate from rule at a higher level. The three last are purely national legislation. They are the well-known bills and acts decided upon by the competent national parliaments, for instance the above and below mentioned gay marriage in Belgium.

International law and European law are different from each other. International law arises when countries decide to accede to an international treaty and accept that the rules in that treaty bind them and/or their citizens. Treaties can be concluded within an international organisation (United Nations, the Council of Europe). Countries can conclude multilateral treaties (several countries) or bilateral (two countries) treaties. European law differs from in-

ternational law because the European Union Member States decide to transfer competencies to a supranational organisation called the European Union.

When it comes down to gay rights, it is important to make a distinction between the international level and the European level because solutions might be found on any of these levels.

On an international level, on November 4, 1950, the European Convention on Human Rights (ECHR) was signed. Since then, 47 countries have acceded to the Convention. This Convention (ECHR) was concluded within the framework of the Council of Europe. Members of all 47 countries are represented within the Council, amongst them Turkey and Russia. Conflicts about the rules (and, thus the European Convention on Human Rights) created by the Council of Europe are brought before the European Court of Human Rights (ECHR) in Strasbourg (France). The Convention holds a right to marry in article 12: *Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.*

The Council of Europe cannot be mistaken with the European Council. The European Council is one of Europe's three core institutions. The European Council groups the competent national ministers from the 28 Member States depending on the topic (foreign affairs, education, agriculture ...). The other core institutions are the European Commission and the European Parliament. Together, they create European law. European law consists of primary legislation: the European Treaty and the Treaty of the Function of the European Union. The latter can be called the European constitution and determines the functioning, the decision-making process and competencies of the European Union. Next to primary law exists secondary law which comprises the Regulations and Directives. In 2009, the European Union voted upon a European Charter of Fundamental Rights (ECFR) which is based on the European Convention of Human Rights (ECHR). Conflicts regarding European law are brought before the European Court of Justice (ECJ) in Luxembourg. The European Charter holds a right to marry in article 9: *the right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.*

## 2.4 The European Convention of Human Rights (ECHR)

Can gay couples in Germany, Hungary, Turkey and Poland – all countries that have signed the European Convention of Human Rights – use article 12 ECRM that states that “men and women of marriageable age” have a “right to marry and to found a family”. Does the European Convention foresee a fundamental right to marry for same sex couples? Unfortunately, it does not. The European Court of Human rights does accept that the institution of “marriage” is susceptible to evolutionary changes in society. It, therefore, decided that *it is true that the first sentence refers in express terms to the right of a man and a woman to marry. The Court is not persuaded that at the date of this case it can still be assumed that these terms must refer to a determination of gender by purely biological criteria.* Hence, the European Court of Human Rights decided that a man that underwent surgery and now physically is a woman, should be able to marry a man although she might have been born as a man (ECHR, 11 July 2002, Christine Goodwin v. the United Kingdom, 28957/95).

On several occasions, the ECHR stated that, although opinions are changing, there is no broad consensus (yet) within the Council of Europe to open up marriage for same sex couples. Only 11 out of 47 Member States recognize same sex marriages and 24 recognize a same sex registered partnership. The European Court of Human Rights refuses to act instead of the national parliaments of the Member States. This might be considered a logical choice since the European Convention is a framework treaty signed by 47 Member States, amongst others Turkey and Russia. It is therefore logical that the European Court of Human Rights does open up the right to marry to same sex couples by itself.

In a revolutionary judgment against Italy in 2015, the European Court of Human Rights obliges Member States to provide same sex couples with a basic protection if certain conditions are present. The European Court acknowledges however that a registered partnership can also provide in such a basic protection (ECHR, 21 July 2015, *Oliari and others v. Italy*, 18755/11 and 36060/11). This judgment obliges Italy to foresee in an institution to formalize Italian gay relationships.

The obligation of providing a basic protection is called a “positive obligation”. Before instating such a positive obligation, The European Court of Human Rights first strikes a fair balance between the competing interests of the individual and society as a whole. Although the European Court of Human Rights finds individual Member States better placed to determine the interest of society, it found that Italy, during the pending procedure, did not demonstrate the interest of the Italian society not to foresee basic protection. Moreover, evidence shows that 60% of Italians agree that same sex couples should be recognized and protected. Several Courts, even the Constitutional Court and the Court of Cassation, demanded such a protection. On top of that, the Italian government agreed that the gay relationship should be protected but claimed to need more time to introduce this in different steps. The European Court of Human Rights states that there is a discrepancy between de social reality (acceptance) and the legal reality (no protection). By pointing out these facts, the European Court seems to limit the positive obligation to foresee in some kind of protection to cases where the gay relationship is already widely accepted in society. Therefore, it is unlikely that this judgment can be applied to countries such as Poland and Turkey.

## 2.5 Charter of Fundamental Rights of the European Union (CFREU)

Could the Charter of Fundamental Rights of the European Union then be a solution for same sex couples in Germany, Hungary and Poland? Turkey is not a Member of the European Union and therefore the Charter is not applicable to Turkey. Is the right to marry a fundamental right for same sex couples, as mentioned by the Belgian Ministry of Justice? Can these same sex couples benefit from the right to marry in article 9 CFREU? At first glance, article 9 CFREU gives us some hope because it no longer refers to “man and woman” but simply to “the right to marry”. In addition, the article refers to “the right to marry” on the one hand and “the right to found a family” on the other hand. By doing so, the European legislator appears to end discussions that the purpose of marriage is procreation. The latter being an important argument to automatically exclude same sex couples from marriage.

When reading the explanations to the Charter, you learn that the European Union examined the possibility of opening up marriage to same sex couples. The EU decided, at that time, not to open up marriage since only few Member States were open to that (the Charter was signed in 2002 and only the Netherlands had already implemented gay marriage).

The explanations indicate that the wording of the article has been modernized to cover cases in which national legislation recognises arrangements other than marriage for founding a family. This article neither prohibits nor imposes the granting of the status of marriage to unions between people of the same sex. This right is thus similar to that afforded by the ECHR, but its scope may be wider when national legislation so provides. In other words: it cannot be concluded that “a right to marry” reads as “a right for same sex couples to marry”.

## 2.6 Free movement of persons

Is there no hope at all? Yes, there is. The main purpose of the European Union is to create an internal market. The base to achieve the internal market are four fundamental freedoms: the free movement of goods, services, capital and persons. The European Union issued several directives regarding family reunification in order to guarantee the free movement of persons. Family reunification is based on marriage, registered partnership or de facto relationship.

The family reunification directive entitles married couples to immediately and automatically unite with their partner who moves to another Member State for work. However, partners of the same sex – even when married or registered partners – are considered de facto partners and therefore have no immediate and automatic right to family reunification. The directive obliges Member States to justify a denial of entry or residency of de facto partners. The directive adds that a Member State that recognizes gay marriage or gay registered partnership, can no longer justify a denial of entry or residence. A Member State that does not accept gay marriage or gay registered partnerships must justify the denial of entry or residence (see later). As a consequence, a same sex marriage or registered partnership needs to comply with the legislation of both the home Member State and the host Member State.

That means that Belgium, Germany, Hungary, the Netherlands, Spain and the United Kingdom should recognize a same sex marriage or registered partnership that has been concluded in another Member State. Poland is not obliged to recognize a same sex marriage or partnership that has been concluded in another Member State because the country does not have a same sex marriage or registered partnership.

In Poland, the free movement of persons is restricted or denied. A denial of the free movement can only be justified by a specific list of express derogations. The list of express derogations is limitative: reasons of public policy, public security and public health. Only one of these express derogations can justify a denial of entry or residence. Restricting (an obstacle to) the free movement can only be justified by the same limitative list and – on top of that – by reasons of public interest. Public interest is broader and is further defined in the case law of the European Court of Justice in Luxembourg. It can refer to consumer protection, worker protection, cultural policy . . . Both a denial and a restriction of the free movement, should be proportional. This means that there should be a fair balance between the denial or restric-

tion and the protection of public policy or public interests. In practice the Court will check whether other measures would not protect public policy or public interest more easy or as easy. Finally, a denial or restriction of the free movement can never go against fundamental rights. This means that the fundamental rights in the Charter will always have precedence and can never be infringed.

One can state that, today, there is no longer any express derogation that justifies a denial or restriction or even that the fundamental right to marry is infringed. This could then lead to Poland being obliged to recognize a same sex marriage or registered partnership concluded in another Member State.

An example can illustrate this. Tim (Belgian citizen) and Jan (Dutch citizen) have been married for five years in Belgium. The couple will move to Poland for Tim's job. Jan would have no immediate and automatic right to family reunification as Tim's husband unless they move to a Member State that recognizes same sex marriage or registered partnership (as do the other six European Member States of the Homo'poly project – Poland, however, does not). If Tim's husband cannot join him, Tim's free movement is restricted/hindered since it will be less likely that Tim will move to a country where his husband cannot join him.

Tim's restriction can only be justified by reasons of public order (the only applicable express derogation from the limitative list). Jan's denial to free movement can only be justified by the same public order as well as by the broader "public interest", as long as no fundamental rights are infringed upon.

Before homosexuality and same sex marriages came to be commonly accepted, one could argue that the recognition of gay marriage would infringe on the public order or public interest. Nowadays, 22 out of 28 Member States recognize same sex marriages or registered partnerships. The "Special Eurobarometer 437 – Discrimination in Europe 2015" states that 71 % of the Europeans believe that gays should have the same rights as heterosexuals and 61 % finds that same sex couples should be allowed in all Member States (compared to 44 % in 2006). The data shows us that citizens in Member States that have introduced gay marriage, respond more favourable and are more tolerant. This indicates that a top-down approach works. In countries where the authorities accept homosexuality, same sex marriages and registered partnerships, citizens tend to be more tolerant. It seems to be hard to consider that accepting same sex marriage or registered partnership would infringe public order and public interest since data shows that the majority of the Europeans accept gay marriage. Moreover, the data shows that citizens in countries who have introduced gay marriage are more tolerant towards gays and gay marriages. There is, in other words, no sufficient justification to deny or restrict free movement.

A denial or restriction is only allowed if it can be justified by an express derogation, and this denial or restriction does not infringe on any fundamental rights. It can be argued that the right to marry as described in the European Convention and in the Charter – a marriage between two people of the opposite sex – is a fundamental right. However, the concept of marriage has evolved over time and one could argue that a fundamental right to marry no longer exclusively belongs to heterosexuals but that also homosexuals have a right to marry. The US Supreme Court already acknowledged that the right to marry is a fundamental right that can no longer exclusively belong to heterosexuals.

To solve this, we should wait for a same sex couple that wants to move to Poland and claim their right to family reunification. In case of a denial or restriction of entry or residence, this couple should bring a claim before the European Court of Justice in Luxembourg. This Court will then need to conclude that there are no express derogations or other grounds on which to justify this denial or restriction, and that a denial or restriction violates the fundamental right to marry. Ultimately, the ECJ holds the keys to shaping the future of same sex couples.

## 2.7 The US Supreme Court in *Obergefell vs. Hodges*

On 26 June 2015, the US Supreme Court ruled – 5 against 4 – in favour of same sex marriages in the ground-breaking *Obergefell vs. Hodges*-judgment. As a consequence, same sex marriages became available to same sex couples in all 51 States of America and no longer in just some specific States. The arguments used in the *Obergefell* judgment as well as the arguments in the dissenting opinions (the four judges that do not agree with the judgment each write their own dissenting opinion) are interesting to us. Many of these arguments support the reasoning as set out above.

Today, the European Court of Human Rights refuses to act instead of individual Member States. The US judges who wrote the dissenting opinions also stated that the US Supreme Court should not replace a democratically elected Parliament. The *Obergefell* judgment explains why the Court nevertheless has the power to do this, as explained below.

The European Court of Human Rights stated that Member States should foresee in a basic protection (a registered partnership can be considered sufficient protection) if the balance of interests of the individual and interests of the society as a whole is in favour of the first. The European Court of Human Rights seems to say: a basic protection is mandatory in case society already accepts same sex marriages. The *Obergefell*-judgment explains why the balance should always be struck in favour of the individual, even if the majority of the population does not support same sex marriage (see later).

The European Court of Justice in Luxembourg, points out that it is up to the individual Member States to define the concept “marriage”. The judges who wrote the dissenting opinions agree: it is the individual States competence to define the concept of marriage and not the Federal authorities’ (or judges). The *Obergefell*-judgment does not agree with this reasoning and argues why they could define or interpret the concept of marriage (see later).

A denial of entry or residency can, according to the European Court of Justice in Luxembourg, only be justified on the basis of a limitative list of express derogations (public order being the applicable one). A restriction can be justified on the basis of the same list of express derogations as well as on the basis of public interest (which is often considered to be “public values”). And even if justifiable, it cannot infringe any fundamental rights. The *Obergefell*-judgment states that there are no longer any derogations to justify a denial or restriction and that the right to marry is a fundamental right (see later).

Firstly, the US Supreme Court explains why it is important that a judgment is rendered at Federal level. If individual States decide, differences will continue to exist. This will lead to a situation whereby one American State recognizes same sex marriages and another American State does not (as is the case in Europe). Leaving the current state of affairs in place would

maintain and promote uncertainty and instability. The Obergefell-judgment concerned an Army Reserve Sergeant who, before being deployed in Afghanistan, got married in New York. When returning after one year, they settle in Tennessee where the Sergeant works. Their lawful marriage is stripped from them when they reside in Tennessee, returning and disappearing when they travel across State lines. For some couples, even an ordinary drive into a neighbouring State to visit family or friends risks causing severe hardship in the event of a spouse's hospitalization while across state lines. The US Supreme Court *recognizes that maintaining the current situation leads to a restriction of the free movement.*

The US Supreme Court agrees with the European Court of Human rights that a democracy is the appropriate process for change. But individuals who are harmed should not await legislative action before asserting their fundamental rights. An individual can invoke a right to constitutional protection when (s)he is harmed even if the broader public disagrees and even if the legislature refuses to act. That is why fundamental rights may not be submitted to a vote, they depend on the outcome of no election. If that would be the case, minorities would always depend on the opinion of the majority and they would never get the protection they deserve. Hence, why *the US Supreme Court can reach this conclusion instead of the legislature.*

The US Supreme Court judges determine, like the Belgian legislature and the European Court of Human Rights, that the *institution of marriage has evolved over time.* After a historical analysis, they point out that the institution of marriage has often been changed by adding more freedoms. The generations that wrote and ratified the Bill of Rights did not presume to know the extent of freedom in all its dimensions so they entrusted future generations a charter protecting the right of all persons to enjoy liberty as we learn its meaning. In the past, interracial marriages were banned (*Loving v. Virginia*, 1967, p. 11). A law existed prohibiting fathers who were behind on child support from marrying (*Zablocki v. Redhail*, 1978) or prison inmates could not get married (*Turner v. Safley*, 1987). Time and time again it was the Courts who extended these freedoms and, by doing so, changed the institution of marriage.

The US Supreme Court judges confirm the thesis, mentioned by the Belgian Minister of Justice, that the *right to marry is a fundamental right* for each individual. The US Supreme Court judges argue from a well-defined freedom doctrine. The right to marry is a fundamental right inherent in the liberty of the person (and couples of the same sex may not be deprived from that right and that liberty). Marriage is one of the foundations of our society and is the basis for an expanding list of governmental rights, benefits and responsibilities. The aspects of marital status include inheritance and property rights, hospital access, medical decision-making authority, adoption rights, the rights and benefits of survivors, campaign finance restrictions, health insurance, child support . . . . The individual States have contributed to the fundamental character by placing that institution at the centre of so many aspects of the legal and social order. There is no difference between same-sex and opposite-sex couples with respect to this principle.

Another basis for protecting the right to marry is that it safeguards children and families. By excluding same-sex couples from marriage, their children suffer the stigma of knowing their families are somehow lesser. They also suffer the significant material costs of being raised by unmarried parents, relegated through no fault of their own to a more difficult and

uncertain family life. The marriage laws at issue here harm and humiliate the children of same-sex couples. The nature of marriage is that, through its enduring bond, two persons together can find other freedoms, such as expression, intimacy, and spirituality. Same sex couples do not have the freedom to marry and to enjoy one of the foundations of society. *The authorities cannot simply limit this freedom.*

The US Supreme Court states that *the nature of injustice is that we may not always see it in our own times.* Marriage is one of the foundations of society and offers protection as no other institution does. Closing out same-sex couples from participating in this institution, harms them. A minority should always enjoy protection when harmed even if the majority disagrees. Preference should be given to the interests of the individual (and his fundamental rights) over the interests of the society. That is why, top-down, countries should always foresee in basic protection (European Court of Human Rights) or in a same-sex marriage (US Supreme Court). It is this same top-down approach in education that will foster tolerance and acceptance of homosexuality.

### 3. LGBTQ people in Flanders

In 2010/11, a large-scale study about the quality of life of Flemish LGBTQ people was carried out in Flanders. This project, known as “Zzzip<sup>2</sup> project” (Zzzip<sup>2</sup> – Research on the quality of life of Flemish LGBT people) was conducted to map the quality of life of Flemish LGBTQ people. It was conducted by *Steunpunt Gelijkekansenbeleid* (Support Centre for Equality Policy). The *Steunpunt Gelijkekansenbeleid* is one of the twenty-one Support Centres for Policy-Relevant Research.

Everyone – both straight and LGBTQ people – was invited to partake in the Zzzip<sup>2</sup> study. Heterosexuals were used as a control group. The questionnaire was compiled by experts in the fields of policy-making and academia. The data were collected via an online survey and several methods were used for data analysis. The Zzzip<sup>2</sup> sample consisted of 3.400 respondents, of whom 2.397 LGBTQ people and 1.003 heterosexuals. The LGBTQ and heterosexual sample were equally divided in level of education, age, nationality and ideology. 62% of participants of the LGBTQ sample were male, whereas 40% in the heterosexual sample were. The complete sample was not representative of the Flemish population. The Zzzip<sup>2</sup> respondents were young, highly-educated and – apart from the proverbial exception – ethnically Belgian.

To sketch the situation in Belgium, a few significant results of this study will be given below. (*Steunpunt Gelijkekansenbeleid*, 2011). A quarter of the respondents were pupils or students and a little over 65% of them had a paid job. After questioning the respondents with a paid job (now or in the past) about their job tasks, a lot of LGBTQ people appeared to have executive tasks compared to the heterosexuals. More LGBTQ respondents (60.3%) were in a steady relationship than the heterosexual (50.3%). LGBTQ people (25.6%) in a steady relationship were less likely to be married than the heterosexuals (40.1%) in a steady relationship.

At the time of participation, 15.4% of the LGBTQ sample had one or multiple children or were expecting a child. 61% of those children originated from a heterosexual relationship. The heterosexuals were questioned about the acceptance of gay marriage and gay parenting,



and an estimate of this acceptance was checked in the LGBTQ group. This estimate is in line with real acceptance rates. Lesbian and bisexual mothers are generally more accepted by their peers than gay and bisexual fathers. Both received neither positive, nor negative reactions.

Schools and the corporate world seem to be tolerant of LGBTQ people. However, negativity towards gays is still reported. 16.7% of the heterosexual sample believe that LGBTQ people are abnormal.

This research also investigated if discrimination is part of the life of LGBTQ people. They pleaded for discrimination. 17.7% of the LGBTQ sample indicated that they had been discriminated against in the past six months because of their sexual orientation. The ones responsible for the discrimination were mainly of West-European origin, but there was an overrepresentation of North-African offenders considering their overall numbers in Flanders.

The mental wellbeing of LGBTQ people was tested via several parameters. LGBTQ people are more susceptible to symptoms of depression, tend to underestimate their quality of life and are more likely to attempt suicide compared to heterosexuals. Especially young lesbian and bisexual women are more at risk of committing suicide. Problems with mental wellbeing are often associated with LGBTQ-specific minority stress factors such as homonegativity, gender identity, social identity and stigma awareness.

The use of stimulants was also listed as an indicator of mental wellbeing. LGBTQ people more often used tobacco than straight people. Lesbian and bisexual women more often used drugs and were more likely to suffer from alcohol abuse. (*Steunpunt Gelijkekansbeleid*, 2011).

In the final analysis of the study, the research group could draw two significant conclusions. Though the LGBTQ sample and the heterosexual sample were comparable in terms of age, level of education and ethnic origin, clear differences were found between both groups. These differences are mostly found in various areas of life, such as family, discrimination and mental wellbeing. In addition, homophobia appeared to still prevail among a part of the Flemish population.

One of the crucial recommendations of the consortium was to offer (further) education in different fields and to raise awareness of sexual diversity and orientation in different social spheres. The research group strongly recommended that awareness raising should especially be implemented in the areas of counselling and social work.

The first part of this article focused on several legal aspects of the situation of homosexuality in Belgium. The second part will continue with an analysis of the situation in the school system.

Thus far, the information presented in this article related to the Kingdom of Belgium as a whole. An important characteristic of the parliamentary monarchy Belgium is, however, its federal structure. This structure is also reflected in the educational system of this trilingual country. Belgium's education policy and school system are the responsibilities of the three communities respectively. What follows will only deal with Flanders and the Flemish educational system.

## 4. LGBTQ people and the Flemish educational system

### 4.1 Structural aspects

In the Flemish government, the Minister of Education (since July 2014 Hilde Crevits) is responsible for almost all aspects of education policy – from preschool education to colleges and universities. School attendance is compulsory and starts on 1 September of each year and lasts 12 school years. Compulsory schooling ends at the end of the school year in which the adolescent turns 18 or when they finish secondary school. It is enshrined in the constitution that access to education is free until the end of compulsory schooling. The well-developed system of preschool education is free as well in Flanders (also when this is not part of compulsory schooling). For the secondary schools, colleges and universities there is an education allowance system (depending on the parents' income).

In Flanders, there are three education networks: community education, subsidised official education and subsidised free education. The school year for compulsory schooling starts on 1 September and ends on 31 August. Flemish schools are open 182 days per school year on average.

Because they are less important for this article, kindergartens and primary schools will not be discussed. Secondary education is meant for young people from the age of 12 to 18. Full-time secondary education is organised according to a uniform structure. This structure consists of different phases, types of education and fields of study. The final choice of a field of study takes place in the second phase (secondary schools have 3 levels each consisting of 2 school years) of secondary education.

From the second phase of secondary school, pupils can choose between four types of education. General secondary education (ASO) focuses on general basic education and prepares pupils for higher education. Vocational secondary education (BSO) is a form of education that is practice oriented. Here, pupils get a basic education, but mostly acquire occupation-specific knowledge. In artistic secondary education (KSO), comprehensive basic general education is combined with active art education. Technical secondary education (TSO) mostly favours general and technical-theoretical subjects. A pupil receives the secondary education diploma when they have successfully completed six years of ASO, KSO or TSO or seven years of BSO. With a secondary school diploma, the adolescent has unlimited access to Belgian colleges and universities.

There is another interesting aspect to gender-related schooling in Flanders. In the Flemish community, co-education required by law has only been around since the school year 1995/96, and many schools still bear traces of their past as an all-boy or all-girl school. Often, this sex related past goes hand in hand with gender specific subjects, starting at the second level (e. g. childcare or car engineering). (Bosman, 2013)

### 4.2 LGBTQ people and Flemish compulsory school

In May 2016, Hilde Crevits, the Flemish minister of Education, took part in the UNESCO conference about homo- and transphobia in Paris. Crevits presented the Flemish policy: *“Our education should be a house where everyone can come home to. That is the best environment to*

*teach young people about respecting each other and dealing with different opinions. If you encourage young people to stand up for each other during a conflict, they will do the same when someone is being discriminated against for their sexual orientation or the colour of their skin. Each instance of bullying, exclusion or violence within or outside of our school walls is one too many. This UNESCO conference is sending a clear, worldwide signal, even to the countries, currently not present.” (UNESCO Platform Vlaanderen vzw, 2016)*

Furthermore, Crevits pointed out that Flanders scores well on LGBTQ regulation, as was clarified in the first part of this article. The general view on LGBTQ people is positive. According to the Centre for Equal Opportunities and Opposition to Racism the majority of the Flemish people clearly have no problem with LGBTQ people.

And yet:

- 22% of Flemish LGBTQ people attempted suicide once or more;
- 78% of all transgender people think about suicide in the course of their life, especially during puberty;
- 38% of Flemish transgender people attempted suicide once or more and this happens mostly from the age of 12 to 17...

When comparing Flanders to other European countries, one must agree with Minister Crevits. However, the facts mentioned above should not be overlooked. Too often, bullying is still an everyday occurrence at Flemish schools.

### **4.3 Pedagogisch project (*pedagogical project*), schoolreglement (*school regulations*), eindtermen (*attainment levels*), VOETen (*VOETs*) en leerplannen (*curricula*)**

In Flanders, several guidelines and policy documents exist which were developed by the Ministry of Education and/or overarching organisations (networks) and which teachers need to comply with. A selection of policy documents will be presented and screened with regard to the integration of content about sexual orientation. This analysis is by no means exhaustive.

#### *4.3.1 Pedagogical project and school regulations*

Each school has its own pedagogical project. With the pedagogical project, the school board defines the vision on education and upbringing that the school follows. It also provides information on the use of pedagogical and educational methods and sets out the worldview which forms the basis of education at a school. More concrete documents such as curricula, a school development plan or school regulations arise from the pedagogical project. As mentioned above, there are three education networks in Flanders. Obviously, the schools' pedagogical projects are different and their contents may deviate.

Each school has its own “school regulations” which everyone has to comply with. Usually, the pedagogical project is completely integrated in the school regulations. By including the LGBTQ topic in the school regulations – mentioning that nobody is to be discriminated against on the basis of sexual orientation or gender expression – the school can protect LGBTQ people. If the teachers read the school regulations with their pupils at the beginning

of the school year and make clear what is acceptable and what is not, the school can clearly show that bullying because of sexual orientation is undesirable and forbidden.

Sexual identity and orientation is explicitly included in the cross-curricular final attainment levels (hereafter referred to as VOETs). The school is obliged to discuss this subject in class. Most schools mention they are an LGBTQ-friendly school in their school regulations.

#### 4.3.2 *Final attainment levels and VOETs*

Final attainment levels are brief descriptions of the knowledge, insights, skills and attitudes a pupil should attain by the end of their school career. Final attainment levels are goals of what the student knows/understands/can do after completing his education. They are determined and can be found in several policy documents and are applicable for all educational networks. An excellent overview can be found on the website of the Flemish Ministry of Education.

In the context of this article, the authors restrict themselves in the following examples to VOETs and attainment levels from secondary education and consequently pupils from the ages of 12 to 18.

Final attainment levels cannot be separated from the VOETs, the cross-curricular final attainment levels. The VOETs are minimum goals relating to knowledge, insight, skills and attitudes. They are not specific to one field of study, but are sought after through multiple courses, school projects and other activities. (*Vlaams Ministerie van Onderwijs en Vorming*, 2010). All Flemish schools must emulate the cross-curricular final attainment levels in each student.

In order to achieve more transparency and simplicity, a general stem (communicative ability, creativity, perseverance and others) was created. That way a duality is established, with on the one hand a stem, and on the other seven contexts, that must be handled and read as one. The seven contexts are: “physical health and safety”, “mental health”, “socio-relational development”, “environment and sustainable development”, “politico-juristical society”, “socio-economic society” and “socio-cultural society”.

The objectives, which address sexual orientation, are found in the second context “Mental Health”. The VOETs say that the students should:

- “4 – accept and process their sexual development and changes during puberty;
- 5 – express and respectfully deal with friendship, being in love, sexual identity and orientation, sexual feelings and behaviour;” (*Voet @ 2010*, 2010)

Sexual identity and orientation are therefore explicitly mentioned in the cross-curricular final attainment levels. Schools are therefore obliged to discuss the subject.

#### 4.3.3 *Curricula*

In Flanders, curricula exist at the level of the education networks and at the level of the subjects. Parallel to the screening of the VOETs, the curricula of secondary education were analysed. Since 70% of all Flemish pupils attend a catholic school, the curriculum analysis was limited to this network. In this analysis, four curricula will be presented, one in detail and three others to a lesser extent (without any claim to completeness).

Religion (second level TSO); (Leerplan rooms-katholieke godsdienst D/2000/0279/034 = D/2007/0279/066)

The curricula for religion contain several elements that are useful to raise awareness of homosexuality. In the curricula, there are references to possible discussions about the topic, such as:

- A culture of meeting;
- Discussing the meeting culture within youth cultures;
- Dealing with differences;
- Loving and being loved;
- What you can choose in life;
- How to live with differences;
- What is living together in love;
- Love and friendship.

Inter-ideological competences as part of dialogue and cooperation between different ideologies at school are also part of the curriculum, for example discovering and degenerating “similarities and differences between ideologies” or “imagine the ideological perspective of others” etc. (*Leerplan rooms-katholieke godsdienst, 2000*)

The subject religion is very suitable to talk about the topic of homosexuality. In the context of a training programme of the Catholic University of Leuven, which was meant for specialist subject teachers, Pollefeyt already formulated “hermeneutic nodes” in 2002, which are still equally relevant in 2017 and should be addressed in education. This way, teachers of religion can discuss specific elements/aspects/questions in class. Aspects mentioned by Pollefeyt are reflected in the following (selected) questions:

- Which stereotypes are there about gays and lesbians?
- Is homosexuality a choice or a sexual orientation?
- Should homosexuality during puberty be viewed differently from homosexuality later on in life?
- Which insights, attitudes, and skills are viewed from a Christian-ethical perspective, related to LGBTQ-sexuality?
- Ecclesiastical texts about homosexuality are quite negative about homosexuality. On the other hand, solidarity, empathy and respect towards a homosexual is an expression of Christian charity, which can be found in certain ecclesiastical documents, usually with a pastoral impact. How should we evaluate this ecclesiastical teaching?
- What are the views on homosexuality in other cultures and religions? Etc. (Pollefeyt, 2002)

Dutch (first level A stream ASO (big collective broad first level of secondary education)); (Leerplan Nederlands eerste graad D/2010/7841/016)

In the introduction (under 1.6), the curriculum addresses the (inter)cultural orientation and stresses: “(Inter)cultural orientation in primary school supposes that pupils have some experience and knowledge of their own culture and that of others. (...) With those experiences

of social and cultural diversity, the teacher gives the pupils the opportunity to share with one another their ideas, experiences, and emotions. Most important is the will to start social relationships with others, keeping in mind their cultural and social diversity. (...) When thinking about language use, the pupils should be interested in and respectful towards the other person, their own culture, and the culture of the other person.” (*Leerplan Nederlands D/2010/7841/016*)

The objectives that go along with this (attainment levels) are presented in the curriculum in attainment level 26:

The pupils are able to:

- “explore the different cultural expressions with a linguistic component within our society and identify their (potential) meaning;
- Express their ideas, experiences and emotions during those experiences in one’s own culture, compared to another culture;
- Obtain some knowledge about diversity in cultural heritage with a linguistic component – starting from their own frame of reference.” (*Leerplan Nederlands D/2010/7841/016*)

*History (third level ASO-KSO); (Leerplan Geschiedenis D/2001/0279/006)*

Other curricula also make it possible to raise awareness in class. For instance, the subject history formulates in one of its attainment levels that pupils should be able to articulate the central development threads of the western and Belgian history between ca. 1800 and ca. 2000. In teaching praxis, for example, the discussion about the evolution of voting rights is recommended, in which the emancipation of women plays an important role. This provides countless possibilities to integrate further gender-specific aspects, such as carefully describing simple terms like “family” and offering different possible definitions. A good example would be gay marriage.

The attitudes which the adolescents should have acquired by the end of history education, are described in the curriculum as follows (extract):

“The pupils prove that ideologies, mentalities, value systems, and world views influence societies, human behaviour and conceptualisation of the past:

- Are aware of the evolution of the portrayal of man and the world view;
- Are respectful towards the cultural singularity of each people.
- Are tolerant towards different ideas.
- Have respect for democratic principles such as freedom, equality, and justice.
- Have respect for laws that were established democratically.
- Are not prejudiced towards people of different cultures.” (*Leerplan Geschiedenis D/2001/0279/006*)

*Biology third level ASO (economics-sciences); (Leerplan Biologie D/2014/7841/011)*

The biology curriculum is also worth mentioning. The attainment levels in the curriculum mostly focus on the reproductive process, however, and not on sexual orientation. Nonetheless, this topic should also be addressed during class.

The curriculum (extract) implicates for instance:

The teacher will:

“Explain several reproduction methods via examples, as well as, the biological meaning of reproduction for the survival of the species and the possible creation of genetic variation within the species.” (*Leerplan Biologie D/2014/7841/011*)

References to sexual orientation can also be found in other Flemish curricula, without the use of these exact words. Especially the cross-curricular final attainment levels (VOETs) play a central role in making pupils aware of different forms of life and sexual orientations.

#### 4.4 LGBTQ people and higher education

The teacher training takes places on different levels, which will not be discussed here. All lecturers at the teacher training programme are urged to enable their students to function as tutors of learning and development processes, as educators, as content experts, as innovators, as researchers, as partners of parents and carers, as members of a school team, as partners of external parties, as members of the education community and as culture participants. The analysis of these basic competences also brought to light that none of the 46 (sub)competences explicitly demands sensitive handling of the topic of sexual orientation.

A look at the educational landscape of the colleges and universities reveals that gender-specific programmes have gained importance over the past few years, but are still not integrated in a way that corresponds to the needs of society. When screening the programmes (especially of the teacher training), aspects related to gender were found occasionally. Only in a few cases were separate courses/parts of the curriculum on this topic identified. That is why it is worth mentioning that, since two years, there is a master’s programme “Gender & Diversity”. Also worth noting is that this master’s programme is one of the few interuniversity programmes in Flanders. This interuniversity programme is a collaboration of the Catholic University of Leuven, the University of Antwerp, the University of Ghent, the University of Hasselt and the Free University of Brussels.

At the Flemish university colleges and universities, there is still a lot to catch up on in terms of LGBTQ policy. The past few years, one could often read on the websites of universities that they have a gender policy and even a LGBTQ policy. When looking a little further on these websites, it turned out that the links to corresponding documents happened to be empty. In contrast, the question at the beginning of this year whether KU Leuven would be the first university with a third gender option in the registration system was a surprise. The *Karel De Groot Hogeschool* in Antwerp already took this initiative at an earlier point. The student newspaper *Veto* of the KU Leuven and the vice rector for student affairs Gosselink said in the media: “We would like to introduce a genderless indication for students who would for one reason or another prefer not to indicate whether they are male or female. Incidentally, we have received questions in that vein in the past and this possibility also already exists at a few universities abroad.” (KU Leuven (*Veto*), 2016). Technical difficulties make it not yet possible to introduce this feature in Flanders. It is, however, expected that this will be realised shortly.

## 5. Reality in and outside school

Thus far, the analysis showed that educational documents in Flanders only marginally contribute to creating awareness of homosexuality. It is often individual initiatives that support dealing with homosexuality in a respectful way. Two examples:

1. An impressive initiative comes from Berchem, a part of Antwerp, where the Koninklijk Atheneum organised a Gay-Straight Alliance in May 2016.  
Some pupils and teachers of the *Koninklijk Atheneum* in Berchem surprised their school on Thursday, 15 May 2015 during the break with a colourful flash mob and the message: Love is a human right, not a heterosexual privilege. That flash mob was organised as part of IDAHOT or the International Day against Homophobia and Transphobia and it was the first action of the new Gay-Straight Alliance in Flanders.
2. Two gay young men, who had come out of the closet on a Flemish TV show (“*Uit de kast*”) and who had often been victim of bullying during their school days, try to clarify, to inform and to raise awareness. Both know a lot about situations that involve bullying. That is why they are working to end bullying because of sexual orientation at Flemish schools. Because they kept noticing during their awareness workshops at Flemish schools that bullying still happens despite great tolerance in Flanders, they started the initiative “*De meest pestvrije school van Vlaanderen*” (The most bullying-free school of Flanders) and they would reward schools for their fight against bullying. Classes that could prove that bullying did not happen in their school/class could win a class party “with all the trimmings”. To support this initiative, the website “*SPOS-Stop Pesten Op School*” (Stop Bullying At School) was launched. The *GO Atheneum Liedekerke* won the 2016 edition.

Against this backdrop, the Flemish magazine “*Klasse*” (magazine for teachers in Flanders) published a set of questions in June 2015. Teachers had to ask themselves “How friendly is my school towards LGBTQ people?”

The teachers were asked to what extent the 10 items listed below applied to their school:

- We discuss the subject openly and seriously in class, on the school ground, and in the teacher’s lounge.
- An LGBTQ teacher or member of the board can take their partner with them to the staff party.
- An LGBTQ pupil can contact a confidential advisor who is openminded about the subject.
- Teachers intervene when someone make a homophobic remark or yells ‘gay’ as a term of abuse.
- Teachers, parents, the board, the student counsel, pupils: everyone is involved in the matter.
- Our school has an anti-discrimination or anti-bullying policy that includes LGBTQ pupils as a target group.
- We receive education and extra training about gender issues and homosexuality.
- The subject is clearly visible around school: posters, actions, rainbow flags ...



- A boy can wear make-up and feminine clothes to school, without this being considered problem behaviour.
- Everyone at school is equal. (Klasse, 2015)

If the teachers answered positively at least 9 times out of 10, they could assume that their school and the daily school life was LGBTQ friendly.

### 5.1 Çavaria – the umbrella of LGBTQ associations

In Flanders, there are more than 120 associations and organisations that deal with LGBTQ people in one way or another. One of the best known and most important associations is Çavaria, the umbrella of LGBTQ associations in Flanders and Brussels.

On the website of the association, their mission is formulated as follows: “Çavaria inspires, stimulates and supports associations and individuals who speak up for a broad view on sexual orientation, gender expression and gender identity. It strives for individual wellbeing and stands up for the rights of homosexuals, lesbians, bisexuals and transgender people in all aspects of daily life.” (Çavaria)

The organisation offers support, participation and education to over 120 joined associations. Together, these associations form the LGBTQ community. Furthermore, equal opportunity activities focus on the entire society. The association campaigns, informs, sensitizes, lobbies and forms people’s opinions. The association has the anonymous “Holebifoon” (a hotline for LGBTQ people) and regularly publishes the magazine ZiZo. (Çavaria)

The association offers high-quality further training to educational staff. Part of their initiatives are training sessions such as “Diversity: a challenge for the school” or “An LGBTQ-friendly society starts at primary school”. How can the topic of sexual orientation be raised in class? There is a lot of material for this as well. Çavaria is also one of the associations that develops lesson material about LGBTQ topics.

### 5.2 Experiences of a young female gay teacher

As a teacher in the 2nd and 3th grade of Catholic secondary school (where pupils are between 14 and 18 years old), I choose deliberately to be open about my sexual orientation, not to be a so-called role model, but just to be my “normal” self. This way pupils also see a reflection of modern society in school surroundings.

At our school approximately 5% of the teachers are LGBT. Because of a LGBT friendly staff policy supported by the heads and colleagues, a coming out is possible for teachers who wish to do so. Our work regulations describe clearly the prohibition of bullying because of sexual orientation. If necessary victims can file a complaint.

Remarkably, most of the LGBT teachers choose to be open towards their colleagues but don’t want to inform the pupils because they are anxious about negative reactions.

#### 5.2.1 Pupils’ attitude towards LGBT teachers

Nevertheless, I can hardly give examples of negative reactions. They mostly ask a lot of questions out of ignorance. Recurring questions are: How did your parents and friends react? Is

it difficult to find love? When did you know you were attracted to someone of the same sex? What about marrying and having babies? How about sex and intimacy? I think my job is to satisfy their curiosity, to inform and to open debate. Pupils can ask any question they want. I will answer them while not losing sight of my personal boundaries.

Moreover, I always point out the existence of different acceptance levels towards LGBTs depending on the background of a pupil. Other cultural or religious opinions are one of the biggest obstacles in my experience. In addition, values and norms handed over by family are also very determining for a pupil's opinion. That is why I never start a battle but aim for a dialogue where pupils can express their ideas. I attempt to be a moderator trying to provoke reflection more than being a preacher carrying the one and only truth. In my experience this approach triggers mutual respect.

I think it's sometimes harder for a male LGBT teacher to gain the same level of acceptance or openness, because pupils attend to accept lesbians more than gays.

### *5.2.2 The LGBT theme: class and school level*

Because I mostly teach subjects in human sciences, the LGBT theme gets discussed because of the curriculum. I have time to stress certain aspects extensively and create a nuanced debate. The theme is also incorporated in the pupils' manuals.

This is different when the coverage of the LGBT theme is not explicitly written down in the curriculum of that specific subject. Although sexual identity and orientation is incorporated in the Flemish cross curricular attainment levels, the coverage is more a choice of the individual teacher. He or she can for example discuss an LGBT related article in a foreign language class or use names of a gay couple for mathematical problem tasks.

On school level, annual initiatives like "days of health" or "days of diversity" pay attention to the LGBT community by inviting associations like Cavaria or people who bring their personal story. The theme isn't visible through posters or leaflets, but the number of the "holebifoon" (0800 99 533) is mentioned in the pupils' diary.

### *5.2.3 Pupils' questions and problems*

The school regulation doesn't include an anti-bullying policy aimed specifically at LGBTs. Instead of making special references to certain (minority) groups, they aspire to respect every 'person'. In any case of harassment, the school will act decisively.

When pupils have questions about or experience problems with sexual identity and/or orientation, they can always get in touch with internal school counsellors. These trained teachers listen, inform and refer to appropriate associations if necessary.

To conclude, I realise I am blessed being a teacher in 'my' school. Lots of less rose-tinted experiences are still present in the year 2017.

## **6. Conclusion**

Over the past decades a lot has been achieved and realized in Belgium. Gay people almost have the same rights compared to the heterosexual community. They can marry, conclude a

registered partnership, adopt children and have anti-discrimination legislation that protects them. The first part of this article analysed these aspects more in detail. In the second part, this article showed that the LGBTQ theme is also well integrated in the Flemish educational system on different levels, from the Ministry of Education to the daily classroom settings.

Even though the Flemish situation can be mentioned as a best practice (also compared to the other countries) we should not forget that there is still a long path before equal rights for LGBT people will be realized on all fronts. Discrimination of the gay community can still be observed. Bullying of LGBTs on the work floor or in class rooms and the complex issue of transgender rights are just two examples showing that there is still a long way to go.

This underlines the importance to continue discussing LGBTQ rights on a legal and an educational level.

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# Homosexuality. The History of Gender in Germany

*Bernd Drägestein, Olaf Schwarze, Corinna Kapfelsperger, Philipp Aigner*

*Attitudes towards homosexuality in the various eras of history will be defined by the perspectives, values and norms which gender concepts are subject to in the dominant culture at the time. And homosexuality has been subject to societal interpretation and judgment within the general framework of the question “What does femininity and masculinity encompass respectively?”, and dependent on the religious, political, legal, moral and scientific zeitgeist on which the basic attitude towards homosexuals was based. Throughout its entire history, specific legal sanctioning of homosexuals was justified and explained as necessitated by and in the defence of societal interest and was instrumentalized – with the exception of the time of National Socialism in Germany – for the purpose of marginalization of homosexuals. The societal attitude towards homosexuality will always be reflected in the way the subject is taught to children and adolescents in the context of school education. For a better understanding of the way the subject of homosexuality is currently dealt with in the Germany of 2017 in school curricula, as a sexual orientation distinct from the heteronormative, the second section of this text will contain an analysis and comparison of curricula and guidelines on the subject of sex education in two of the German federal states (education policy is decentralized in Germany and rests with a relevant independent regional state ministry), and will also cover the question of how the issue of homosexuality is dealt with in both initial and continued training of junior and senior teachers. And finally, a number of illustrative external projects and organizations will be portrayed, which provide seminars and workshops in cooperation with schools, in order to promote the inclusion of the topic of homosexuality in all types of secondary education and at universities.*

*Key words: history of homosexuality, legal rights and protections, curriculum development, extra-curricular projects, safe schools*

## 1. Historical and legal development

### 1.1 Antiquity

With the advent of Christianity, Christian concepts of morality, which permitted sexual intercourse in principle only for the purpose of reproduction, had a devastating effect on the previous homosexual and bisexual diversity in the European territories which converted to Christianity, where sexual diversity had been an accepted part of life in classical antiquity. In the patriarchal structures in later antiquity, anal intercourse between heterosexuals became illegal and sometimes homosexuality as such was defined as a crime (emperor Constantin, 326 C. E.).

The domination of this hegemonic, hetero-centric sexual morality, and its restrictions regarding a purely reproductive context, stigmatized and marginalized homosexuals. This was followed by collective ostracism as homosexuals were declared sinners and heretics in

Christian religion. Under Roman laws (*Corpus Iuris Civilis*), homosexuality was subject to criminal prosecution. From that time onwards, various national legal edicts were based on – or adopted in line with – these Roman laws. This led to the criminalization of homosexuality, punishable by castration up to execution, and homosexuals became the target of century-long persecution.

## 1.2 Middle ages

In the middle ages the notion of sodomy was central to the perception of homosexuality as sinful sexual behaviour that was not aimed at reproduction. Christian belief and secular jurisdiction were merged in the first German imperial penal code of under Emperor Karl V in 1532 C. E. and prosecuted homosexuality as perverted unnatural behaviour. Death sentences were often executed by burning at the stake, in order to completely eliminate the substantial, material existence of the sinner. Generally, the practices of homosexual men were persecuted more severely than those of women.

## 1.3 Age of enlightenment

The added knowledge, and added scientific knowledge, of the age of enlightenment also changed the attitudes towards homosexuality. Emancipation and personal liberties and freedom of the individual, and the general implementation of human rights, led to a more accepting attitude towards homosexuals. In general, the societal focus was directed rather at gender roles.

This new, enlightened attitude had its effect also on the penal codes of the individual countries, and it led to a marked move towards decriminalization. Austria, for example, reclassified homosexual acts – depending on the degree of “public nuisance” involved – as “political offences” from 1787, punishable by varying sentences, such as internment in a labour camp, flogging or imprisonment. In Prussia (General Civil Code of 1794, Sec. 143) jailing and flogging as punishments for sodomy became prevalent. Other German states, too, relied on a new (legal) understanding of homosexuality, also as consequence of the French Revolution (“Code Civil” 1804). Bavaria (a region in the south of present-day Germany) even discontinued persecution.

## 1.4 German Empire

These societal movements left in their wake an evolution in the philosophy of law, and in this framework the concepts of “natural law” developed at the end of the 18<sup>th</sup> and beginning of the 19<sup>th</sup> century. A prerequisite for this was the assumption that, for the establishment of a legal system, liberty, equality, fraternity and security are essential. These virtues form the basis of human existence and originate from human nature. This natural law is defined by reason. And if humans acted in infringement of this natural law, they also counteracted nature. For homosexuals, this interpretation meant that they were acting unreasonably in their manner of sexuality, as they were not putting it at the service of natural reproduction. The response of the time to this “curious phenomenon”: homosexuality is a disease with a biological cause. A corresponding medical condition was defined and researched accordingly.

Jurist Karl Heinrich Ulrichs (1825–1895) in his book “Research on the Riddle of Man-Manly Love”, published in 1864, attempted to develop a theoretical model to explain homosexuality. He coined the term “Uranism” for the desire of men for men, which he declared to be innate, and natural. And therefore, men who desired men in his view were so-called “Urnings” (or the “third gender”) and women who desired women were “Urninds” (or the “fourth gender”). In his view, a female soul resided in the body of a Urning and a male soul in the body of an Urnind. Ulrichs presented his classification model at the Congress of German Jurists in Munich in 1867, but society was not ready at the time to tolerate diversion from traditional gender norms yet.

The Hungarian psychiatrist and writer Karl Maria Kertbeny (1824–1882), who lived in Germany and Austria, in 1868 introduced the term “homosexual”. This term effectively helped homosexuals to define and identify as a group and thus also to organize better. It also turned out to be disadvantageous in that from that point onwards the “distinctiveness” had a name, which stigmatized people because of their sexual identity, and labelled them as somehow deficient (pathological).

New medical theories formed the basis for newly developed therapies and medical indications developed to heal those affected:

- Castration
- Hypnosis
- Chemotherapy
- Electroshock therapy
- Hormone treatment
- Brain surgery

And clergy, too, concerned themselves with ‘rescuing’ people from the perceived mental disorder of homosexuality. Central to the approaches of the Christian church for the defence against this “perverted sexual desire” was abstinence, both to control it and as the path to recovery.

The only socially permitted context for the sexual act at the time was within marriage between man and woman, with the definition of sexuality being rather unilaterally limited: women had no sexual desires or feelings, and their role was limited to a biological desire to reproduce.

During the German Empire, in order to meet their need to liaise with or encounter others, homosexuals were all but forced to go into (homosexual) underground to avoid discrimination and persecution. Within the more anonymous structures of the fast-growing metropolises this was easier for homosexual subculture than it was in rural areas.

The German imperial penal code (*Reichsstrafgesetzbuch, RStGB*) of 1891 defined the sexual act between men as perverted fornication. Criminal court judges in the context of criminal proceedings were required to define at what point anal intercourse constituted consummated penetration “equalling sexual intercourse”, to evaluate the circumstances of a criminal case; facts which were often conceivably difficult to prove. Legal basis was Sec. 175 *RStGB*, which read: “An unnatural sex act committed between persons of male sex or by humans with animals is punishable by imprisonment; the loss of civic rights may also be imposed.” And thus,

after initial resistance, sexual intercourse between men became a punishable criminal offence once more, also in Bavaria. Women were exempt in this context.

Not even enlightened scientists were able to prevent this step backward in societal development by postulating “no punishment for illness”. Anyone infringing “public morals” would need to prepare for reprisals, and this might include – apart from criminal prosecution – defamation, police raids and blackmail. Anonymity of sexual identity was very often the best protection against such persecution. Very often constructing a double life was also a result of this social environment.

However, some did not surrender and adapt to these social and moral pressures, but actively fought these oppression mechanisms. With the foundation of the “Scientific Humanitarian Committee” (*Wissenschaftlich-humanitäres Komitee, WbK*) in Berlin in 1897 by physician and sexologist Magnus Hirschfeld (1868–1935) and other notables – mainly scientists and professionals – a group of dedicated kindred spirits began to oppose societal and criminal persecution of homosexuals (abolishment of Sec. 175) and to defend their civil rights. Among the aims was a campaign for general awareness and debate, its slogan “Through Science to Justice”, making use of newspaper articles, lectures, educational pamphlets, empirical research, collecting signatures and political petitioning. Hirschfeld and his fellow campaigners argued that homosexuality was an innate trait and argued it should therefore not be subject to prosecution. In this context he developed his theory of the “third gender”, which postulates that in addition to the categories of male and female there exists another human type: homosexuals, transsexuals and intersexuals. Women were not very active in this committee.

In 1919 Magnus Hirschfeld, in addition, founded the “Institute of Sexual Research”, an outpatient counselling centre for sexual problems and for examination, assessment and therapy of all sexual disorders.

The majority of homosexuals was reluctant to support this emancipatory, political civil rights movement for fear of detection and discrimination and retreating into privacy was the default attitude of many. While the dedicated work of the *WbK* was unable to achieve an abolishment of Sec. 175, the committee tried to prevent the existing legal regulations from being toughened any further. Scandals and press campaigns surrounding confidants and prominent advisors of Emperor Wilhelm II (i. e. Philipp Fürst zu Eulenburg and Hertefeld) were used to further slander and slur the public image of homosexuals, building on widespread social prejudice against the decadent character of men with homosexual tendencies, rendering them unfit and unable to exert and exercise manly authority. Hans Georg Stümke (1989) summarized the relevant developments from Emperor Wilhelm II’s German Empire to the end of World War I as follows: “The historic impact of civic enlightenment and the demise of medieval concepts of religion and science benefitted this ‘coming-out’. And through the ‘agitation’ of the first homosexual associations, it also found its first democratic manifestation” (p. 51). On the other hand, until that time, tens of thousands of homosexuals paid dearly for their “non-natural” disposition in the context of criminal persecution.



### 1.5 The Weimar Republic

The collapse of the German Empire at the end of World War I and the subsequent movements towards new democratic structures in Germany also meant renewed hope and euphoria for the emancipatory ambitions of homosexuals. The struggle for the abolishment of Sec. 175 continued in the Weimar Republic. In addition to continued dedicated political campaigning, a broader, more diverse culture of activities and events was established around the general issue of identity. One of the prominent *WhK* activists at the time, apart from Magnus Hirschfeld, was Kurt Stiller (1885–1972) from Berlin. In 1922 the publicist, pacifist and writer published a 132-page-long paper entitled “Sec. 175: The Disgrace of the Century!”. This programmatic essay aimed at the liberalization of the penal laws targeted at homosexuality. The activists found supporters among the various left-wing parties existing at the time of the Weimar Republic: communists, socialists and the liberal left-wing, such as the DDP (*Deutsche Demokratische Partei*, German Democratic Party). While the *WhK* was leading the homosexual movement, it soon emerged that the movement was far from uniform or united. The strategy of the *WhK* was mainly determined by the struggle against stricter regulations in the law on sexual offences, in order to abolish of Sec. 175, together with other related relevant issues (such as the ban on abortion in Sec. 218) by making successful use of the synergies of a broader societal base. However, the alliance lacked the necessary political majority for such fundamental changes in the penal code. Opponents focussed on familiar arguments such as moral decline, arguing that homosexual acts were an aberration and that homosexuality would lead to a degeneration of the German people. Events such as the spectacular Hannover (northern Germany) court trial of mass murderer Fritz Haarman, who was sentenced to death in 1924 for his proven murders of 24 boys and young men, fostered hostility against homosexuality in the general public. Accordingly, the political majority favoured an even more severe Sec. 175, as it was the general belief that homosexuality spread by seduction and was therefore communicable. Stümke (1989) outlines the reasoning of the advocates of tighter laws as follows: “Sex was not a private matter, as the continuity of society depended on its exercise. Arguing that sex was indeed private matter therefore reveals atavist remainders of sociological Manchesterism.” (p. 79). This type of reasoning was a clear precursor of national socialist paradigm.

### 1.6 Third Reich and National Socialism

With the fascist takeover of power in Germany (1933), homosexuals were declared to be public enemies. Ideas of racial purity and the child as the most precious gift of the people, concepts such as racial hygiene, genetics and eugenics in the interest of breeding a super-race, defined what was in the interest of the *völkisch* nation.

Initially, there were a number of homosexuals among the leading figures in the *NSDAP* (National Socialist German Workers’ Party), including *Reich* Minister Ernst Röhm (1887–1934). With Hitler’s order to murder Röhm because of his alleged plans to attempt a coup d’état, the persecutions became even more drastic and intense. These included the arrest and later execution of alleged Dutch arsonist and left-wing activist Marinus van der Lubbe after the *Reichstag* (German Parliament) fire of 27 April 1933. Van der Lubbe was denounced

and betrayed by opponents of the Nazi Regime, socialists and communists. Antifascist propaganda branded him as gay and accused him of collaboration with the Nazis. Accusing him of being a homosexual was used as a weapon against fascism. The German press in exile argued that fascism and homosexuality went hand in hand with each other (“*Braunbuch*”, 1933 (translator’s note: a publication by the German communist party in exile, denouncing Nazi perpetrators and fascist tendencies, which was published in 18 languages and several million copies)). The aim was to discredit the Nazi movement, to illustrate its totalitarian methods, and, not least, to hide own failures during the fascist takeover of power.

Reality in Nazi Germany looked markedly different: On 6 May 1933 a SA (*Sturmabteilung*, paramilitary wing of the NSDAP) division looted Magnus Hirschfeld’s “Institute of Sexual Research” in Berlin, and a public book-burning of the institute’s extensive library ensued. Hirschfeld had already left the country by then and until his death in 1935 never returned to Germany. The homosexual civil rights movement came to an end and those who could left the country. Raids, mass persecution and arrests throughout the gay subculture followed. Confinements in concentration camps can be evidenced from 1933 onwards. In 1935 the Nazis toughened the provisions contained in Sec. 175 *RSrGB*, for male homosexuals only; this was explained to be in the interest of the “moral health of the German people”. What was previously defined as an offense became a crime, punishable by a maximum imprisonment of five years. Reciprocal body contact was no longer required. Merely “objectively counteracting commonly accepted standards of decent behaviour in coincidence with a subjective indecent intention to arouse one of the men involved or a third party” could already constitute a punishable act. An amendment, Sec. 175a, added two additional grave offences (“aggravated fornication”), punishable by imprisonment of up to ten years.

- exploiting a dependency situation
- homosexual activity involving men below 21 years of age
- prostitution of males

The number of convictions surged to 8,000 annually. By creation of the Secret Reich Central Office for Combating Homosexuality and Abortion, more efficient prosecution procedures were put in place. A mere report or (anonymous) tip-off to the Office that “something” suspicious had been observed or “alleged” would lead to stake-outs, registration or criminal prosecution. Between 1937 and 1939, approx. 100,000 men were registered in the so-called “pink list” compiled. From 1937 onwards, an increasing number of homosexuals arrived at concentration camps, marked by the “pink triangle” on their clothing, to be re-educated by hard labour and/or to die through it. Homosexual inmates found themselves treated as the lowest of the low within the prison hierarchy. Even after completion of their prison sentence, homosexuals who had had more than one partner could be further imprisoned in a concentration camp for prevention purposes. In 1941, Hitler ordered that members of the *SS* (the paramilitary organization of the *NSDAP*) or the police who committed indecent acts with other men, or permitted themselves to be abused, would be liable for the death penalty.

To save their lives, homosexuals would marry women, thus unsettling geneticists and fanatic eugenicists, who feared a possible proliferation of homosexuals in this way. The

National Socialists therefore initiated medical experimentation on homosexual prisoners in concentration camps. Apart from castration, administration of testosterone was attempted in order to compensate for the assumed excess of female hormones in homosexual men, or a hormone gland was implanted to redirect the sex drive to “normality”.

### 1.7 East and West Germany (*GDR and BRD*)

Despite the onset of a new political age after WW II, Sec. 175 nevertheless remained in effect in Germany under Allied occupation. As this law had not been repealed, homosexual inmates, after liberation from a concentration camp, had to subsequently serve the full remainder of their prison sentence. And they did thus not receive any reparations for the injustices suffered.

In West Germany, the Nazi concepts as reflected in Secs. 175 and 175a remained unchanged until 1969. The Federal Constitutional Court confirmed the relevant provisions in the penal code (*StGB*) as fully valid. In its statement of grounds the court argued that fascist legal provision did not in this case constitute typical fascist law as such. Attempts of the *Deutsche Gesellschaft für Sexualforschung* (German Society for Sexual Research) at a legal reform failed in the 1950. A re-foundation of the *WhK* was prohibited by the Frankfurt city health authority in 1949. Many homosexuals once more tried to avoid renewed discrimination and persecution through the protection and safety of leading a double life. This was also reflected in the relevant court conviction figures, as stated in Stümke (1989): “In the first 15 years alone almost 45,000 individuals were convicted in West Germany.” (p. 146). Newly-established West Germany intended to modernize along Christian tenets – and being homosexual was again considered immoral by legislators.

Developments in the law in the territory under Soviet occupation, i. e. the newly founded German Democratic Republic (*DDR*), were different from the situation in West Germany. Until the establishment of the republic in 1949 the way Sec. 175 was implemented ranged from unchanged to rather relaxed enforcement. Once the republic was officially proclaimed, jurisdiction was again uniform and returned to the understanding prior to 1935 regarding Sec. 175. An equivalent Sec. 175a to the regulation effective in Nazi Germany was, however, retained, for the protection of society against “specific homosexual acts of a character threatening the social and political health of the nation”. Following an amendment in 1957, enforcement was discontinued, as long as no damage was caused to socialist society. In its wake, interpretation of the law became generally more liberal and more favourable for the accused and aimed at a dismissal of most cases. Thus, homosexual acts between adults, in effect, were no longer subject to prosecution.

On January 12, 1968 a new penal code (*StGB-DDR*) came into effect in East Germany, including a new Sec. 151. Adults “performing sexual acts” with a minor of the same sex were now liable for imprisonment of up to three years or a suspended sentence. This now also included sexual activity between women and girls under 18 years of age. In December 1989, this provision was repealed and not replaced. From then onwards, only Sec. 149 *StGB-DDR* remained in effect, according to which sexual acts performed by adults on children and adolescents up to 16 years of age remained a punishable offence within the framework of a protection of young person’s act.

Nevertheless, despite increasingly liberal legal regulations, the social climate did not permit public depiction of homosexuals. Venues where homosexual men and women could meet remained confined to the privacy of private apartments and similar places. In the 1980s homosexual groups and activists were under intensifying surveillance by the Ministry of State Security (*Ministerium für Staatssicherheit, MfS*), which placed them “under suspicion” due to their close relations to the civil rights movement.

The later development in West Germany from the 1960s onwards is characterized by an ongoing change in societal values. An indicator for this were the decreasing numbers of convictions and the first penal law reform of the penal code (*1. StrRG* in 1969) which repealed the blanket ban contained in Sec. 175 and adapted its focus to qualified cases such as “homosexual prostitution, abusing a dependency and sexual activity involving an individual below 21 years of age”. The age of legal majority was 21 years at the time. Left-wing civil rights movements (“movement of 1968”) emerged and intensified the rift between the stances and generations in West Germany. Among other issues, the new socio-political movements called for a “sexual revolution”, triggering intense debate about sexual morality – especially within the two major Christian denominations in Germany. Homosexual employees were not acceptable to either the catholic or the protestant church.

And it was these very attitudes which again triggered increased resistance. Movements for gay emancipation such as the “Homosexual Action West Berlin” (*HAW*), the “Red Cell Gay” (*RotZSchwul*) and the “Gay Liberation Front” (*GLF*) were founded all over West Germany. Action days, demonstrations and other events addressing the general public in many major cities aimed to establish a visible counter-public. An expanding culture of alternative media developed to discuss feminist, gay and lesbian issues. Movie director Rosa von Praunheim, together with sexologists, developed the idea for the film “*It Is Not the Homosexual Who Is Perverse, But the Society in Which He Lives*”. After its debut at the *Berlinale* (Berlin International Film Festival) in 1971, filmmaker and film toured West Germany to encourage homosexuals to, proudly, admit to their sexuality, and their way of life. Not only did the film enjoy a lot of attention in the media, it placed a spotlight on the issues of “coming out” and of the situation of homosexuals in general, in an unprecedented manner and with a much broader public.

In his policy statement of 1969 Willy Brandt, the first West German Chancellor from the Social Democratic Party made his well-known statement “Let’s take a chance on more democracy!” and with it drew attention to another historic socio-political turning point. He thus encouraged political involvement to break free from the patriarchal structures of the Adenauer era.

The violent incidents on 28 June 1969 around New York City’s Christopher Street had their impact also on the West German gay movement. After police assaults, homosexuals had rioted for several days in New York. World-wide attention for this particular minority’s revolt triggered solidarity and increased political activity among German homosexuals fighting for their needs and rights. These signals led to an atmosphere of optimism and encouraged an increasing number of homosexuals to deal more openly with their sexual orientation.

While tolerance began to grow within society in general, scientific research into the subject of homosexuality focused on questions such as “Does homosexuality originate in the brain?” “Is it a malfunctioning of hormones?” and “Is homosexuality a disease?”. Conserva-

tive political circles and parties, especially in the West German states of Bavaria and Baden-Württemberg, perceived the high public profile of the issue and the social reforms some groups aimed at as a provocation. Their attempts to afford priority to the more traditional concepts of morality in the population – i. e. to preserve the basically heterosexual structure of the nation – repeatedly led to discrimination, tensions and a prevailing atmosphere of homophobia.

At federal level, as a result of these societal developments, the coalition government formed by the social democrats and the liberals under Chancellor Brandt initiated a comprehensive reform of the law regarding sexual offences in November 1973. Amendments to Sec. 175 included changes in the wording in a variety of instances: “crime” was replaced by “offence against sexual self-determination” and the term “fornication” by “sexual activity”. Homosexual activity between women was removed completely from the penal code. Only the age of consent was lowered from 21 to 18 years of age. Minors up to 18 years of age remained under special protection. The age of consent for girls was 14 years. In the wake of these liberalizations, representatives of the liberal party (*FDP*), of the Green Party and the communist party (*DKP*) demanded Sec.175 to be repealed completely. This, however, could not yet be achieved.

The advent of AIDS once more brought increased public attention to the gay minority in the beginning of the 1980. Due to their relatively high incidence of infections, homosexuals were blamed for spreading the disease. Even the weekly magazine “Der Spiegel” (*translator’s note: one of Germany’s most influential magazines known for quality investigative journalism*) (28/1983) spoke of the “the gay plague” in this context.

Reunification of the two German states did not immediately advance the legal situation of homosexuals. Only in 1994, with the final expiry of the deadline for the reconciliation of laws, was Sec. 175 of the German Penal Code finally repealed. Only in chapter 13 – entitled “offences against sexual self-determination” (Secs. 174–184j) – in Sec. 176 (child abuse) is an absolute minimum age of consent (e. g. for sexual intercourse) defined to be uniformly 14 years of age. In some cases, a relative age of consent of 16 years of age applies. Offences will be investigated or prosecuted on request and only if the victim presses charges. Exemptions may apply in cases of specific public interest. According to Sec. 182 (6) of the penal code the courts may dismiss a charge if the harm caused by the offence is considered to be minor.

This legal equality with heterosexuals was an important step, also towards societal recognition. However, later, further claims for equality and equal treatment in other respects – notably marriage – could not as yet be enforced.

A high public profile proved to be an important factor in the struggle for changes in the law. Gays and lesbians have been able to help create a more open society, not only for themselves but also towards other alternative lifestyles. The coming out of former international football player Thomas Hitzlsberger added considerable momentum to the emancipation and equality movement and the public discourse about it. On January 9, 2014 Hitzlsberger first spoke publicly about his homosexuality in an interview with the *ZEIT* (*translator’s note: Germany’s most widely read weekly newspaper, centrist to liberal*), followed by a huge response in the media. Until then, it was barely conceivable for the great majority of society that there could be homosexual players in this most ‘male’ of sports. Even more important was that, in

response to this coming out, issues such as sexual diversity and acceptance of more diverse lifestyles were increasingly discussed in public in Germany, and societal stereotypes, roles, values and prejudices were questioned and tested.

In Germany, the current legal state of affairs is as follows:

*a) The Act on Registered Life Partnerships (LPartG)*

The *LPartG* of 16 February 2001 is federal law and affords same-sex partners the option to profess their commitment by giving it the legal form of a Registered Life Partnership, which entails the same rights and duties as marriage in almost all legal areas, and is therefore colloquially also called “gay marriage”. The partners will typically be homosexual; however, this is, from the legal perspective of the *LPartG*, irrelevant. Central prerequisite is that the partners are of the same gender. The partners are obliged to mutually support each other and are also liable for mutual financial maintenance of their community. Unless otherwise agreed in a life-partnership contract, the property regime of the community of accrued gains applies. There is also full equality in social security and employment law. Registered partners are also each other’s statutory heirs. The life partners may opt for a common surname, if they wish to.

*b) Limited equality: The issues of adoption and income tax*

With respect to civil rights, *LPartG* provides for almost, however not full, equal treatment of registered life partnership and marriage. Especially the issue of adoption is subject to recurring heated political and public debate. The law does not provide for full equality of registered life partnership and marriage in this respect and there is no fully uniform adoption law. Permitted are so-called stepchild adoptions, i. e. of the biological child of one of the partners. Since 2013 successive co-adoption is permitted (Federal Constitutional Court).

Until today, there is also no full equality of registered life partnership and marriage regarding income tax according to *LPartG*. Registered life partnerships are in principle not eligible to opt for joint income tax assessment to equalize total income and to become eligible for a more favourable tax rate (*Ehegattensplitting*), as married spouses are entitled to, or to opt for a specific combined tax bracket model by definition available to married couples only. Some fiscal courts have been deciding otherwise, and relevant applications for equal treatment will usually be granted in most of Germany.

*c) Legal status – not entrenched in the constitution*

Protection of marriage (Sec. 6, (1) German Constitution) is one of the fundamental unmodifiable rights entrenched in the German Constitution, affording it specific protection. This does not apply for *LPartG*, which is merely common law and therefore theoretically can be amended by the German legislature by simple majority at any time.

*d) In the aftermath of the former Sec. 175*

Convictions based on Sec. 175 were voided 23 years after its repeal. After a decision by the federal government in March 2017, a law to this effect was passed, also containing provisions

awarding financial compensation to the victims of the law. The backdrop to this was the publication of a legal analysis by the federal anti-discrimination agency, according to which a reversal of the convictions based on the now abolished Sec. 175 was legally permissible. “Sec. 175 of the penal code was unconstitutional from the very beginning. Judgments were injustices. They deeply degrade the dignity of anyone convicted.” stated current German Federal Minister of Justice, Heiko Maas on “ZEIT online” on May 11, 2016. And he continues to say “We will never be able to fully remove these shameful acts committed by the state authorities from legal history, but we want to rehabilitate their victims.” The state had incurred great guilt. Since 1945 a total of 50,000 men were persecuted on the basis of the homophobia of Sec. 175, sometimes convicted to years of imprisonment. They often also lost their livelihood and suffered social ostracization.

## **2. Homosexuality in the school curricula**

Homosexuality has been subject to heated public and political debate in Germany, especially in recent years. Milestones such as the coming out of Thomas Hitzlsberger mentioned above and the gradual inclusion of same-sex couples in into the institution of marriage in other parts of Europe further fuelled the public and therefore also political debate and, at the same time, greatly promoted the efforts to achieve equality and recognition in legal issues and in the perception of general society. On the other hand, there recently has been a upsurge of right-wing conservative to nationalist movements in Germany, other European countries and, not least, the USA. And to these, promoting acceptance of diversity of sexual orientations, regarding type and form of family structure and of full equality of homosexuals is a thorn in the flesh. Taking on board these conflicting trends of (careful) steps forward and the risk of a rollback of societal progress on equality policy, not many subtopics are as controversial as the depiction and didactics of the subjects of sexual diversity and acceptance within the education system. The presentation, presence, or absence, of issues such as sexual orientation, coming out, the legal situation, and the history and present situation of homosexuals in Germany in the classroom will have an important impact on the opinions and attitudes of children and adolescents, and will often compete and conflict with the attitudes and opinions communicated to them within the family. Moreover, the question of how to teach a subject such as homosexuality will not only be relevant regarding instruction in schools, but in the training of future teachers and also of senior teachers, as they will play a key role in the implementation of the topic priorities as may be set out in education guidelines.

The question as to how the abovementioned priority topics are covered and taught in Germany is not an easy one, as education policy has purposely been decentralized in the Federal Republic of Germany. It therefore does not rest with the central government but with an independent local ministry in each federal state. And thus, there is no such thing as a uniform education system, but actually as many systems as there are federal states.

The below outlines, by way of two examples, how the issue of homosexuality is reflected in superordinate guidelines, in framework syllabi and in the training of junior and senior teachers in individual German federal states. The federal states of Bavaria, Berlin and Brandenburg have been purposefully selected: on the one hand, the reforms and adaptations of the

respective guidelines and syllabi in Bavaria (*translator's note: a traditionally politically relatively conservative state in the Southwest of Germany*) of the last two years, especially the reforms regarding sexual diversity, received a lot of media attention and caused, in some cases, many months of protests. On the other hand, the common syllabi of the federal states of Berlin and Brandenburg – i. e. the German capital and its surrounding metropolitan region – were presumed to prove especially progressive. A comparative review will evidence the differing attitudes and developments during the last 15 years.

## 2.1 Framework curricula and guidelines

### 2.1.1 Berlin and Brandenburg

A new common comprehensive curriculum for Berlin and Brandenburg for primary and secondary school, grades 1–10, will be effective from the 2017/18 school year onwards. It will apply to all types of schools – individual schools will develop own individual curricula on its basis – and it serve as the basis for the analysis below. The curricula for final grades 11 and 12 will not be included here, because they are lend themselves less easily to comparison. Moreover, grades 1–10 are the more essential formative years regarding notions such as homosexuality, as it is during this time that children and adolescents will develop and define their very own distinctive individual identity, as well as basic attitudes towards issues such as homosexuality.

The fundamental principles as laid down in general Part A of this framework syllabus read as follows: “All pupils and students, male and female, are entitled [...] to common and best possible education [...], independent of physical and intellectual potential, descent, socioeconomic situation, ethnicity, language, religion, ideology, sexual orientation and gender identity. The diversity created thereby constitutes both enrichment and a valuable resource. Schools will integrate this diversity purposefully and constructively into teaching in the classroom and general school life.” (p. 3).

Appreciating the diversity of sexual orientation as one dimension of diversity and heterogeneity in the pupil and student population is welcome, topical, and, in the Germany of today, constitutes a fundamental societal consensus. The Berlin-Brandenburg curriculum is even more progressive in the way it elucidates the term “male and female pupils and students”: in a footnote they are defined as “pupils and students with female, male or other gender identity” (p. 3). This recognition of a plurality of gender identities is relatively progressive.

Part B of the framework curriculum (2015) adds – in further detail – interdisciplinary educational goals to be achieved, including “promoting the acceptance towards diversity” and “sex education” as key topics, to be reflected in a more concrete manner in individual subjects. While key goals such as “appreciation of sexual diversity” and “respect and acceptance” are once more proclaimed (p. 25), the section focusing on sex education repeatedly speaks of diversity of sexual orientation, acceptance of sexual diversity and categories of gender identity (p. 25).

An analysis of Part C, which further details the framework curriculum (2015) by subject taught, reveals that boys and girls in grade 5 and 6 in Berlin and Brandenburg schools will



study “diversity of lifestyles and life situations with respect to sexuality, types of life partnership and the family” and “variety of options of organizing (family) life” within the subject of natural sciences (p. 31). The curriculum for grades 7 and 8 includes the notions of “gender, transgender and intersexual identities” (p. 32), to be addressed from a scientific perspective. In grades 5 and 6 young people will study sexual diversity and orientation within the subject of social studies and in the framework of “social injustices, prejudice, discrimination and tolerance” (p. 36). The subject of “Ways of life, ethics and religion” (2015), part of the curriculum of Brandenburg for grades 5 to 10 only, tackles changing perceptions of phenomena such as the family and other lifestyles to be studied. Only here do the scientific sociological terms “gender” and “queer” appear, under the subheading “relationships in partnerships” (p. 23).

In summary, a very positive result of this analysis is that references to sexual orientation and respect, and tolerance regarding sexual diversity and identity, are omnipresent on a theoretical level in the curricula, which are binding for all schools in Berlin and Brandenburg. Homosexuality or coming out, however, are nowhere directly referenced to. How to address the notion of homosexuality as to what it signifies and, specifically, regarding its impact on the individual and society, seems to be entirely at the discretion and personal priorities of the teachers. The curricula compiled by the individual schools may, of course, make up for this.

On the whole, the framework curriculum constitutes a step backwards. While previous curricula were accompanied and complemented by the “Guidelines for sex education” (2001), these will be replaced by the new curriculum from school year 2017/18 onwards. The current guidelines are much more detailed and progressive where homosexuality is concerned. They read: “At least 5 % of all young people develop a homosexual identity; a much greater proportion will experience homosexual emotions or will develop a bisexual orientation. Prejudices continue to exist against lesbians, gays, bisexuals and transsexuals, due to societal taboos, obsolete moral concepts and past criminalization, which continue to result in disrespect, discrimination and even violence. School subjects such as social education and sex education want to promote and foster a tolerant, open-minded and respectful attitude towards all lifestyles, independent of sexual orientation. Encountering a variety of sexual life styles offers a chance to reflect on one’s own and other people’s sexuality and to find and define one’s very own individual sexual identity. This offers also an ideal context to discuss, and question, rigid images of femininity and masculinity. The consensus among sexual scientists is that human sexuality finds expression in manifold ways. Heterosexuality, bisexuality and homosexuality are expressions of human emotions and of sexual identity, and all equally are integral part of the individual personality. Role models provided by society are predominantly heterosexual. This hinders the free development of sexual identity in children and adolescents who develop a lesbian, homosexual or bisexual identity. And this is why it is essential to display homosexual life styles in all their variety in a way suitable for the relevant age [...]. Transsexuality and transvestitism, as independent forms of sexual identity, are not to be mistaken for homosexuality. An atmosphere of respect for diversity of sexual options is prerequisite to an unhindered development of sexual identity in children and adolescents. Unprejudiced information will be able to support adolescent lesbians, gays and bisexuals in this. Particularly during the phase in which adolescents come to recognize their homosexual orientation and when they first also openly state this (“coming out”), they need an accepting environment, information

and persons to trust and turn to, male and female. Especially important are reliable personal relationships and role models. Openly homosexual teachers, and their acceptance among the teaching staff, will contribute to an atmosphere at the school facilitating the maturing of sexual identity in male and female pupils and students. It will also be very useful to obtain advice from specialists, e. g. from lesbian and gay projects and to invite them to class.” (p. 6).

After it emerged that there would be no new separate guidelines for sex education, but that the key issues contained would be integrated into the new curriculum across subjects, in an interdisciplinary manner, the association of homosexual teachers in the labour union for education and science (2015) criticized the way the newly published draft curriculum covered the subject as “fragmentary and without commitment”, pointing to the absence of revised guidelines. The point of view of lesbian, gay, bisexual, transsexual and intersexual adolescents was all but ignored. Moreover, the reality that there will always be lesbian, gay, bisexual, transsexual and intersexual adolescents among students needs to be considered. Such a statement was absent from the curriculum as analysed (p. 24).

It is said that this new curriculum and the so far non-existent revised guidelines on sex education seek to accommodate – or constitute a concession to – the abovementioned right-wing conservative trends, and show lack of backbone and courage of those politically responsible. However, in view of the heated ongoing debate on acceptance and equality of the homosexual minority, this cannot be said with certainty and remains speculation.

### 2.1.2 *Bavaria*

In Bavaria, unlike in the federal states of Berlin and Brandenburg, separate guidelines continue to exist for schools with regard to family and sex education. The newly revised guideline, which came into force on 15 December 2016, replaced its predecessor from 2002 and was subject to heated political and public debate while it was being developed – a debate in which especially right-wing conservative and nationalist movements at times presented arguments that cannot be considered politically correct. In this context, perceived premature sexualisation and too far-reaching incorporations of modern gender research were criticized sharply and even demonised. This caused political decision-makers once again to adapt the draft presented in spring of 2016, giving it a more conservative note. For example, the wording was changed from “acceptance” of individuals of differing sexual identities and orientations and replaced by “tolerance” and “respect” (p. 15). The subject of this analysis is, needless to say, the final version as implemented.

Emphasis is made, right at the outset, of the commitment to the Christian world view – as a matter of course in Bavaria – and the special significance of marriage and family for the continuity of society and nation. This, however, also includes “committed life partnerships” (p. 3). And this sets the direction for the further guidelines to be detailed and aligned to, so to speak.

Among the main topics to be treated with interdisciplinary priority, gender identity features as an independent topic; other subsections call for the due consideration of sexual orientation (pp. 6–7). Gender identity is basically defined within the construct of the het-

eronormative duality of man and woman. Various aspects of homosexuality are included, but they are few and far between and limited in a variety of respects:

In the later years of secondary schools, a variety of lifestyles and sexual orientations (heterosexuality, homosexuality, bisexuality) are addressed by teachers in an unprejudiced manner, against the background of the meaning and significance of marriage and family, as laid down by the constitution (p. 9). The emphasis on the concepts contained in the constitution (marriage as an institution composed of husband and wife, which is to enjoy special protection of the state) and the choice of wording “to be addressed” as opposed to “to be discussed in depth” betrays a more restrictive approach. Should marriage for same-sex couples become a political reality, and therefore be included in the constitutional protection accordingly, the reference made in the guidelines to the significance afforded to marriage by the constitution would assume a completely new meaning – clearly not intended originally by its authors.

The itemized subsection within the main subject of “gender role and gender identity” for grades 9 and 10 states as follows: students are to respect “their own and the sexual orientation of others (heterosexuality, homosexuality, bisexuality) and to know about the existence of transsexuality and intersexuality” (p. 10). Adolescents are to acknowledge the presence of homosexuality, but the items to be covered do not include an in-depth discussion on the experiences of homosexual youth, the issues of coming out or discrimination.

In addition to the analysis of the new guidelines for schools regarding family and sex education, the applicable curriculum merits a closer look. Bavaria will introduce the new “LehrplanPLUS” (*CurriculumPLUS*, 2014). When perusing this curriculum, which, in its introductory policy principles, does once more mention sexual orientation as a dimension of societal diversity, it very soon becomes clear that the wording contained in the guidelines on sex education is all there is on the subject. In the detailed curricula for the subjects biology, religion, ethics and social studies, basic key concepts such as homosexuality or coming out do not feature anywhere (the *LehrplanPLUS* for middle schools and commercial high schools for the subjects of biology and religion for grades 8 and 9, however, includes among the key thematic priorities set “diversity of gender identity and sexual orientation, i. e. heterosexuality, homosexuality, bisexuality and transsexuality” together with “types of families and relationships, e. g. personal and legal aspects of marriage and life partnerships” as suggested issues to be covered in class). At the same time, when detailing the individual items for the subject of religious education in 9<sup>th</sup> grade it mentions “diversity of sexualities and relationships” and “criticism of degrading language and behaviours, such as sexist behaviour and homophobia”. The curriculum for the subject of ethics mentions “respect towards diverse sexual orientations”, the subject of biology for grade 8 as well as the topic of “sexual orientation”. All in all, the list of carefully selected individual catch phrases across the syllabi and across the various individual subjects taught appears unsystematic. It leaves the greatest discretion for interpretation to those implementing them (teachers and publishers of school books) and does not reliably enforce an in-depth study of homosexuality and related issues. In summary, and as a result, both the new curriculum and the updated guidelines (as compared to the version of 2002) – despite the very restrictive language and conservative tenor – constitute a small step into the right direction, as they now include an acknowledgement of diversity of sexual orientation, also as a key topic (and a mandatory one, at least in policy principle).

## 2.2 Training of junior and senior teachers

As education policy is decentralized in Germany and rests with a relevant independent regional ministry in each federal state, coupled with the fact that universities are highly autonomous, there is no uniform national policy guiding the training of new teachers – nor is there a national policy or a uniform policy for the individual German states. A cursory glance over the current regulations for the teacher qualification exam (*LPO*) in for the federal state of Bavaria reveals that, while the general subject of methodology of sex education is a mandatory one for all chairs of school pedagogics, no further details can be found in the relevant regulations as to content, i. e. also not with regard to a subtopic of homosexuality. The Ludwig-Maximilians-University Munich (*LMU*), in Bavaria offers a relevant seminar every term on the subject of methodology of sex education. The lecturer who has been conducting this seminar for many years purposely includes the subject of sexual diversity in order to raise awareness in students and future teachers for this specific type of diversity and for both the relevant issues and conflict situations which may arise in the context of schools on the one hand, and for the positive aspects and opportunities this creates on the other. This happens in close cooperation between the lecturer and the relevant educational project of *Aufklärungsprojekt München e. V.*, a registered charity which acts as an external partner and supplier in the area of education. For a list of similar organizations, please see below. The abovementioned seminar, however, is not mandatory for students; it is merely one of a choice of alternative seminars for further specialization within a degree.

During phase 2 of the teacher training degree, the stage of preparatory teaching practice internship, the situation does not look much different. In Bavaria, for example, there are no clearly defined mandatory standards for the seminars on teaching methodology or psychology for a teaching degree for academic secondary schools on the topic of homosexuality. The very broad umbrella topic of diversity within pupil and student groups would be the most suitable context in which to address this issue.

In addition to training new teachers, further training for senior teachers of all ages plays a central role in achieving a tolerant and welcoming atmosphere in the classroom and at school in general. All kinds of seminar formats take place on a regular basis in Bavaria, aimed at promoting awareness and understanding of homosexuality. The institute of pedagogics, Munich, Bavaria, organises an event entitled “Gay-Straight-Alliance”. The event aims at promoting a safe and supportive environment for teachers and students, male and female, to include all sexual orientations and identities. All teachers and social workers active at schools from across Bavaria are invited to participate in the event, which takes place in Munich, again independent of their sexual orientation or identity. The event is intended as a platform for sharing experiences and for developing ideas for mutual support between participants.

In addition, in November an annual regional seminar for teachers entitled “How to deal with homosexuality in schools”, is organized by Dr Stefan Zippel (from the psychosocial counselling centre at LMU University hospital). This seminar, which is usually very well attended, offers insights, reports about practical experiences and valuable input to teachers relating to the question as to how to efficiently manage sexual diversity within the school community in a way to benefit everybody involved – homosexual or not.

Schools located in the greater Munich area can also resort to the *Aufklärungsprojekt München e. V.* (see above), for seminars on the subjects on site at their school, for teachers, social workers and psychologists active at their school. The seminars provided by *Aufklärungsprojekt München e. V.* combine relevant facts (terminology, counselling centres, etc.) with personal information on one's own biography, concrete case study and discussion, and recommendations as to how to deal with the subject in class.

### 2.3 Conclusions

The decentralized federalist structure of the education system in Germany, outlined in detail at the beginning, leads to a multitude of curricula that differ widely in the ways in which they deal with homosexuality, and sexual diversity in general. This comparative study of the German federal states of Bavaria and Berlin and Brandenburg reveals that an in-depth integration of the topic of homosexuality and all its dimensions, biological, social, personal and psychological, does not feature in either of the two curricula studied, which will come into effect shortly. All relevant documents analysed contain individual facets, such as sexual orientation, and touch upon sexual diversity; however, they do not do this systematically and generally remain guarded in language and approach.

All in all, whether homosexuality will be addressed in a manner promoting acceptance as a matter of course, and whether pupils and students study the topic and develop an open-minded and accepting attitude towards sexual diversity, remains at the discretion of the day-to-day decision-makers involved (teachers, publishers of school books). In the end, all hopes will rest with dedicated teachers who, following their own convictions and initiative, and with an aim to communicate a holistic and multifaceted image of society, will make a decisive contribution. Notably, in the unique case of Bavaria a number of relevant seminars on the topic of homosexuality are indeed available to teachers. These, however, tend to take place in the greater Munich area, for practical reasons. Attending such a seminar will always require a certain initiative and commitment on the part of teachers; this will be true especially for teachers who work at schools in more rural areas far off the metropolises.

### 3. External projects

A possible approach for improved inclusion of homosexuality in schools is cooperation with external partners. This approach is highlighted in the abovementioned Bavarian guidelines on family and sex education (2016), which reads: "With regard to specific topics and goals within the subject of family and sex education, external experts may complement the relevant classes at secondary schools, providing agreement of the official for family and sex education at the school. The relevant class teacher remains fully responsible for content, quality and implementation of the joint event." (p. 17). Moreover, some relevant external partner-suppliers and their respective projects, which assist school either nationwide or locally, are contained and explained. Please find the following selected projects and their respective goals, and examples of events offered, described in more detail below: the nationwide anti-discrimination project "*Schule der Vielfalt*" (school of diversity), the nationwide network "*SCHLAU*

NRW” (SMART North Rhine-Westphalia) and the Munich sex education project “diversity@school”.

### 3.1 *Schule der Vielfalt* (school of diversity)

The nationwide anti-discrimination project “*Schule der Vielfalt – Schule without Homophobie*” (school of diversity – school without homophobia) seeks to counter homophobia and transphobia at German schools, and in this way help build acceptance of the great diversity of lifestyles. The project’s name does not, however, represent a kind of title awarded; rather, it is an encompassing project that promotes welcoming schools. In its context, all members of the school family are personally supported in promoting acceptance and a positive atmosphere at school. It specifically encourages teachers, parents, pupils and students to take action and to assume a zero-tolerance attitude against homophobic and transphobic remarks and behaviours, to discuss such experiences – including newly acquired theoretical knowledge on the topic – in class and beyond, in order to reduce prejudice and stereotyping.

#### 3.1.1 *Members*

The project group *Bundesnetzwerk Schule der Vielfalt* (federal network school of diversity) in its current form was founded on May 17, 2015 in the context of a general meeting of the *Verein Queere Bildung e. V.* (association queer education, a registered charity). In association with the nationwide anti-discrimination project, liaison centres assist interested schools in actively involving the entire school family in the school project “*Schule der Vielfalt – Schule without Homophobie*” (school of diversity – school without homophobia). In Bavaria, for example, this would be the *diversity Jugendzentrum* (youth center) in Munich and their project “diversity@school” which will be introduced in more detail below. In the federal state of North Rhine-Westphalia it would be the *NRW-Fachberatungsstelle* (information center North Rhine-Westphalia), together with “*SCHLAU NRW*” (SMART North Rhine-Westphalia), and, since 2012 also in cooperation with the ministry of education of the federal state of North Rhine-Westphalia.

#### 3.1.2 *Examples of projects*

Schools interested in participating in the project first sign a declaration of commitment issued by “*Schule der Vielfalt*” (school of diversity) This, however, does not immediately make them a “*Schule without Homophobie*” (school without homophobia). The focus instead lies on a sustained commitment of all members of the school family to combat homophobia and transphobia and to finally put an end to the taboos and discrimination around the issues of homosexuality and transsexuality within school and also far beyond it.

A variety of materials and projects are available for schools that wish to take action against all forms of discrimination as a “*Schule der Vielfalt – Schule without Homophobie*” (school of diversity – school without homophobia), such as a specific series of teaching units for students to use in class, and teacher seminars. Schools can also show their commitment by featuring relevant articles in the school magazine, planning and staging film and theatre evenings, initiating a balloon release or polls, selling seasonal cakes, displaying banners, writing rap songs,

putting up posters, attending Christopher Street Day, and much more. Very often projects around the topics of sexual diversity/homophobia will be organized in this framework and involve workshops during project days or four-hour educational events in the school supported by the *SCHLAU NRW* (SMART North Rhine-Westphalia) project, which will be presented in more detail below.

### 3.2 “*SCHLAU NRW*” (SMART North Rhine-Westphalia)

#### 3.2.1 *Main goals*

Education on, and raising awareness of, diverse sexual orientations and gender diversity is the main goal of the nationwide network of the local *SCHLAU* (SMART) groups of North Rhine-Westphalia, also abbreviated as *SCHLAU NRW*. It is thus a project promoting education and awareness, especially in the form of workshops, and it provides support on issues of sexual identity and orientations. Please find an overview below based on the web p. of *SCHLAU NRW*.

- Identifying and analysing prejudice and stereotypes
- Raising awareness of the situation of young LGBTIQs
- Making discrimination mechanisms understood and transparent
- Preventing physical and psychological violence
- Providing a forum for discussion
- Increasing visibility of societal diversity
- Promoting respect and acceptance of diversity of gender and sexuality
- Building skills for actively getting involved against homophobia and transphobia
- Events for adolescents and young adults to promote confidence in their sexual orientation and gender identity

#### 3.2.2 *Members*

The young members of *SCHLAU NRW* are a diverse team of mainly lesbian, gay, bisexual, transsexual, intersexual and queer volunteers as trainers/hosts. All of them have been trained both in the necessary soft skills and in content and methodology. They apply a tested approach followed assured quality standards.

#### 3.2.3 *Examples of projects*

*SCHLAU NRW* makes use of so-called *SCHLAU* workshops, on demand. These are workshops that want to inform and raise awareness of diversity of gender and sexuality, intended for schools, sports clubs, youth centres and similar institutions. Its target groups are therefore students, adolescents and young adults. As a rule, two trainers will jointly conduct external events, according to the principle of a no-lone rule. Continuous presence and accessibility of the teachers or host is ensured, while they do not actively participate in the event. All trainers manage the *SCHLAU* workshops themselves. The workshops have a duration of at least 90 minutes, but as a rule usually 180 minutes, to offer sufficient time for a review, discussion

and questions the adolescents may have. The workshops make systematic use of selected terminology and a multitude of teaching methods, low-threshold and tailored to the age of the participants, and in this way introduce the topics of sexual orientation and gender identity. A special feature certainly is the fact that the trainer will openly relate not only from the personal biographies of others, but also from autobiographical experience. And they will openly and frankly answer questions from the participants, in order to expose deeply entrenched gender roles and prejudices and to rebut them over time.

### 3.3 Diversity@school

#### 3.3.1 Main goals

This project offers all adolescents and young adults, whether gay, lesbian, bisexual, transsexual, or queer, a place to meet at the project youth centre, for a conversation with peers, for exchange of experiences and, not least, to counteract discrimination and promote acceptance within general society. It offers various groups for youths, such as *JuLes* (a group for lesbian, bisexual or just curious girls between 14 and 19 years of age), *Jungs* (a group for gay or bisexual boys between 18 and 27 years of age) and *PlusPol* (a group of young HIV-positive persons up to 30 years of age) and offers, apart from leisure activities also sex education and much more. *diversity@school* is the sex education project at *diversity München*. Its goal is to support schools and other institutions in dealing with topics such as sexual orientation and identity, to rebut the obsolete stereotypes in this respect and to promote tolerance.

#### 3.3.2 Members

The idea behind *diversity@school* is very similar to the one behind *SCHLAU NRW*. Here, too, membership is of a young age, up to 27 years of age, to be precise. The group is composed of lesbian, gay, bisexual and transsexual adolescents, which have been specifically trained and who conduct workshops in schools, youth centres, at universities and other institutions and man information booths on the subjects of sexual orientation and identities, all on a voluntary basis.

#### 3.3.3 Examples of projects

Members of *diversity@school* conduct workshops at all types of schools and at universities, to present and discuss the relevant topics with adolescents and young adults. Methodology and Content will be adapted to the requirements of and knowledge already present in the target group. Seminars for disseminators, teachers, educators and other interested groups are also available.

The duration of a workshop is at least 90 minutes, in order to allow sufficient time for all topics, and workshops will again be conducted by two representatives of *diversity Munich*. The more time available, the deeper the understanding that can be achieved.

Other than at the *SCHLAU NRW* workshops, supervising teachers or educators will not be present during the concluding discussion of the *diversity@school* workshops, as adolescents will then more freely voice their views.



#### 4. Conclusion and outlook

A goal for the future remains marriage equality of same-sex couples and the relevant amendment of adoption regulations. Full legal equality (“Marriage for all”), including adoption, was a decisive issue in the 2017 federal election campaign and was finally adopted by the *Bundestag* in June 2017.

Taking on board all the successes achieved regarding the emancipation of homosexuals, much remains to be done. Apart from the above issues, lesbian and gay organizations are, for example, also fighting to extend the current constitutional prohibition of discrimination based on language, race and ethnicity to include sexual identity.

In recent years, the needs of transgender people are getting increasing consideration. Furthermore, gays and lesbians in Germany campaign for the rights of homosexuals to be respected around the globe.

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# The *Inconvenient* Situation of the LGB Community in Hungary

Erika Grossmann

*Inspired by Al Gore's book and film An Inconvenient Truth, this country study aims to provide a comprehensive overview of 'diversity', the past approaches to and the current situation of the Lesbian, Gay and Bisexual (LGB) community in Hungary. The Hungarian-Austrian Károly Kertbeny developed the terminology of homosexuality and heterosexuality and stood up for the rights of homosexuals in the wake of the 1867 Compromise. This study explores how homosexuality features in Hungary's legislation in 2017. We also explore in what manner and through what instruments the Hungarian Constitution – the Fundamental Law of Hungary – ensures equal treatment for the LGB community. Is marriage possible between same-sex people? Is homosexuality included in public and higher education, and in teacher training? And finally, what opportunities are available for teachers to promote tolerance and acceptance of diversity?*

*Key words: Hungary, LGB, homosexual rights, antidiscrimination, legislation, inclusion, education, teacher training*

## 1. Legal issues of homosexuality – then and now

### 1.1 From the Hungarian Conquest to the Era of Dualism (896–1867)

To explore the current situation of homosexuality in Hungary, we must first gain some insight into the events of the past. Hungary's history is characterized by having been under the influence of external powers for shorter and longer periods. Following the conquest of 896 and occupation of the Carpathian basin, the Hungarian Kingdom was established, only to be overshadowed by Ottoman rule for 150 years in the 16<sup>th</sup> and 17<sup>th</sup> century. The expulsion of the Turks was followed by the rule of the Hapsburg Empire under Maria Theresa, Joseph II and Francis I. The Revolution and War of Independence of 1848–1849 was primarily an uprising against the Austrian rulers, which, despite ending in defeat, led to the Austro-Hungarian Compromise of 1867. The era of the Austro-Hungarian Monarchy that followed, also known as the Dualism, is now commonly referred to as the *'good old days'*.

### 1.2 Terminology of homosexuality – Károly Kertbeny

In the early 1980s, it could only be suspected that the translator and publicist Károly Kertbeny, who considered himself Hungarian, was the author of two essays published in 1869, speaking out against the punitive sanctions imposed on homosexual men in Prussia (Takács, 2008).

The Austro-Hungarian Károly Mária Kertbeny (originally Karl-Maria Benkert) was born in Vienna in 1824 and died in 1882 in Budapest. His works were among the first to deal with the rights of homosexuals. Nowadays, he must be recognized most of all for his contributions to the terminology of sexuality: he coined the terms *homosexuality* and *heterosexuality* in his

letter addressed to lawyer Karl Heinrich Ulrich in 1868, one year after the Compromise, and which since have been borrowed by almost all languages. Kertbeny and Ulrich, who must have been looked upon as revolutionary at the time, frequently corresponded with each other about how to define homosexuality and related rights between 1865 and 1868. Kertbeny was also among the first to advocate for the rights of homosexuals. In 1869, he used the terms in two anonymous pamphlets written in German and published in Leipzig, criticising the laws that criminalized same-sex sexual activities.

Kertbeny's whole life was characterized by duality: though Vienna-born, his mother tongue was German, but he always regarded himself Hungarian: "I was born in Vienna, yet I am not Viennese but legally a Hungarian" (Kertbeny, 1880). He identified as heterosexual, but his diary notes suggest that he had homosexual experiences as well. Kertbeny especially fought against Prussia's strict Section 143, which was incorporated into the legal code of the German Empire to criminalize homosexual acts (Endres, 2004). In 1871, this was taken over by Section 175 of the new single imperial criminal code, which signalled the expansion of the stricter Prussian legislation to provinces that had not criminalized sexual activities between men up until then. Kertbeny's argument held that the state does not have the right to interfere in private matters of individual sexual behaviour (Takács, 2008). Although his activities and the legislation they concerned were not Hungarian as such, his endeavours in this area have to be acknowledged. As a tribute to his work, and in recognition of his advocacy for the protection of homosexuals' rights, a burial memorial was erected for him in the Kerepes Street Cemetery in Budapest in June 2002.

### 1.3 Historical and legal background of the 19<sup>th</sup>–20<sup>th</sup> century

Dualism and the *'good old days'* were followed by the First World War and the Trianon Peace Treaty, the consequence of which was that Hungary lost two-thirds of its former territory and more than half of its population. This was followed by a short-lived democratic system, the Council Republic, in 1919. After its downfall, the country became a monarchy again, with Governor Miklós Horthy as head of state until 1944. During the Second World War, four hundred thousand Jews, Romas, political persecutees and homosexuals were killed in the concentration camps.

Hungary came out of the Second World War a losing party. In 1947, communists backed by the Soviet power took over governing with the help of corrupt elections, establishing a one-party state. After the failed revolution of 1956, and in contrast with other Eastern countries, a *'soft communist dictatorship'* was established to maintain certain relationships with the West throughout the Cold War. The New Economic Mechanism launched in 1968 further relaxed the rigidity of the centrally planned economy, slowly leading to the proclamation of the Hungarian Republic in 1989. Right-wing parties emerged victories in the first free election; then, between 1994 and 1998, and later on between 2002 and 2010, left and liberal parties formed the government.

Homosexuals' rights are strongly grounded in Hungary's history. Takács (2009) categorized the social perception and (lack of) legal recognition of same-sex partnerships using historical and socio-cultural aspects: sin, disease, norm violence and freely chosen life style. It

is important to point out that homosexual partnerships have never been allowed or endorsed by Hungary's legal system and always faced at least some form of legal discrimination.

Between 1878 and 1961, despite Kertbeny's objections, cases of '*perversity or unnatural fornication*' (i. e. sodomy) were treated as misdemeanours, punishable by maximum one year of imprisonment if fornication was committed with a person of the same sex. Later, between 1961 and 1978, the so-called age of consent – 14 for heterosexual partnerships – was moved to 20 for homosexuals. This again changed between 1978 and 2002, when the age of consent was lowered to 18 in homosexual partnerships (Takács, 2009): 'In a broader meaning, the legal regulation on antidiscrimination and equal treatment for LGBT people started in 1989 when prohibition of discrimination was included in Section 70/A of the Constitution' (Takács, 2009). It is important, however, to point out that these laws ensured equal treatment in many areas for all citizens regardless of their sexual orientation, i. e. antidiscrimination and equal treatment related to '*sexual orientation*' were not explicitly named since only the supplement for '*other cases*' contains stipulations for this.

Following a long conciliation process, the Ministry of Justice listed twenty discriminative reasons altogether in the bill of 2003 in which '*sexual orientation*' and '*gender identity*' were also included. As such, the year 2003 signals the time when equal treatment was explicitly formulated for Hungarian LGBT citizens, too. Where before 1996 domestic partnerships could only be formed between heterosexual individuals, the Constitutional Court now considered this rule to be discriminatory and ordered the law to be amended. Based on this, the Parliament passed the law on 'registered domestic partnerships' (Act XXIX of 2009) according to which two homosexual individuals may establish a partnership registered in witness of a registrar. At that time, the most important difference from marriage was only that the couples living in a registered partnership were not allowed to adopt children together or undergo in vitro fertilization.

#### **1.4 The conservative Orbán-government's legal measures on same-sex marriages**

The Orbán-led right-wing party (FIDESZ) ruled the country in coalition with the Christian Democratic People's Party (KDNP) between 1998 and 2002 and is now in its second term, having been in power again since 2010. Hungary's next elections are scheduled for 2018.

Significant and drastic changes have taken place since 2010 in relation to many general laws, as well as the '*redrafting*' of the constitution. (Chapter 2 will elaborate on the changes taking place in public education.) This has been made possible by the government's two-third majority, which gives them the required majority to pass bills in Parliament. Moreover, they can enact amendments to the Constitution at any time. One important part of the Fundamental Law (Constitution) endorsed in 2011 contains provisions for marriage: "Hungary shall protect the institution of marriage as the union of a man and a woman established by voluntary decision, and the family as the basis of the survival of the nation. Hungary shall encourage commitment to have children" (The Fundamental Law of Hungary, 2011).

This point merits elaboration, as the distinction between 'marriage' and 'domestic partnership' is important. In 2003, the principles against discrimination on the grounds of sexual orientation and gender identity had made equal treatment of homosexuals possible, since

legal partnerships were distinct from *marriage* as formulated in the Constitution. As the map of ‘Status of same-sex marriage and other types of same-sex partnerships in Europe’ shows (Wikipedia), Hungary, together with Croatia, follows a separate path in this respect: in the spirit of the Fundamental Law and Civil Code, *marriage may be established by a man and a woman*, and the Constitution regards ‘family’ solely as *a unit of married couples*. When referring to the church, FIDESZ and its coalition partner KDNP have always emphasized this principle. Consequently, the Constitution as well as the Civil Code acknowledge living together of same-sex couples only and exclusively as a domestic partnership. Since neither the pro-government Hungarian Constitutional Court, nor President János Áder (one of the founders of FIDESZ) has vetoed these decisions, the non-married majority of heterosexual and homosexual Hungarians ‘living in a common household, in emotional and financial unity, raising a number of children is still waiting for the inclusion in the concept of marriage as recognized constitutionally’ (Uitz, 2010). This way, ‘the Hungarian domestic partnership represents a *legally* quite lax relationship, since even after several decades of living together, no rights, such as legal inheritance, are attached to it, or the right to domicile use may be exercised only if a child is born in the domestic partnership’ (Wikipedia: Homosexuals’ marriage).

Several Hungarian gay and lesbian rights organisations have urged the government to reconsider the concept of marriage as it is currently defined. The governing parties, however, have abstained from any involvement so far. In October 2016, they stayed away from the podium discussion organized by the Budapest Pride, excusing themselves because of other engagements (Lándori, 2016).

Social attitudes on this issue diverge quite strongly: a 2016 public opinion poll finds that 36% of Hungarians are in favour of gay marriage, whereas 56% are against. Meanwhile, the right to adopt is fairly accepted: 46% of the respondents would not deny same-sex couples this right. As was revealed by recent nation-wide public research by the Budapest Pride and Integrity Lab, 60% of people feel that gay, lesbian and bisexual people should have the same rights as anybody else. The majority of religious people refuse homosexual couples the right to marry: 75% would deny such rights, while 47% of non-religious people support this. (Budapest Pride, 2017).

There is an obvious difference in attitudes towards gay marriage between the sympathisers of right-wing and left-liberal parties. The biggest group of opponents, 71%, can be found among FIDESZ-voters. The absolute majority of the left-party voters would support same-sex marriage. Survey results have proven just the opposite of the FIDESZ-KDNP propagated statement that marriage is an essential part of relationships, since 80% of the Hungarians thinks it is acceptable to live together without marriage, and two-thirds of them can accept extramarital childbirth, too. Sixty percent of the respondents also reject the argument, often publicized by the governing parties, that same-sex marriages would ‘*jeopardize*’ Hungarian families and children. It is also worth noting that most respondents do not regard the fight for same-sex marriage as a political stance: only 13% think the underlying motivation is a political standpoint. According to two-thirds of the people surveyed, same-sex couples do not want to get married for political reasons, but simply to demonstrate their love and commitment (Budapest Pride, 2017; Magyar Nemzet, December 9).



By enacting further laws, the Orbán-government has made the legal framework for cohabitation more difficult for same-sex couples. The very favourable housing subsidy scheme (CSOK – Family Housing Allowance Programme) introduced in 2016 has been accessible solely for married couples but not for people in registered domestic partnerships. The drastic population decline in Hungary is now considered a serious concern; the government permanently stands up for large families and, as mentioned earlier, the Fundamental Law of 2011 declared that ‘Hungary supports childbirth’ (Hungary’s Fundamental Law, 2011). Since there are a considerable number of domestic partnerships also among heterosexual couples, and the housing subsidy is available only to those who are married, many have been coerced, even against their will, to enter a ‘traditional’ marriage (Dobszay, 2017, p. 9). Homosexual couples, however, have automatically been excluded from the housing subsidy scheme, as the Fundamental Law denies them the right to marry. ‘At the inclusion of the concept of marriage that is based on man-woman relationship into the Fundamental Law and passing the family law act, granting legal and financial aids and favours for the traditional families by the Orbán-government has also been justified with the ideology that more children are born from such relationships’ (Dobszay, 2017, p. 9).

The Christian Democratic People’s Party, currently a coalition party in the government, has gone even further. It promotes the ‘*Mother, Father, Children*’ initiative, which essentially calls on citizens of the European Union to collect one million signatures so they may submit a legislative proposal to secure a binding commitment of the institutions of the Union. The proposal would recommend the EU ‘use the concept of marriage and family based on the common denominator of the Member States’. In essence, the party hoped for Hungary’s Fundamental Law – according to which marriage can solely be established between a man and a woman and the family builds upon marriage and/or parent-child relationship – to be adopted as a guiding principle for all the countries of the EU (Official website of KDNP).

## **2. Contents of (hetero)sexuality, homosexuality and LGBT in moral education in the Hungarian education system**

### **2.1 Acts on public education with regards to ‘diversity’ and LGBT**

Understandably, since the change of regime in 1989, there has been a vast number of changes in the sphere of education, too. The aim of this part of the study is to give an overview of the legislation on public education, focusing on educational provisions for pupils aged 6–18. The most significant laws and decrees concerning ‘diversity’ and homosexuality in public education are the following:

- Act on National Public Education (1993, 2012, 2016, 2017)
- National Core Curriculum (2003, 2007, 2012) and
- framework curricula, local curricula (numerous related decrees)

The Act of 1993 on Public Education established education on a new democratic foundation. The most important principle of its 2012 amendment was that all the schools formerly

maintained by local governments were again placed under state supervision (as they were before 1989) – in other words, they were essentially centralised. Following the massive protests starting in 2016, and as government realized that the Klebelsberg Institution Maintenance Centre (KLIK) had not been operating properly, the President's sister was appointed as its chairman (HVG 2016). The formerly accredited free-choice textbooks were eliminated, and now each school has to choose from two sets of textbooks prescribed by the new law. Not surprisingly, such legislation triggered enormous resistance and protest from professionals, teachers, parents and pupils.

The main aim of the National Core Curriculum (NCC), endorsed in 2003 and amended in 2007 after long professional debates, was to identify educational contents in a so-called law-decree. Similar to the provisions of the Act of 1993, the NCC applied only general frameworks concerning 'should-competences'. This meant that teachers were allowed to choose freely both from the various sets of textbooks and educational contents in the interest of differentiating. In the redrafted NCC, endorsed without much professional consultations in a hurry in 2012, the law prescribes concrete contents and methods, strongly infringing on teachers' educational and training liberty, forcing them to select from only two sets of textbooks in 'nationalized' schools, as they are now called (Grossmann, 2013, pp. 95–96). Little room has remained for differentiation; on any given day, the same poem may be taught to pupils in a big city's elite school and in a small village or rural Roma school, even though in the latter one, reading skills may lag behind.

A 2013 study assessed to what extent public education promotes the gender approach (Grossmann, 2013). The roughly 200-page-long versions of the NCC (2003, 2007, 2012) were examined, and it was found that there were so-called 'general objectives' that are valid for all literacy areas and subjects. These therefore were considered to determine the teachers' and pupils' main tasks. The '*development areas*' and '*educational goals*' regarding diversity, homosexuality and LGBT are also in compliance with the key competences.

Upon carefully surveying the NCC, the following concepts can be found in relation to '*development areas*' and '*educational goals*':

- Ethical education: life management, patience, acceptance;
- Democracy studies: respecting human dignity and human rights, saying no to violence, equity, tolerance;
- Development of self-knowledge and interpersonal culture: foundations of interpersonal relations, developing the ability for empathy and mutual acceptance;
- Family life education: preparing for family life, issues of sexual culture; (Note: the current Hungarian constitutional definition of 'family' exclusively refers to a man and woman who are married, and to the children born to a married couple, and to sexuality only regards the biological aspects of heterosexuality.)
- Physical health and mental health education: healthy life promotion, emotional balance, disease prevention;
- Responsibility for others: social responsibility for and sensitization to disadvantaged or disabled people, sympathy, cooperation, problem solving, voluntary commitment to tasks and implementation.

Besides the development areas and educational goals, further important objectives are included: *unity* and *differentiation*, *methodological principles* as well as the *key competences* needed for life-long learning based on the recommendation of the European Parliament and Council. It is important to point out that these areas are worded in a general manner and only take up twenty pages. The further, considerably more extensive part of the NCC refers to the specific literacy areas and subjects; here, more detailed references to hetero- and homosexuality, sexual identity and orientation, ‘diversity’ and LGBT should be found. However, in the text of the NCC, the word *sexuality* occurs fourteen times altogether, *sexual characteristics* thirteen times, *love* three times and *marriage* only once. Consequently, pupils between the age of 6 and 18 can encounter issues of sexuality within various subjects to some extent (Biology, Life Management, Physical Education, Arts, Literature, Media, Ethics, etc.), but can learn virtually nothing about diversity, hetero- and homosexuality (NCC). Naturally, the two sets of textbooks were developed along the lines of the content detailed above. In summary, it must sadly be concluded that in today’s centralized schools, LGBT issues are not included in the curriculum in any way.

## 2.2 Introduction of religious instruction and ethics in public education

Since September 2013, schools have had to implement the new National Core Curriculum and framework curricula hastily endorsed in 2012. The mandatory religious instruction and ethics appeared as new subjects for the first time since the political transition of 1989.

In the subject of ethics, the content and requirements are determined by the National Core Curriculum. Where the religious instruction offered in schools is concerned, the relevant church is responsible for the frameworks, topics and supervisory provision in compliance with the act on education (NCC 2012). This mandates that ethics or religious studies are compulsory from grade 1 to grade 8 (i. e. in elementary schools for the aged of 6–14). The subject is taught for one hour a week. Parents must decide whether their children are to attend *ethics* or *religious* classes in a written document duly signed off. Data on what parents opt for – ethics or religious studies – are confidential, but estimations suggest it is approximately fifty-fifty. According to the 2011 census, the population of Hungary is mostly Catholic (approx. 40%), and about 15% belongs to Protestant denominations, with a lot of people not being religious at all or not declaring any religious affiliation. Despite this, and surprisingly enough, a lot of people opt for religious studies. The reasons for this are complex and go beyond the scope of this paper – it is an important point though, that merits further research.

In secondary schools (grammar and vocational schools for those between 14 and 18 years old), ethics is compulsory in the 11th grade, also at a rate of one hour a week. Since both the legislative preparation and introduction of the subject took place in a hurry, neither secondary nor elementary school teachers were properly trained to teach the subject. Religious instruction is provided by the churches on school premises, but it is doubtful whether the instructors are appropriately prepared for teaching pupils aged between 6 and 14. The same refers to ethics and moral studies in secondary schools as well. The implementation of the subject content, namely what should be taught, as well as the textbooks have raised further concerns. The hastily and unthoughtfully written textbooks for the different age groups have

also caused serious problems. “Homosexual acts mean sexual relationship between same-sex individuals, which are serious, deadly sins” – these words were written by a sibling of Cardinal Péter Erdő, the rector of Apor Vilmos College, in the religious studies book *Life in Faith* for 4th-graders (10 years old) (Kerner, 2013). Unfortunately, such incidents may occur because the learning contents and educators of religious instruction do not fall under the auspices of the National Core Curriculum. Nevertheless, there must exist textbooks on the topic that are written in an appropriate style, free from prejudices.

### 2.3 Bullying of LGBT pupils/students at schools

The OECD recently reported on students’ well-being as it published the 2015 PISA results. Its questionnaire focused on 15 year old pupils/students, probing students’ motivation to perform well in school, their relationships with peers and teachers, home life and well-being, and how they spend their free time. 540,000 students in 72 participating countries completed the questionnaire.

The answers demonstrated that certain types of bullying were still a major issue in most schools. A large proportion of students (18.7%) reported being bullied at least a few times per month. The “happiest” students seem to live in the Netherlands (9.3%) in this respect, with 15.7% of German, 20.3% of Hungarian and 23.9% of UK students being bullied at least a few times a month. Though the survey did not research the possible causes of bullying, it is highly probable that appearance, beauty, clothing and also sexual orientation may account for it.

Students reported that it is important to have positive relationships with their teachers in this respect as well. “Schools need to collaborate with other institutions and services to put in place comprehensive prevention and response plans. (...) Effective anti-bullying (...) training for teachers on bullying behaviour and how to handle it, anonymous surveys of students to monitor the prevalence of bullying, and strategies to provide information to and engage with parents. (...) Teachers need to communicate to students that they will not tolerate any form of bullying; and parents need to be involved in school planning and responses to bullying.” (OECD, 19/4/2017).

Takács et al. conducted research in 2007 on the social exclusion of LGBT people in Hungary, in which 1,122 questionnaires and 150 discriminatory incidents were processed. They emphasized the following: “Many felt that when LGBT issues came up at school at all, they did so almost exclusively in negative contexts, for example as sickness, sin or an unnatural way of being” (2008/3, p. 37). According to an LGBT student’s report, Sappho, who wrote love poems to women, is included in the 9th-grade literature learning content. The textbook (Károly Mohácsy, LITERATURE I) commented on this in brackets as follows: “Greeks found love between homosexuals natural, however, this should not be interpreted as such by today’s moral values”. The author did not mention though what these moral principles were and who would follow them nowadays; there are people today too who find love between homosexuals natural, but they are condemned by the majority (Takács, 2008/3, p. 37).

The study also revealed that among the forms of school discrimination experienced personally by LGBT people, they suffered most from their peers’ behaviour. Regrettably, almost

half of the respondents criticized their teachers' behaviour and attitudes (especially in higher education), while nearly one-third of those questioned complained about the unbalanced nature of the learning content. This is reminiscent of former studies that called attention to this with regard to respecting the need for representation of the various ethnic groups. For these reasons, LGBT people must be given fair representation in the learning materials (Takács, 2008/3, p. 33, p. 36), as nearly 75% of secondary school pupils are prejudiced and 32% strongly prejudiced according to the 2000–2001 survey commissioned by the Office of the Commissioner for Educational Rights (Takács, 2008/3, p. 49).

As the educational aims of the National Core Curriculum in Par. 2.1 were highlighted, Takács (2008/3, p. 50) also emphasized that “the laws explicitly provide for the pupils' fundamental rights, but the results of our research show that the law itself does not offer sufficient protection for LGBT youth in the world of schools”. For LGBT students, it would be essential to create schools where teachers consider diversity, multiculturalism and diversity important and treat them as values. To this end, however, two more things are important. Firstly, issues related to LGBT people should (also) be included in the curricula of teacher training institutions. Secondly, students should get to know such topics in the framework of so-called sensitization programmes.

#### **2.4 Possible – non-curricular – solutions for tackling bullying**

As illustrated above, the Hungarian education system is regulated by various acts on public education, local curricula, decrees and the National Core Curriculum. Many pedagogists, experts, researchers, teachers, parents as well as pupils' experience confirm that pupils do not generally get legitimate information on sexual diversity and LGBT from adults. However, in their peer relationships and through the media, they are exposed to all kinds of stereotypes and prejudiced attitudes (Ecsér, 2014). With respect to this, the Labrisz Lesbian Association drew up the educational programme *Homosexuality and Knowledge* in 2000 to dispel prejudices against gays, lesbians, bisexuals and transsexuals among secondary school children. At the same time, the programme meant to offer equal opportunities for LGBT pupils, ensuring they live and grow up in a safe and bullying-free school environment. Although the training is (can) not be incorporated into the learning content, any school can get involved. The workshops (lasting 45–60 or 90 minutes, or for some lesson hours) are delivered by two professional trainers, a gay man and a lesbian woman, especially trained for this task (Takács, 2008/3, Solymár, 2002, Labrisz Association).

Knowing the present conditions of the Hungarian public education, we are aware that the presence of *civil organisations* in schools is especially important since they are genuinely able to promote the interests and opinions of minority social groups. On the other hand, it is regrettable that their school presence is only sporadic and highly dependent on available resources, which tend to be in short supply. Solymár (2002) reported that the association had informed about 1,300 secondary school headmasters of the availability of the educational programme. The *Homosexuality and Knowledge* educational project was received with hatred and vitriol in the respective Ministry and Parliament. József Pálincás, the state secretary of education of the then Orbán-government, reacted with the following words: “fortunately the

Hungarian headmasters are wise enough, thus most of the association's letters landed in the garbage bin" (Solymár, 2002, p. 121). According to further ministerial opinions "the youngsters' self-image at the age of 14–18 is very pliable, and an educational programme related to homosexuality would rather be harmful for them". Fortunately, the voluntary organisers of the project have been invited to many schools, and lots of professionals wrote outstandingly good reviews.

Meanwhile, the programme was extended with the support of the Norwegian Civil Fund. Between 2013 and 2015, more professional networks and associations joined in, and since then the *Homosexuality and Knowledge* training programme has been ongoing, with new learning content being developed. The detailed methodological descriptions with teacher's notes and lesson plans of the one or two-day workshops can be downloaded from the website of Labrisz, and additional background documents, recommended readings and other links are also available.

As can be seen on the website, one-day teacher sensitization workshops were organised in many big cities, and two-day organizational development trainings were held in Pécs and Budapest. The association also organized a *Homosexuality and Knowledge* voluntary workshop in Budapest with thirteen participants from all over the country. They continued to offer lessons in secondary schools and higher educational institutions, the civil sphere and companies. Between October 2013 and the end of 2014, they delivered forty-four workshops in nineteen institutions reaching out to more than one thousand young people (Labrisz Association).

Though this training programme is still available, the government's continued efforts to suppress civil society organisations begs the question how it will continue to exist, if at all, in the future.

## 2.5 Hungarian higher education and the issue of LGBT

Having looked at public education at secondary school level, we now turn to consider higher education. Has LGBT-content been prevalent at any level, and if yes, where and in what manner or aspect? Similar to the overall social sphere, numerous new acts have been passed on higher education (2005, 2011, 2015, 2016, 2017) since the change of the political system. From the point of view of this study, the focus is placed on how BA, MA and further study programmes incorporate LGBT contents. To this end, an online platform, the website of the Hungarian Education Authority (FELVI.HU) was developed for pupils looking to enter higher education. Users of this website can get information on study programmes and their prospects after graduation. Applicants to universities and colleges must file their applications with all supplements on this site too.

At bachelor level, the medical and health care study programmes primarily deal with medicinal aspects, and only for sociology studies do we find LGBT content. This, however, does not become evident from the information on the website.

For master programmes, the picture is more mixed: programmes such as Sociology, Health Sociology, Ethnic and Minority Policy, Cultural Anthropology, Gender Studies and Social Integration are likely to provide more content related to LGBT. At the University of Szeged, there exists a specialization offered in English under the name of *Gender through*

*Literatures and Cultures* by the Institute of English and American Studies. Naturally, there could be LGBT-related content in other study lines as well (e.g. pedagogy, politics, andragogy etc.), however, the platform (FELVI.HU – all about higher education) does not (and may not) show that.

The most relevant study programme, the second cycle Gender Studies, is available at two institutions in Budapest: for many years now at the Central European University, which is an international institution, thus training is provided in English (see more in Chapter 2.5.1); the other programme has recently been accredited at the Faculty of Social Sciences of ELTE (Eötvös Loránd University), thus it can start in September 2017 in Hungarian. News about launching this study programme in March 2017 left the government highly indignant, and it gained great media coverage. Accusatory opinions were frequently voiced, claiming people who question gender roles are dangerous since they aim at disintegrating the traditional family, and consequently the whole society. “Thinking of and having discussions about something is not an act that will disintegrate society”, said a professor in charge of the study programme (Előd, 2017).

As a swift counter-attack, Minister Zoltán Balog (Ministry of Human Capacities) forcefully went against and strongly criticized the newly accredited Gender Studies programme with the argument that “we are often fed with such false facts and views that we have to reject” (Domschitz, 2017). According to him, as a ‘*counter-attack*’, a new study programme under the name of Family Studies will be launched in September 2017 at the Corvinus University in Budapest. This is unusual, as the accreditation of a study programme normally takes years, and the application period for the programmes starting September 2017 had already closed. Furthermore, it is a cause for concern if a minister wants to interfere with the development of the curriculum.

### *Lex CEU – Topical issues of the Central European University*

The institution hosting the other Gender Studies programme is the Central European University (CEU). This is an international institution seated in Budapest and holding the authorisation and accreditation of both the United States of America and Hungary. The CEU was founded around the time of the political and socio-economic transformation in 1989 with the aim to provide post-graduate courses for future leaders in the various fields of human and social sciences, law, business, governance and public policy. Its internationality and popularity are reflected in the great number of international students and staff arriving from the world’s most prestigious universities. For the time being, three hundred professors from thirty countries teach at the university. Today, the CEU has become an internationally recognised post-graduate institution that functions as an outstanding venue for debate on topical issues raised by economists, social and political scientists. The university has been a pioneer in numerous professional areas: for example, it was the first to introduce master programmes on gender, and it was the first such university in Hungary where gender issues were taught in an MA study programme.

Until 2007, the well-known Hungarian philanthropist and economist, György Soros, was the Chairman of the university’s Board of Trustees. Since then, he has taken the role of

CEU-trustee – a position he holds for life – and honourable chairman of the board. Soros ranks as the world's 29th richest man. He is also famous for his international foundation, which provides financial support to civil organisations operating in more than fifty countries, including numerous Hungarian non-governmental bodies. It is a well-known fact that he also promoted FIDESZ as a newly emerging party and later on quite many FIDESZ-leaders, among them PM Viktor Orbán (Hargitai 2016) (it has been said that it would be easier to list those FIDESZ-leaders who have never been supported by the Soros Foundation (Keller-Alánt Ákos, 2017, p. 10).

This must be mentioned because the government and the media controlled by them has openly attacked those civil society organisations that are promoted by György Soros or the Norwegian Civil Fund. Zoltán Balog, Minister of Human Capacities (responsible for education), said “It is not in Hungary’s interest to give free play to international influencing attempts that intend to incapacitate lawfully elected governments or presidents. György Soros’s organisations are *‘disguised agent organisations’*, therefore, we are determined to limit their activities with all possible legal instruments” (Megszavazták a felsőoktatási törvény módosítását. Híradó. 2017). And this is exactly what happened when, on 4th April 2017, the Parliament endorsed an amendment to the Act on Higher Education in an accelerated procedure, according to which a foreign university is only allowed to conduct educational activities upon the condition that an intergovernmental bilateral agreement has been concluded and it offers study programmes at the location of its seat as well. Since the government considers the CEU not to comply with these requirements at present, they have *‘terminated’* its operation, leaving the university unable to admit students from January 2018. Countless universities, rectors, deans, scientists, researchers and public personalities, including fifteen Nobel-laureates have lent their voice to the protests. Possibly the greatest street protests since the 1989 transition were mobilised against the decision, with approximately 80,000 people at the biggest protest march. Furthermore, an international wave of protest also started – but in the meantime, the President ratified the bill.

It remains to be seen whether such ‘opposition’ can put any pressure on the government to modify their decision. At the same time, however, it is promising that a rather enervated Hungarian society has once again taken to the streets . . .

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# Poland: Homosexuality *Yesterday and Today*

Justyna Ratkowska-Pasikowska, Malgorzata Jarecka-Zyluk

*This article reviews how the LGBT community fared throughout Polish history. It explores the origin of the terminology and outlines how homosexuality has been treated differently throughout the centuries – with, to this day, a different treatment of men and women who are attracted to same sex partners. Young people face stark challenges as schools are not (yet) safe spaces for homosexual pupils: bullying is common and the topic goes unaddressed in the curriculum and in the classroom. Overall, Poland is a long way from understanding and acceptance of homosexuality, and the treatment of (young) LGBTs remains a cause for concern.*

*Key words: terminology, family life, religion, history, rights and protections, education curriculum*

## 1. Homosexuality in history

### 1.1 Gays and lesbians in the 19th century

People of all historical periods believed they were discovering sex. In reality, people's sexual lives seemed obvious to the ancient Greeks, Romans or Aztecs. They did not need family life education textbooks or the *Kama Sutra* to put two and two together. Neither oral sex nor sex toys, nor this or that position had its *inventor*. Natural instincts and innate needs cannot be contained in a historical framework. Over the centuries, we primarily discovered new ways of speaking of or remaining silent on sex. The turn of the 19<sup>th</sup> century was of particular significance – it was the first time that scientists were allowed to closely examine erotic life. The world had never seemed so measurable. People harnessed electricity, discovered genetics, and the theory of evolution. Medicine began expanding beyond the realm of trial and error. The first modern anatomy atlases were created and X-rays made it possible to look inside a human being.

The secret realm of human sexuality was perceived as a new scientific frontier which required analysis. The works of the first sexologists had a tragic element to them. They all admitted that even if sex kills, one cannot escape it. Philosophical concepts according to which the world and human existence are governed solely by a blind and ruthless sex drive gained massive popularity (Misiewicz, 1906, p. 12). It is because of this force that civilizations come into existence and nations become extinct. Science turned from one extreme to the other – from total rejection of the role of sex life to downplaying all other aspects of human culture.

Only sex mattered. This panic-stricken trend did not last long. However, it was enough to lay the first foundations of a sexual revolution.

Despite the absurdity of their postulates, the early sexologists at least appreciated the role of the sex life and described its mechanisms. In this field the Poles were true pioneers. In 1875 dr. Jakub Rosenthal, a gynecologist from Warsaw, wrote about the sex drive and the

relationships between fantasies and desires and sexual life. All this was written down in a sex guidebook for women (Rosenthal, 1875, p. 5). In 1881 Henryk Jordan, an obstetrician from Krakow, developed a precise biological description of sexual intercourse, thereby proving that Polish doctors at the turn of the century knew as much about the physiology of sex as doctors today (Jordan, 1881, p. 11).

The end of the 19<sup>th</sup> century saw the introduction of the first modern contraceptives to the market. In the first years of the 20<sup>th</sup> century, sexual freedom was on the rise. Socialists, anarchists and worker activists perceived sexual freedom and the equality of both sexes as a tool of progress (Lada, 2012, p. 4). However, when World War I broke out, it proved the final nail in the coffin of 19<sup>th</sup> century sexual ethics. In 1918, the young generation no longer believed in making any plans. Four years in a world of pointless death, disease and uncertainty were enough for young people to want something more (Ecksteins, 2014, p. 54). The year 1918 saw the birth of not one Poland but at least two. The first of these was prudish and mendacious. It shut down brothels and prohibited pimping, but left prostitution to flourish while pretending it did not exist. It was a country in which sexual life functioned only in terms of sin, perversion or as a regrettable necessity. Then there was the other Poland, which demanded “all of life,” after Zofia Nałkowska. However, it often made this demand chaotically, in an entitled manner and without control. For the idea of free love, it was prepared to accept the breakdown of families, harm to women and even instances of pedophilia (Janicki, 2015, p. 39).

Sexual education, partner relationships, homosexual marriage, living out of wedlock, abortion, sex in the media and in the public sphere were discussed in interwar Poland. In 1925 Irena Krzywicka reported: “We are currently undergoing a rebellion, a protest and a severing of all ties in the sphere of love. Freud, homosexuality, women in the roles of men and men in the roles of women, a period of storm and stress” (Krzywicka, 2008, p. 64). At the same time, she was convinced that “everything will calm down, order itself, become fixed, find its classical and conventional form, create a new morality, which will be shattered by the next period” (Krzywicka, 2008, p. 64). She was wrong. The Second Polish Republic was too short-lived and its fate too uncertain for the changes to establish themselves. A period of uncontrolled chaos and freedom from conventions, unique in Polish history, ended in 1939 – along with a free Poland.

## 1.2 Homosexuality among men: recognition and rejection

“I am uranian [Urning]” claimed Karl Heinrich Ulrichs in the 1860s, referring to Plato’s contemplations on the offspring of Uranus and on variations of love. In the second half of the 19<sup>th</sup> century, the term “homosexuality” was not yet known. Same-sex love was a phenomenon too embarrassing to write about openly. Now, with thanks to Ulrich’s statements, uranism – a term used to describe male homosexuality – had become a public fact (Janicki, 2015, p. 362).

It is not surprising that Ulrichs’s name was at the beginning of every Polish text devoted to homosexuality. Lawyers and doctors used it as a shield. They were touching upon a delicate issue, surrounded by taboos and sanctions. By calling upon the name and life of the German advocate for the rights of homosexuals, they protected themselves from accusations

of demoralization. Thanks to Ulrich, they could speak their mind without fear. They could claim that he expressed “a number of erroneous views” and at the end coyly agree with him on his fundamental points. However, they needed to find a publisher first, at that was not easy at the turn of the 19<sup>th</sup> century.

Leon Wachholz, a prominent physician and author of the first Polish book on forensic medicine, recalled the panic in major editorial offices caused by his article on the “uranian sense of sex”. This was probably the earliest such text in Polish literature. However, even doctors still sincerely believed that just by reading about homosexuality one could become infected with this dangerous mental illness. Ironically, this was the myth that Wachholz debunked in his work. The full version of the article did not appear until about 1900 (Izdebski, 2012, p. 62). The author made no secret of the fact that he wrote this inflammatory piece out of compassion: “The most sacred obligation of our solicitors is to become familiar with the nature of the uranian [Urning] in order to understand that person and not deride and condemn him as they do now” (Izdebski, 2012, p. 63)

Most of all, it was necessary to establish the facts. Does the phenomenon of homosexuality really constitute a cancer of public health, undermining the moral standards of society and threatening the population? Many European authority figures still held this belief. However, according to Wachholz, only one true answer could be given to all these questions: definitely not. On the topic of becoming infected with another person’s sexual orientation he wrote: “There is not a single example which would prove that a change occurred in a once awakened heterosexual drive” (Izdebski, 2012, p. 64). He considered the penalization of homosexuals for their own good as equally absurd. Homosexuals were commonly perceived to be suffering from nervous disorders, prone to suicidal thoughts and easily susceptible to mental illnesses. The author fundamentally agreed with all these observations. However, he sought the source of the problems not in the uranians’ sexual orientation but in their discrimination. The life and health of homosexuals were destroyed by “public opinion which condemned their actions and threatened them with dire punishment” (Izdebski, 2012, p. 64).

Naturally, Wachholz did not expect his postulates to be answered. The subject could only gain real significance in 1918. The Polish Republic inherited its regulations concerning homosexuals from the partitioning states. In free Poznan, they were punished in the same way as they were in the German occupied territory – imprisonment for as long as the court deemed necessary. In Warsaw, the situation was the same as during the Tsar’s reign – also imprisonment, for at least three months. In Krakow, which took over legislation from Galicia – severe imprisonment with no time restrictions.

This aside, homosexuals in Poland were lucky with respect to their advocates. The respected Wachholz was followed by the equally esteemed Antoni Mikulski. In 1920 he issued a brochure titled *Homoseksualizm ze stanowiska medycyny i prawa (Homosexuality From the Point of View of Medicine and Law)*. It would be difficult to find a person more suitable to finally determine whether homosexuals are degenerates or not. Mikulski was of the same opinion as his predecessor, though he formulated his arguments much more sharply.

He devoted a lot of attention to the issue of the contagious character of homosexuality. The uncertainty, which seemed to have been resolved twenty years before, returned to the scientific world with renewed force. Various more or less incompetent imitators of Freud

pointed to sexual suggestions and subconscious fixation. Mikulski was not surprised by the fact that among the homosexuals studied by psychiatrists there were many mentally ill people. The solution was simple: healthy homosexuals had no reason to consult a psychiatrist (Mikulski, 1920, pp. 34–46).

Years later, Antoni Mikulski's contribution to the debate on sexual minority rights was completely forgotten. Yet he did more for this cause than anyone else. His pertinent arguments, full of humor and poignancy, resonated with the imagination. Mikulski fought for the dignity of people with a different sex orientation, and yet he was a product of his time. In the final paragraphs of his brochure he states: "The law should leave homosexuals in peace and should not interrupt nature in achieving its aim, which may possibly be the extinction of the 'homosexual variety'. If nature has such a wise objective it should be supported" (Mikulski, 1920, p. 55).

As early as the 1920s, the Polish medical community came to the conclusion that homosexuality is not a mental illness. "It is a biological phenomenon which is innate and completely independent of human will," highlighted Paweł Klinger, another opponent to the penalization of homosexuals (Klinger, 1930, p. 51). However, that is as far as the progressive view went. Homosexuality was unanimously considered a medical ailment, but of a different kind. Authors frequently wrote about intersexuality among homosexuals, and that homosexuals represented a distinctive "third sex" (Klinger, 1930, p. 51). Discussions were held about developing treatment for homosexuality, which was to be aided by hypnosis and psychotherapy, organ therapy, bromide, strychnine sulphate and hypophosphorous acid. Other methods which were considered effective included bathing in cold water, hiking, horse riding, and testicle transplantation (Janicki, 2015, p. 369).

Specialists were becoming increasingly committed in their discussions on homosexuality. Psychiatrists, lawyers, sexologists – all had something to add. We can see this in the number of terms used to describe homosexual people. Apart from 'uranists' ('urnings') these terms included "jednacy," "samcołoźnicy," "kynedzi," and "równopłciowi" (Janicki, 2015, p. 371). The entire debate was missing only one voice – that of the party concerned. This state of affairs persisted until the outbreak of World War II. Overt homosexuality in the Second Republic of Poland was like being illiterate – it excluded people from nearly all paths of career and social advancement. Homosexuality was a lifelong stigma.

### 1.3 Homosexuality among women: less of a problem, less of a place?

In 1925, the erotic magazine *Amorek* published a number of reports on the most famous lesbian in the Polish Republic. All these stories contained only one factual piece of information – she was in fact a lesbian and she never concealed this fact from the Warsaw elites. She probably believed that there was no need to hide it. It was the 20<sup>th</sup> century, an era of progress and tolerance, in which no one showed interest in other people's sex lives, at least in Warsaw. If same sex relationships were a cause of consternation, this only applied to men. People were not concerned about homosexual women. This trend was becoming increasingly apparent. While it was inappropriate to write much about male homosexuality at all, women's homosexuality became the subject of frivolous jokes (Janicki, 2015, pp. 392–394). A lesbian was

considered to be “a woman who displays a sexual perversion. She detests men, treats them as rivals, whereas she loves other women” (Standley, 1933, p. 27). This is the full definition of a lesbian taken from a simplistic dictionary of sexual terminology that formed part of an erotic book of dreams from the early 1930s. In comparison, the description of ‘urnings’ in the same lexicon takes up more than half a page. This was the case in all publications, both professional and frivolous. J. Pruszyński, author of a daring text titled *Mniejszości seksualne* (*sexual minorities*), published in *Głos Poranny* in 1931, devoted an entire page in a large-format newspaper to homosexual men. On the topic of lesbians, he only added several short and curious comments and generalizations. He writes, for example: “They often cannot stand men. They present various reasons: one patient considers all men to be brutal animals, because her uncle often let her hold his penis in a state of erection. Lesbians often have an irresistible urge to wear men’s clothes. This urge (. . .) is called transvestitism” (Pruszyński, 1931).

Psychiatrists and sexologists simply did not consider lesbianism to be as interesting as uranism. Hardly anyone tried to ‘treat’ homosexual women. A girl who was attracted to women was simply advised to get married, and to stop talking nonsense. No one registered the number of lesbians or conducted surveys. This despite the popular belief that at least one in a hundred women was homosexual (Janicki, 2015, p. 395).

Perhaps this lack of interest on the part of specialists can be put down to embarrassment. Writing about female sexuality, especially non-normative sexuality, was evidently difficult for them. The intimate habits of ‘urnings’ were dissected into basic elements, divided into groups and labeled with numbers. But what about the habits of lesbians? Antoni Mikulski did not have the courage to write about them in his native tongue. His work contains several lines in Latin. Only at the end did he quote a term from the *Medical Dictionary*, explaining that “cunnilingus” means licking women’s *genitals* (Mikulski, 1920, p. 34).

For lesbians – called sapphists or tribadists in pre-war Poland – the reasons for this ignorance were unimportant. Unlike homosexual men, they functioned in a grey area, both legally and morally. It was unthinkable for two ‘urnings’ to form a common household, while for two women it was the opposite. Unmarried girls or widowed friends would often live together, and no one found this shocking (Janicki, 2015, p. 396).

19<sup>th</sup> century lawmakers also did not account for lesbians – only male homosexuals faced legal persecution. The post-Austrian code was an exception. Article 192 mentions an “indecent unnatural act, with a person of the same sex” – thus not limiting the ‘offense’ to men. Other codes in force in the former German and Russian partitions typically emphasized pederasty (Janicki, 2015, p. 397). In free Poland, imprisonment for homosexuality almost never took place, neither of men nor women. The legal code of 1932 abolished punishment for homosexuality.

## 2. People’s republic of Poland

One could be forgiven for thinking that gays and lesbians did not exist in communist Poland. In fact, the word gay did not exist – the term “pedał” [“faggot”] prevailed, and the topic itself did not really enter social consciousness. Individual books and several films with homosexual

themes, well-hidden clubs, as well as articles in specialist magazines concerning sexual perversions and crime-related environments were noticed by a small group that took interest, but remained invisible to the rest.

The Polish communist government did not have a clearly formulated position on homosexuality. That being said, this does not mean that the government's actions were always accidental or that their significance should not to be considered. The fact that homosexual people were not usually an object of interest on the part of the authorities – neither the political ones nor semi-autonomous institutions such as the media or the Catholic Church – does not change that this period in Poland's history saw several turning points for the country's sexual minorities.

The most important of these was liberal legislation. Post-war Poland kept the pre-war legal code, which had stated, since 1932, that sexual intercourse between people of the same sex was not penalized. A liberal law in communist Poland meant that sexual preferences were privatized. Instances of exclusion and discrimination took place, but they constituted individual cases.

Contemporary schools did not discuss the subject of homosexuality. No one thought about sexual education. There was a double morality – on the one hand a traditional one, resulting from the teachings of the Church, and on the other hand a communist one, resulting from socialist morality, which was very rigorous in this respect (Głowiński, 2010, p. 19).

Of key importance is to what extent the communist authorities found the information of a person's homosexuality useful for reasons of recruitment or blackmail. In the case of foreigners, it is important to mention the problems faced by Michael Foucault, who came to Poland in 1958 to co-create a Centre of French Culture at the Warsaw University, and left Warsaw after a year in an atmosphere of scandal. He became involved in a romantic relationship with a man, who turned out to be a secret operative of the Security Service (Tomasik, 2012, p. 20).

It may seem surprising to explore the sexual orientation of the members of the Polish United Workers' Party. Dignitaries at all levels of the hierarchy usually remained anonymous to society. Even today, they seem completely asexual. Discrediting political opponents by revealing their homosexuality was an exceptional rather than common strategy. Operation "Hyacinth", which has become a symbol of the treatment of homosexuals in communist Poland, seems to have been directed at the dissolution and invigilation of an emerging gay movement, and at the intimidation of its potential supporters. We do not know to what extent this operation slowed down the emergence of a modern LGBT movement in Poland, but for some people it was a mobilizing event, leading many homosexual people to begin organising themselves (Mrok, 1999, p. 134).

The problem of lesbian invisibility usually emerges during debates on homosexuality. Women's inferior position in society results in the fact that their feelings towards the same sex do not cause as many negative emotions as do those of men. They have been "domesticated" as a sexual fantasy of the pornographic industry. In communist Poland, in all walks of life, female homosexuality is much less present, more difficult to grasp and more ambiguous (Morelle, 2007, p. 101–102).



### 3. Homosexuality at school through the eyes of students<sup>1</sup>

#### 3.1 Male and female students and the phenomenon of homosexuality

The issue of homosexuality is brought up in lessons primarily as a result of students' own initiative. Avoiding discussions on homosexuality seems to be the prevailing approach. Homosexuality is becoming the basis for discussions during breaks at school. Moreover, it is often during those periods that students reveal their sexuality. This, however, only takes place in conversation with people who can be trusted. Speaking of one's sexual orientation remains a fundamental problem, because a young person's need for affiliation becomes disturbed as a result of one's *coming out*, and life in hiding does not bring fulfilment. This is especially important for the shaping of one's identity during adolescence. As emphasized by the authors of this text, this awareness of the self constitutes "the need to openly construe a narration of oneself, the need to possess reliable knowledge of one's sexuality." That is why education regarding sexual identity should form part of the educational context at school in general, "because it is at school, among male and female students, that many myths and stereotypes concerning homosexuality function." Below we present several statements quoted in the Equality Lessons report, which illustrate what we are dealing with:

I believe young people should get a lot of information about people from the LGBT community. I think this would change their perception of us. Right now, I can't even reveal myself at school. It's upsetting and painful. I have to pretend to be someone I'm not – male, 16.

I think we should talk about this. Then a lot of "chavs" would understand that we have feelings too (...) – female, 16.

Students don't really know what they're dealing with. There are some strange myths – in the family life education textbook we can find information that homosexuality can be cured – female, 15.

These subjects are rarely mentioned and when they are, it's insulting in a way, on the part of the teachers (for example that it passes, that's just play, and so on) – female, 14.

The actions taken by teachers can be an important starting point for discussions and changes in the perception of homosexual people in schools. Objective knowledge, derived from reliable sources and based on scientific evidence, is valuable in and of itself.

#### 3.2 When should we speak of homosexuality in schools?

The statements presented above indicate that discussions on homosexuality should take place during school lessons. The respondents mention such subjects as family life education, cultural studies, sexual education, civics, religious education, ethics, history and Polish. Most of these subjects belong to the sphere of humanities. Other answers indicated biology, foreign languages and civil defence.

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<sup>1</sup> The results of the presented analyses and all quotations come from Świercz (2012). Relevant page numbers are provided in the text in brackets.

The authors indicate that these statements are proof that homosexuality is associated with many of areas of life. Moreover, the broadening of the cognitive perspective certainly becomes a weapon in and of itself, as it builds consciousness and (self-)reflection. The students also pointed out that sexual education should be provided from an early age.

Attention should focus on the statements quoted by the authors: It would be good to introduce topics on the acceptance of others in primary and in middle school, because this way people are taught basic values – male, 18.

In my opinion we should talk about homosexuality in school, because it is important for people of such orientation, and I think that heterosexual people should be better oriented in this regard – female, 16.

I think that lessons or topics devoted to this subject could bring “our world” closer to heterosexuals – female, 16.

(...) What is missing most of all are appropriate topics on homosexuality, in which we could debunk all myths and stereotypes concerning sexual minorities. When we hear of homosexuality at school, both students and teachers react with laughter and there is a unanimous opinion that it is disgusting and that such people should not exist. (...) I have encountered only two cases in which the teacher defended homosexual people or criticized the homophobic language of students. I hope that it will be possible to introduce topics concerning human sexuality in Polish schools, particularly in civics and family life education – male, 17.

I think there should be mandatory lessons, not necessarily additional ones, but something like family life education, only focused on homophobia and homosexuality. Young people should be more educated. (...) I also believe that priests should not talk to us about homosexuality, explaining that until the nineteenth century it was considered a disease, and that such opinions are still held, because that's sick – female, 16.

### **3.3 The situation of homosexual students in Poland**

The situation of homosexual students in Polish schools is a difficult issue. Studies conducted by Janusz Rusaczyk indicate that students “feel (...) alienated at school, torn between the world of their inner emotions and the prevailing order, which treats them as biologically defective second class citizens. With time, they experience an increased sense of mismatch with the general cultural values and a dislike towards any forms of social life. This fear may lead to an actual decrease in self-esteem and to a deterioration in school performance” (Rusaczyk, 2005). For many students, coming out holds risks, which unfortunately are often considered “too high, which is why they hide their orientation completely or speak of it only with their best friends, in order to avoid unfair judgment and a sense of alienation” Gawlicz, Rudnicki & Starnawski, 2015). In general, the data presented in the reports indicate “an urgent need to take action directed at homosexual people, and aimed at countering violence and discrimination, and at improving mental wellbeing, particularly in the youngest group” (Report, 2011).

## **4. The current social status of non-heterosexual people in Poland**

Social attitude towards non-heterosexual people indicates lack of acceptance and distance towards sexual diversity. However, the character and symptoms of this attitude change con-

stantly. A significant role seems to be played by the paternalistic tradition and political situation in the country. Radical Catholicism and right wing governments – not only in Poland but elsewhere – do not foster acceptance of LGB people, perceiving their sexual orientation as sinful, as an illness, and as a capricious fad. While, historically, in many European countries homosexuality was penalized, there were no such legal restrictions against homosexuals in Poland. However, heterosexual families and LGB families were never considered equal under Polish law. Under the current Polish law, it is illegal to enter a same-sex marriage, though this issue has been the subject of public debate for many years. One result of this debate was a Resolution of the Senate of the Republic of Poland dated 3 December 2014, which submitted the bill to register same-sex couples. The bill, among other things, was to settle property matters of same-sex couples. However, no further proceedings took place in the Polish Parliament.

In general, social attitudes towards homosexual marriage are shifting from negative to positive, though it is a complex and multifaceted issue. We can gain a better understanding of this matter thanks to two national studies conducted in Poland in the years 2005–2006 and 2010–2011 – the former conducted on a sample of 1,002, and the latter on a sample of 11,144 LGB respondents. The respondents were of various ages. Our point of reference is primarily the second study, due to its scope. Approximately 10% of respondents were below 18 and 2% were over 50 years old. The largest group of respondents was between 18 and 25 years (48%) and between 26 and 40 years (36%) years old. 42% of respondents had obtained a higher education degree while 37% declared only secondary level education. Respondents were recruited primarily on the internet, through social networking sites.

The study explored such issues as experiencing physical and mental abuse, discrimination in public space, the circumstances of revealing one's sexual identity, mental wellbeing, i. e. ways of reacting to difficulties and coping with them, as well as personal values. The results were compared with those obtained in the study of 2005–2006 (n + 1002) and with results from a national survey titled "Diagnoza Społeczna 2011" (Social Diagnosis 2011) (n + 7965).

Experiences of physical abuse motivated by the victim's sexual orientation decreased slightly over the years, from nearly 18% to approximately 12%. However, after taking into account the sexual differences between respondents, it appeared that this decrease was more profound among men than women – from 20% to 13.5% and from 14% to 9.5% respectively. There was a nearly 10% decline in instances of mental abuse. In this case, a more significant decline was observed in women than in men (from 58% to 42% and from 54% to 45.6% respectively). Gender differences in the decline of abuse rates could suggest a relationship with greater social acceptance of homosexuality among women than among men. Moreover, the study from 2011 shows that men more often experience abuse in the public sphere, and women in the family. According to the authors of the report, the social situation of homosexuals is closely connected with the political situation in the country, i. e. the more right-leaning the government, the less favourable the situation of homosexual people. While the percentage of people hiding their non-heterosexual orientation has decreased, distrust towards police regarding availability of help in instances of abuse has not changed, and has increased with respect to certain social contexts. About 70% of respondents hide their sexual orientation at work and at school, 50% hide it from their neighbours, and nearly 30% hide

it from their families. Homosexuality is most often hidden from fathers and grandparents, and least frequently from mothers and female siblings<sup>2</sup> (p. 72). About 50% of respondents declare, that half or more of their acquaintances do not know about their non-heterosexual orientation. Men conceal their sexual orientation more often than women (p. 70). Nearly 75% of respondents believe that homosexual people are not accepted or respected in Poland (p. 65). Even in encounters with religious communities and organisations, nearly 50% of respondents state that they met with discrimination due to sexual orientation (p. 61). Close to 50% of respondents declare that they experience isolation, most probably due to a sense of a general lack of social acceptance.

Compared with the results from the 2006 study, the rates of abuse and concealing information about one's sexual orientation slightly decreased. Most of all, the recurrence of experiencing violence decreased, as did the percentage of people experiencing discrimination – from 32% to 18%. In other areas, rates remained at a similar level.

On the issue of mental wellbeing, it is interesting to note that, in comparison to the responses to the “Diagnoza Społeczna 2011” survey (DS2011), the respondents in the LGB study in 2011 more frequently turned to alcohol and displayed resignation when faced with difficult situations (13% to 3% and 12% to 2% respectively). A sense of alienation was declared by 50% of LGB respondents, compared with 18% of respondents in the DS2011 survey. Over 37% of LGB respondents declared to have contemplated suicide, compared with less than 10% of DS2011 respondents. Of particular concern in this listing is the situation of people aged 15 to 18 years. Nearly 62% of LGB respondents declared suicidal thoughts, compared with less than 13% of DS2011 respondents in the same age group. What is more, LGB people turned to sedatives and sleeping pills more often than respondents in the “Wzorce Konsumpcji Alkohol, Gdańsk 2011” survey (Patterns of Alcohol Consumption, Gdańsk 2011) – 27.4% and 15.7% respectively. (92). Similarly, LGB people declared smoking more often than DS2011 respondents – 41% and 22% respectively. If we assume that nicotine addiction is a self-abusive reaction in response to stress, this result should also be a cause for concern in the context of the social situation of LGB people.

The answers provided by LGB respondents also differ from those of the DS2011 respondents with respect to preferred values. For LGB respondents, a successful life depends on a successful relationship (68%), friends (47%), and health (44%). DS2011 respondents indicated health (62%), a successful relationship (57%) and children (45%). Children as the most important factor in determining a happy life were listed by only 4.5% of LGB respondents, whereas freedom and independence were marked by 20.4%, compared to 5.4% of DS2011 respondents. A similar difference is observed with regard to values such as kindness and respect for one's environment and friends. These are indicated respectively by 12% and 45.6% of LGB respondents, and 6% and 12.5% of DS2011 respondents. These preference ratings show that LGB people attribute greater value to such needs as acceptance and belonging to a group. Perhaps this preponderance results from limitations and frustration experienced by LGB people in social life.

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2 The presented data come from Makuchowska & Pawłęga (2012).

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# Spain out of the Closet. Homosexuality in Spanish Society and Education

Carmen Santamaría-García, Bruno Echauri Galván

*This article will review the current social attitudes towards homosexuality in Spain, both in education and society more broadly. To establish a framework for the current situation, a retrospective look at our recent history will explore the social consideration of gender and homosexuality, as rooted in the models for education in general and gender education in particular. Special mention will be made of the position of homosexuality in secondary education, the initiatives taking place outside of schools and the representation of the homosexual community in Spanish literature, as an example of how homosexuality might be on its way to gain value by means of new models for its representation.*

*Key words: homosexuality, Spain, education, teaching curricula, literature, social movements, homophobia*

## 1. General information

### 1.1 Historical framework for education in Spain with reference to gender education and the consideration of homosexuality

The *Institución Libre de Enseñanza*, (*Free Educational Institution*) was born in 1876 as a reaction towards the limitation of academic freedom in university, decreed by Canovas' government in 1875 to protect official religious dogma. It continued during Primo de Rivera dictatorship (1923–1930) and flourished during the second Republic, up to the Civil War in 1936. Giner de los Ríos and Nicolás Salmerón, among others, created a secular, private educational institution (see Vázquez Ramil, 2006, p. 14) of krausist orientation. The need of education for women was addressed explicitly, as they believed that, in order to achieve balance, males need females. Therefore, women's education was considered essential for the equilibrium of men and the family: "Women must be rescued from obscurity and from the degradation they are subjected to in most countries" (Vázquez Ramil, 2006, p. 5, translation ours). Marriage was considered the basis for the family and for education, which would allow for the progress of humanity. In pursuit of this, several initiatives were adopted for women's education. The *Asociación para la Enseñanza de la Mujer* (Association for the teaching of Women), which had been founded in Madrid in 1870 by Fernando de Castro after the model of the *Lette Verein*, created in Berlin in 1866, gained special interest for the Institution and their activities were supported. Coeducation was a matter of debate and encountered resistance from many who considered mixing boys and girls a potential source of sin. It was strongly supported by Giner de los Ríos, as Vázquez Ramil (2006, p. 5) notes, and would later become established during the Republic by the decree of 28<sup>th</sup>, August 1931 (Benedí Sancho, 2011, p. 324).

The list of international contributors who published in *The Bulletin of the Free Institution of Education* shows the relevance of the institution: Bertrand Russell, Henri Bergson, Charles Darwin, John Dewey, Montessori, Leo Tolstoy, H. G. Wells or Rabindranath Tagore to name but a few. Also of great relevance were the Spanish authors who contributed: Philosophers like Ortega y Gasset and Unamuno or poets as Juan Ramón Jiménez and Antonio Machado, who would belong to an important poetic movement known as *Generación del 27* (*Generation of 27*), a movement that included two authors of great relevance who were openly gay: García Lorca and Cernuda. All these intellectuals spread the most advanced educational and scientific theories from around the world, reaching teachers all over Spain.

As proof of their influence, it is worth mentioning the reach of the enterprise of two enthusiastic teachers of two small villages in the town of Segovia: Lorenzo del Amo and Norberto Hernanz would create centres of interest for pedagogic innovation (1921), inspired by Declory's centers of interest and encouraged by the intellectual atmosphere of the time. A few years later their centers would become "*Centros de Colaboración Pedagógica*", (Centres for Pedagogic Cooperation), which would later develop into "*Misiones Pedagógicas*" (*Pedagogic Missions*) under the leadership of Bartolomé Cossío in 1931. In 1929, Hernanz and two other teachers for primary school, Bayón and Cobos, published a journal that echoed this thirst for innovation and freedom: *Escuelas de España*. Recently digitized and now freely accessible, it is a source "essential to write the history of Spanish education", as Mora García y Hermida de Blas (2011, p. 102) observed. As early as 1929, the journal included gender issues of current concern, such as labour and family conciliation or coeducation. For instance, Santullano (1929, pp. 3–8) reports on the news of a female teacher and head of a girls' school in Manchester who had been obliged to resign due to marriage. It is surprising to see the insights of Santullano, pleading for women's freedom to choose to continue working after marriage and after birth and arguing for longer permits after birth of up to a year. Coeducation is also argued for by Dominguez (1931, pp. 71–95) who wonders why we should educate boys separated from girls if men and women are born to live together. Even though it was not common for women at the time to become involved in this type of specialized publications, we can see women teachers contributing to different issues and sharing their point of view. Poet Luis Cernuda would also be invited to publish, even though he was known to be homosexual. The journal ceased to be published with the onset of the civil war in 1936, which was to alter the course of the country's history.

During the Second Republic women were granted new rights. The 1931 Constitution gave them the right to vote. Pardell (1997, p. 1) summarises some of the new rights for women in that period: "In 1932, laws on divorce and civil marriage were passed. Women were accorded full legal status; abortion was legalised, the crime of adultery was abolished and legal measures ensuring women's equal access to the labour market were taken". For the first time in Spanish society, women began to study at university and have professions. As del Amo reports (2009, p. 16): "Women took degrees mainly in Pharmacy, Philosophy and Letters, Sciences and Medicine". But the most essential change, she reports, is that society would start to accept that women developed their profession. Homosexuality was legalized under the Penal code of 1932, after it had been banned and penalized under Primo de Rivera dictatorship in 1928 (Esteves, 2012, p. 1).



The Civil War (1936–1939) truncated the efforts made towards educational liberty in the Second Republic, as many teachers were purged from the profession by Franco’s conservative standards or exiled, jailed and assassinated, as noted by Sanchidrián-Blanco and Ortega-Castillo (2013). Pardell (1997) describes the consequences of this period of dictatorship for women: “The Catholic national state which came into power after the defeat of the Republicans was eager to restrict women to the home and confine them to the private sphere. The Catholic Church ethics and its influence upon education and society at large worked with the same objective. One should bear in mind that this social pattern took place against a background of severe repression of all democratic trends. During this period, the law served that purpose. Numerous republican and democratic laws were abolished, like the laws on civil marriage and divorce. Abortion was severely punished. Women’s legal ability was greatly restricted, and subjected to the authority of the father or the husband.” (Pardell, 1997, p. 1)

As previously noted in Pérez-Samaniego and Santamaría-García (2013, p. 75), the period of dictatorship (1939–1975) was characterized by the education of men and women in very different roles, with gradual changes brought about from 1960 as a consequence of several movements that claimed for the equality of men and women, such as mixed education of boys and girls in the same classroom. Before that, boys and girls were taught in different classrooms and expected to assimilate two different roles: one focusing on obedience and the domestic role for girls, and another modeled on heroic masculinity based on competitiveness, aggression and individualism for boys, the masculine skills which would allow them to defend both the country and the catholic religion. We cannot forget that the ideology of the National movement emphasized the primacy of the family (read more on Richmond 2003, p. 92). The family was an essential unit for building society, and the roles of men and women should facilitate the main goal of establishing families.

Masculinity was considered a virtue and its lack was seen as the cause of many problems, starting with the inability to have a family. Eslava Galán (1993, p. 43) explains that the Law of Reform for Secondary Education (September 20, 1938) grounds the country’s problems on “foreignisation and feminisation”. Lack of masculinity was seen as a political issue and those who did not conform to the expectations of the masculine type were suspected of being contrary to the Catholic Church and the National band, two institutions that had triumphed in the war. The two poets mentioned above suffered heavy consequences. García Lorca was executed and Cernuda exiled (cf. Tomás White, 2016).

From 1954, homosexuality was considered a crime and homosexuals were imprisoned due to a modification of the 1933 Vagrancy and Villainy Act (*Ley de Vagos y Maleantes*), which was reformed to include several articles for the repression of homosexuality, as reported in Valiente (2002, p. 777). Homosexuals would be subject to security measures and should be placed in special institutions, with absolute separation from others, and forced to labour in internment in special establishments or agricultural colonies. They could also be forbidden from living in certain places and obliged to declare their residence. Another article established their submission to the supervision of delegates. According to the documentary broadcasted by RNE (*Radio Nacional de España*) on November 4<sup>th</sup>, 2016, between 4000 and 5000 homosexuals were imprisoned in some of the prisons devoted to the recovery of homosexuals under accusations of public scandal and social danger.

In 1970 the Vagrancy and Villainy Act was partly replaced by the Social Menace and Rehabilitation Act (*Ley de peligrosidad y rehabilitación social*), as included in the Spanish official news bulletin (BOE, 187, 6, August, 1970), which meant fines and imprisonment for homosexuals and transsexuals.

After Franco's death, the first gay parade was celebrated in Barcelona in 1977, though it was repressed by the police. The Spanish Constitution of 1978 and the derogation of the law of Franco's regime put an end to the consideration of homosexuality as a crime. The struggle of homosexual groups then focused on the law on public scandal, which was amended in 1983 and repealed in 1989. The law of social dangerousness was completely repealed on November 23<sup>rd</sup>, 1995, a milestone which paved the way for the establishment of associations that would play a very active role in defending several rights, including same sex marriage, which was finally legalised ten years later, on July 3<sup>rd</sup> 2005, with PSOE (Spanish Socialist Party) in the government.

The *Front D'Alliberament Gai de Catalunya* was the first mass gay association in our country, and also the first one to be legalized in 1980 (Bernardo, 2015; Valiente, 2002). However, other gay organizations had to wait until 1983 to get official recognition (Valiente, 2002) because progress regarding homosexuality in Spain moved back and forth until the second half of the 90s. In 1994, only 40% of the Spanish population considered that homosexuality was "always wrong" (Villaamil, 2004). However, cohesion, persistence and political action delivered several interlaced achievements for homosexuals and the LGBT movement: the first register of unmarried partners in 1994 in Vitoria, the first regional law acknowledging rights for homosexual couples in 1998 in Catalonia, and the legalization of homosexual marriage in 2005 (ibid).

However, this obvious improvement of homosexuals' status is not a total victory. The "gay issue" is still a controversial matter among certain groups of our civil society, and a definite lever to grab the vote of left and right-wing voters depending on the approach and proposals of political parties (Villaamil, 2004). Also, certain institutions and aspects of our system currently present a deficit balance regarding gay rights and their respect for them. For instance, part of the mass media still have to make several adjustments to convey information related to homosexuality – and violence within gay couples- in an appropriate manner that avoids stereotyping (Carratalá, 2016). In addition, relevant sectors of our social structure, such as the Catholic Church, maintain a reactionary rhetoric and attitudes against homosexuality. Even in an allegedly cultured and forward-looking environment like the Spanish university, homophobia persists. In 2015, Penna Tosso conducted a study of several countries (including Spain) that analysed how prevalent homosexuality is in bibliographies published at university level. Its results highlighted the existence and persistence of homophobic attitudes among students, the weaknesses of syllabi on this matter, and the lack of interest on the part of the research community in tackling this problem. These latter facts pose an interesting question: what are we doing at school, and how is homosexuality being approached in lower levels of our education system? Section 2 will seek to provide an overview on this matter that may help respond to these and other questions.

With this review, we have seen that the recognition of men and women as equals and the battle against gender discrimination has been a gradual process of social, educational and

political efforts, which will hopefully also deliver the normalization of homosexuality. While the traditional adherence to the male/female duality has long excluded wider approaches to gender, alternative gender considerations are slowly gaining traction.

## 1.2 An approach to the current social consideration of homosexuality in Spain

The legalisation of same sex marriage was as a turning point in the social attitudes towards homosexuality in Spain. Having been introduced by the PSOE as part of its electoral manifesto, it was adopted on July 3<sup>rd</sup> 2005. It brought about a lot of discussion and social action against its approval. Such opposition shows that, while gender education has paid special attention to the avoidance of discrimination of women, equal consideration of different masculinities or femininities has been neglected. As Guasch (2008, p. 30) observes, other gender inequalities such as masculinities, transgenderism, homophobia and lesbigay issues need to be considered. Guasch (2011) notes that “a new model has emerged where the idea of ‘gayness’ replaces old ways of thinking about male homosexuality”, (p. 526).

According to Guasch (2008), the concept of masculinity is still under construction, making use of different narratives: “Slowly, Spanish homosexuals have created new narratives dissociated from strategies of adaptation to the homophobic contexts of the Francoist regime. Spanish homosexuals no longer mechanically reproduce social prejudices about male homosexuality. They have also developed new frameworks to think about themselves. These new narratives help Spanish society enrich its own view of homosexual identity by incorporating variables such as social class and age. This article explores these transformations from a socio-historical perspective and delineates key historical moments: pre-gay, gay and hyper-gay.” (Guasch, 2008, p. 30)

Homosexuality remains marginalized in Spanish society, as Soriano Gil (2005) shows. The progress made on different fronts cannot prevent many sad incidents from happening both in rural and urban areas. To mention but an example, in the village of Berga, Barcelona, a gay couple was cruelly attacked as they were kissing outside a disco in March 2017. A total of 113 cases of homophobic episodes were reported to the police in the Catalunya region during 2015 (El Diario, 12.03.2017).

Spain’s two biggest cities, Barcelona and Madrid, suffer alarming rates of homophobic incidents – this is cause for concern in a country that, according to the Pew Research Center (2013), has the highest rate of acceptance of homosexuality in the world: 88%.

Homophobic intolerance led COGAM (n.d.) to publish the Map of Homophobia in Spain, compiling the most notorious homophobic events in each part of our country from 1999 to 2007. Among the affronts happening in the capital, some incidents stand out for their cruelty. In December 2004, a group of hooded individuals attacked a group of gay disco employees with baseball bats in the city center; in July 2006, a gay couple was insulted and stoned until they collapsed unconscious; in July 2007, a Colombian homosexual was assaulted with bottles and kicked by a group of people aged 20 to 24 as they shouted “Maricón” and “Mariquita de mierda”, disdainful words for gays.

Scandals have continued to occur, translation into consistently alarming figures. In June 2016, the monitoring centre for homophobia in Madrid (*Observatorio madrileño contra la ho-*

*mofobia, transfobia y bifobia*) issued a report in which 89 assaults were recorded during the first six months of the year. This equals almost one incidence of aggression every two days. This trend consolidated later in the year. In an article published in November (Jiménez, 2016), the same monitoring centre claimed that homophobic assaults have increased in Madrid – and throughout the country- since homosexuality started gaining public visibility. In fact, the article shows a steady increase of filed complaints related to homophobic assaults: 20 in 2014, 32 in 2015, and 204 up to November 2016. Estimations show these numbers represent approximately 10% of all actual cases of violence against homosexuals in Madrid.

Regrettably, Barcelona has seen similar patterns. According to the aforementioned map (COGAM, n.d.), on April 2004, a group of skinheads assaulted a gay couple in a train station: both persons ended up in the hospital. A month later, a homosexual couple was violently attacked by a group of 6 or 7 individuals after explicitly asking them if they were gay. Equally shocking are the testimonies of homosexuals who were thrown out of taxis with insults and death threats, banned from bars and spas, or discriminated in their jobs well into the 21st century in a traditionally ‘open minded’ city as Barcelona.

The events described above, along with many other discriminatory incidents, had an unquestionable impact on Catalan politics. In 2014, the regional parliament passed a pioneering law against homophobia and sexual discrimination. However, a year later, the *Observatori Contra L'Homofobia* and the UAB (*Universitat Autònoma de Barcelona*) presented a study (Vargas Llamas, 2015) in which they listed a total of 50 attacks on LGBT people in the city of Barcelona alone. These attacks included insults, violence, and administrative discrimination. It is yet to be seen whether these figures illustrate a temporary problem or whether, on the contrary, it is just a matter of time for the law to deliver tangible social benefits.

Also of much concern are incidents of homophobia in our classrooms. In fact, they may explain – at least in part – the behavior described in the situations presented in previous paragraphs. In 2012, FELGTB and COGAM published a report that could be summarized by an alarming statement: more than 50% of homosexual and bisexual teenagers were bullied that year in Spanish schools. Four years later, an article published in *El País* (Martínez, 2016) described exactly the same situation: more than half of LGBT students admitted having being bullied at school. In the same article, a representative of FELGTB claimed that sexual orientation is the primary excuse for bullying in Spanish schools.

The most extreme and outrageous consequences of this phenomenon are suicides. Although there are no official figures on this matter, a study conducted by FELGTB (2013) posited that 43% of bullied homosexual or bisexual students considered suicide to some extent. That same report provides other highly relevant figures. 49% of homosexual students suffered bullying on a daily basis. 50% to 63% of the victims reported feelings of humiliation, helplessness, hopelessness, anger, sadness, incomprehension, loneliness, vulnerability, and alienation. 42% did not get any help from their educational institution and 82% did not even mention the harassment they were suffering to their families.

This information can be further framed using a study conducted by INJUVE (Instituto de la Juventud de España) in 2011. This report, *Sondeo Jóvenes e Identidad Sexual*, was based on 1411 interviews conducted throughout the country. Although it does not focus exclusively on primary and secondary education, it reports that 80% of Spanish youth admit

witnessing cases of verbal abuse towards homosexual people, and 20% acknowledge witnessing incidences of physical violence against them. It can be assumed that this normalization of violence against the LGBT community influences both youth behavior at school and the silence of (and lack of support for) bullied homosexual or bisexual students described in the previous paragraph.

## **2. Tasks, goals, content of gender specific working and teaching at school – homosexuality in the curriculum of teacher training and in curricula of secondary schools**

Homosexuality is not present in the official curricula of education in Spain. Therefore, gender specific content is mainly made available by associations devoted to information sharing and awareness raising. Most initiatives take place outside of school and follow the model offered by gay associations in other countries. For instance, a guide on how to tell your parents about your homosexuality (*Guía Cómo decírselo a tu familia*) by FELGTB association, modeled on a guide published in the USA. Additional resources can be found in the reference section below.

Organizations such as FELGTB (2013) are also active in trying to find solutions to stop homophobia. They are giving recommendations such as education and training campaigns for students, teachers and parents, the use of inclusive language, cooperative work among the social agents involved, and so forth. This organization also fosters more specific initiatives like cooperative working between LGBT NGOs and education institutions, removing homophobic remarks from textbooks, banishing homophobic insults from schools and education centers, promoting the creation of equalitarian didactic materials or galvanizing tutorials focused on emotional and sexual diversity among others. In this vein, it is worth pointing out that all these recommendations and many others prompted by LGBT organizations can be easily framed within The Yogyakarta Principles (Alston et al., 2006), a universal guide promoting the application of international human rights law in relation to sexual orientation and gender identity. Among these principles, the need to ensure I) a legal framework that secures the personal, physical, and intellectual development of all students regardless of their sexual orientation, II) a respectful education which covers and respects all sexual orientations, III) an education system which fosters an equalitarian access to education and the absence of discriminatory attitudes and, IV) a syllabus and didactic materials aimed at portraying and teaching sexual diversity are highlighted. All of them underlie the initiatives listed above; their application and success would only imply Spain is meeting international standards established ten years ago.

## **3. Special aspects: Gay literature in Spain**

Among the special features of Spain and its relation with the homosexual community, this article highlights the representations of the latter in Spanish literature for three main reasons: 1) the parallelism between the evolution of social perception and the weight of homosexual top-

ics and authors in the Spanish literary movement; 2) to raise awareness of a literary current which is too often in need of vindication and public recognition and 3), the importance of some of the authors included in the following pages and their consequent presence in the education that most Spanish students will eventually receive.

### 3.1 Literature and acceptance walking hand in hand

One of the most salient features of Spanish gay literature is the correlation between its explosion and the reestablishment of democracy (Martínez Expósito, 2011). The repression of Franco's regime established a period of obscurity for gay literature which was only slightly broken by a small group of poets (Vicente Aleixandre, Luis Rosales, Jaime Gil de Biedma) who, in most cases, self-censored their works and refused to admit their homosexuality publicly (Eisenberg, 1999). The end of Francoism led to a period of constant fluctuations (see section 1), with rights and social acceptance moving back and forth. However, it was the turning point for gay culture and its march has been unstoppable since, with the opening of the Institut Lambda in 1976 as the starting gun of its expansion (Bernardo, 2015).

It is important to underline the difference between “gay literature” and “gay authors”. Of course, homosexual Spanish writers date back decades; however, authors like Federico García Lorca or Luis Cernuda were not valued for the importance of their homosexual writing but because of their contribution to our poetic renewal (Martínez Expósito, 2011). The same happened with some works of subsequent writers such as Terenci Moix or Juan Goytisolo: their writings were initially praised for qualities unrelated to their homosexual content (ibid.). Thus, the real materialization of a Spanish literature about homosexual topics occurred only several years later and can be divided into two stages: a boom in the 90s, followed by the consolidation of gay literature with the arrival of the 21<sup>st</sup> century.

### 3.2 The 1990s boom

The 1990s witnessed a strong emergence of literary works tackling homosexual topics (Pino, 2011). On the one hand, there was a process of consolidation of some of the most important gay male authors, such as Juan Goytisolo (*Premio Cervantes* in 2014), Luis Antonio de Villena, Terenci Moix and Álvaro Pombo. Some of the most salient works published by these authors are Villena's *El burdel de Lord Byron* (1995), *Fácil: historia particular de un chico de la vida* (1996) and *Celebración del libertino* (1998; poetry); Goytisolo's *Las semanas del jardín* (1997) and *Carajicomedia* (2000), or Moix's trilogy of memoirs, published in 1990, 1993 and 1998. In all the aforementioned works, homosexuality is obviously or subtly portrayed, being a main or a secondary character that in any case, permeates the whole text. In this period, a new generation of gay authors started rising, a group that would consolidate their status especially after the arrival of the new century. Among them, we can find important authors we will discuss in depth in the next section, such as Eduardo Mendicutti or Lluís Maria Todó.

On the other hand, this decade gives birth to the first relevant and public group of lesbian writers – or female writers dealing with lesbian issues – (Eisenberg, 1999). The first author who “came out of the closet” was Andrea Luca, but some other writers within this current should be highlighted: Gloria Fuertes, Ana Rosetti, Esther Tusquets, Lucía Etxebarria, Isabel

Franc (also known as Lola Van Guardia), or Elena Fortún (ibid). Among the most notable works published by these female authors we can find Lucía Etxebarria's *Beatriz y los cuerpos celestes* (1998) which was awarded the renown *Premio Nadal*, and *Nosotras que no somos como las demás* (1999); *Con la miel en los labios* (1997) by Esther Tusquets, or Isabel Franc's *Entre todas las mujeres* (1992) and the trilogy *Con pedigree* (1997), *Plumas de doble filo* (1999) and *La mansión de las tribadas* (2002). Homosexuality is a recurrent topic in the first three works while in Franc's bibliography, lesbianism is the core issue around which the plot unravels.

### 3.3 A new century: gay literature crystallizes

The arrival of the new century coincides with a stronger gay and lesbian movement which consolidates its presence and influence in several spheres of Spanish society (Maroto Sáez, 2006). The ongoing normalization of homosexuality filters into literature with a constant growth in the number of gay works and gay authors. As mentioned earlier, the first years of the 21st century catapulted into the limelight several authors such as Mendicutti, Lluís Maria Todó or Susana Hernández. Among the most salient gay works published by these writers, special mention should be made of Mendicutti's *California* (2005) and *Otra vida para vivirla contigo* (2013); Todó's *Isaac y las dudas* (2003) and *El último mono* (2015) or Hernández's trilogy of the lesbian detective Santana (*Curvas peligrosas*, *Contra las cuerdas* and *Cuentas pendientes*). All these works gained critical praise and enjoyed relative commercial success. Other noteworthy gay writings appearing during the dawn of this century are Leopoldo Alas Múguez's *La loca aventura de vivir* (2009) or the book *El invitado amargo* (2014) written jointly by Vicente Molina Foix and Luis Cremades. It is also worth mentioning the consolidation of Rafael Chirbes, a homosexual writer who, although gaining critical acclaim with works such as *Crematorio* (2007) or *En la orilla* (2013), started and ended his literary career with two novels – *Mimoun* (1988) and *Paris-Austerlitz* (2016) – with a distinctive homosexual motif.

Despite the emergence of this new wave of authors, sight should not be lost of the literary production of some of the writers mentioned in previous sections such as Álvaro Pombo or Luis Antonio de Villena. During this period, they continue contributing to mainstream homosexual topics in Spanish literature with novels like *El cielo raso* (2001), *El bello tenebroso* (2004), *Huesos de Sodoma* (2004) or *Contra natura* (2005). Another remarkable event is the publication of anthologies like *Tu piel en mi boca* (2005) and *Lo que no se dice* (2014), two compilations of homoerotic and homosexual short stories with the participation of authors like Villena, Mendicutti, Alas Múguez or María Todó. Finally, there existed a body of literature aimed at members of the gay community “only”, such as the works participating in the literary contests organized by Odisea – a publishing company with a focus on fostering and galvanizing gay literature – (Martínez Expósito, 2011). This kind of phenomenon has a local scope, limited to gay neighborhoods and recreation areas, but it is also a sign of a time where gay culture has become important enough to unfold into a more specific (even commercial) current.

As for education, a subject or course focused on Spanish gay literature only is nowhere to be found yet. Some of the most salient authors mentioned throughout this section are

included in some courses of Spanish literature at the university level, although it depends on the lecturer and the study plan whether to put the emphasis on the homosexual aspects of their work or not. The most prominent authors included in these courses are Federico García Lorca, Vicente Aleixandre, Jaime Gil de Biedma, Juan Goytisolo, Rafael Chirbes, or Luis Antonio de Villena. However, on previous stages of their career such as secondary education, the scope is even more reduced. An analysis of 4 Spanish Language and Literature (Boyano, Fabregat and Hernández, 2016; González Bernal, González Lavado and Portugal, 2016a; González Bernal, González Lavado and Portugal, 2016b; Martí, Fortuny, Picó and Alsina, 1996) textbooks used in several secondary educational centers, revealed that although various gay authors such as Lorca, Aleixandre, Goytisolo, or Cernuda were mentioned on their pages, most of them make no reference to their homosexuality or the homosexual aspects of their works. In fact, little is said about the sexual freedom they defended, and among the social claims hidden in their texts, sexuality is nowhere to be found. The only exception we can find among these volumes is the book published in 2016. On its pages, the homosexuality of Lorca and Cernuda is briefly mentioned, also as an influence on their works. A 45-second video describing Cernuda's relation with French surrealism and how it helped him accept his homosexuality is also included (Federico Quesada, personal communication, March 8, 2017). But those are the only facts students will get in this regard with this volume.

Building on the previous paragraph, one could claim that the Spanish education system tends to tackle gay Spanish authors independently, obscuring all interrelation among homosexual writers. It also chooses to highlight qualities of their work other than its homosexual features, and it does not understand gay literature as a cohesive movement in any period. In addition, it is worth highlighting the fact that the only book to reference to the homosexuality of some important writers is used in the last year of high school, which is arguably too late for students to assimilate gay issues as a significant part of relevant literary works. This is another flaw that should be amended to demonstrate to young people the real impact of homosexuality throughout the history of Spanish literature. And this is a lesson they should learn as early as possible.

#### **4. Final remarks**

The social perception of homosexuality in Spain has significantly improved during the last decades. Civics, education, law, and cultural fields such as literature are good examples of this fact, and according to the information presented throughout this paper, Spanish society could be seen to become more tolerant. However, the current state of affairs, albeit generally positive, presents certain flaws and aspects which need improvement. Spain's curriculum still does not deal with homosexuality, an omission that must be rectified better reflect the national social context and resulting needs. In addition, further political measures – especially pedagogical – should be taken urgently so that an even bigger part of Spanish society may let go of negative associations that impede their acceptance of homosexuality.



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# Coming out in the Classroom. Young People and LGBT in the Netherlands

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*The Netherlands has long pioneered the rights and protections of the LGBT community. As the first country to legalise gay marriage, it has embraced sexual diversity – in orientation and, to a lesser degree, identity – and actively seeks to promote awareness and understanding. However, a closer look reveals that all is not (yet) well. This article explores how Dutch society views the LGBT community and what factors shape the different attitudes we find. It then zooms in on young people and schools, documenting that life quite simply remains harder for LGBT students and that much of the Dutch education policy and curricula on LGBT, as ambitious and well-intended as it may be, falls short where implementation is concerned. Lastly, the article touches on some key priorities going forward, including cultural diversity, cyber bullying and the rise of social conservatism.*

*Key words: homosexuality, LGBT, education policy, curriculum development, rights and protections of LGBT, migration, cyber bullying, social conservatism*

## 1. Introduction

This article explores the attitudes and experiences of young people in the Netherlands on LGBT. It first unpacks the term ‘LGBT’ before outlining an overview of the Dutch legal framework on the rights and protections of the LGBT community. It then moves on to explore attitudes towards homosexuality in Dutch society, unpacking how religion, ethnicity and other remaining factors shape people’s acceptance of the LGBT community. The third section turns to education and outlines how Dutch educational policy seeks to integrate homosexuality across age groups and education streams. Teacher training – or the lack thereof – receives special attention as one of the key areas in which improvement is both needed and possible. The fifth and final section touches on some of the pressing challenges the Dutch education system faces as it seeks to build an inviting and safe space for LGB pupils.

## 2. LGBT

LGBT is an umbrella term that stands for ‘Lesbian, Gay, Bisexual and Transgender’. The acronym is remarkably malleable: in recent years, it has seen a variety of additions to reflect the inclusion of Intersex (I), Queer (Q), Questioning (Q) Asexual (A) and Pansexual (P) people, among others. Consistent use of these extended versions has proved elusive, and the shapeshifting of the term has been criticised for causing confusion. This article will predominantly focus on lesbian, gay, bisexual and transgender people and will therefore employ the term ‘LGBT’. As transgressors are not (yet) included in some of the research and surveys this study touches on, the term ‘LGB’ will be used where appropriate.

Even with such a relatively narrow focus, ‘LGBT’ carries a large load. Lesbian, gay and bisexual are terms that refer to a person’s *sexual orientation* – in other words, the gender they are attracted to. The term transgender refers to someone’s *gender identity*, or how they relate to the sex they were assigned at birth (UN OHCHR, 2015). The latter group is thought to be significantly smaller than the former, but the demographics of sexual orientation remain poorly understood and widely contested. While there are no conclusive figures on how many individuals identify as lesbian, gay, bisexual and transgender, a 2012 study by the Dutch Sociaal Cultureel Planbureau posited that 4% of men and 3% of women identified as homosexual, while 18% of women and 13% of men indicated they were (also) attracted to members of the same sex.

### 3. The legal framework

“Changing laws and changing lives are not always the same thing.”  
(ILGA, 2016)

In 2001, the Netherlands became the first country to legalise same sex marriage, marking an important milestone for the rights of Lesbian, Gay, Bisexual and Transsexual (LGBT) people. Today, the Netherlands has one of the most progressive legal frameworks in the world. Article 1 of the Dutch Constitution prohibits discrimination “on any grounds whatsoever”; discrimination on the grounds of sexual orientation is further prohibited under the *Algemene Wet Gelijke Behandeling* (Equal Treatment Act). In addition to same sex marriage, LGBT people can serve in the military and adopt children, and lesbian couples now have access to IVF treatments. In recent years, the standing of the Netherlands as a pioneer in extending the rights and protections of the LGBT community has diminished somewhat. The 2016 ILGA Rainbow Map – an authoritative comparative assessment of the LGBT legal frameworks – places it joint 6<sup>th</sup> in Europe after Malta, Belgium, the United Kingdom, Denmark, Spain and Portugal (ILGA, 2016).

While the LGBT community in the Netherlands has access to a wide range of legal rights and protections, important gaps have persisted. The ‘single fact’ dismissal rule, which allowed for the dismissal of teachers on grounds of sexual orientation, was only dropped from employment legislation in 2015 (ILGA, 2016). Family reunification is still only possible for spouses or registered couples, excluding people without access to same sex partnerships in their countries. Men who have sex with men are still precluded from donating blood, except if they can confirm they have not been sexually active for 12 months.

These are significant stains on an otherwise progressive record, but the Dutch government appears committed to ironing out these remaining kinks to further the protections and quality of life of the LGBT community. Several ministries, including the Ministry of Education, Culture and Science, are adopting LGBT and gender equality policies and practices: “LGBT and gender equality offers people the opportunity to make the most of their lives and to make choices in freedom and safety. The cabinet therefore advocates LGBT and gender equality: the emancipation of girls and women and the emancipation of lesbian women, gay men, bisexual women and men and transgender people (LGBTs). Everyone has the right to

a life without violence and a right to equal opportunities to participate. Discrimination will therefore be combated and more severely penalised. Equality under the law and the equality of men and women and of homosexuals and heterosexuals should be a matter of course.” (Ministry of Education, Culture and Science, 2011, p. 3)

Such public commitments on the part of government institutions are critical in translating legal protections into tangible results. This cursory overview has illustrated that, while the legal framework should be further developed still, the Netherlands has taken significant strides in extending legal rights and protections to its LGBT community. The following sections will explore how these commitments are borne out in education policy and practice.

#### 4. Public attitudes and acceptance of homosexuality

Where the legal framework strives to embrace homosexuality, public opinion presents a more mixed picture. Social acceptance of LGBT has grown steadily since the 1960s (Keuzenkamp et al, 2006), and in recent years the Netherlands has consistently topped the rankings of opinion polls that explore acceptance of gender equality and sexual diversity. A 2015 eurobarometer poll showed that 96% of respondents in the Netherlands agree that gay, lesbian and bisexual people should have the same rights as heterosexual people. 90% would be comfortable having an LGB person holding the highest political office in the country and 85% would be comfortable working with an LGB person (Eurobarometer, 2015). The European Social Survey further indicated that 78% of Dutch citizens support gay marriage and 65% support the adoption of children by gay couples (Kuyper, 2015b).

The 2015 *Sociaal en Cultureel Planbureau* survey also poked at attitudes towards bisexuals, which can be considered encouraging. Roughly 10% subscribe to the statements that bisexuals ‘have not yet figured out what their sexual orientation is’ and ‘are not capable of having monogamous relationships’. Close to 70% of respondents see no problem in being friends with someone who identifies as bisexual (Kuyper, 2015b). Homosexuality and bisexuality also seem to be reasonably out in the open: six out of seven Dutch people know at least one person who is homosexual; one in three know at least one person who is bisexual (Kuyper, 2015b).

Taken at face value, these figures point to a widespread acceptance of the LGB community in Dutch society. This chimes with the stereotypical perception of the Netherlands as the liberal, left-leaning country that celebrates diversity and hosts one of the largest Gay Pride events in the world. Respondents are more hesitant, however, when questions poke at personal relationships and expressions of intimacy. A large minority find it offensive to see two men (29%) or two women (19%) kissing (Kuyper, 2015a). Acceptance also takes a notable dip when homosexuality becomes a family affair: only 79% are at ease with their son or daughter having a relationship with someone of the same sex (Eurobarometer, 2015). This apparent discrepancy holds true for young people as well. While a majority feels that LGB people should be allowed to get married and live their lives freely, 35% thinks men having sex with men is disgusting. 17% would find it unacceptable for their child to live with a partner of the same sex (Kuyper, 2015a).

It would seem, then, that the widely held belief that people should be free to pursue their own desires does not translate quite so readily into an acceptance of homosexuality in one's own community or family. Naturally, this has important consequences for the LGBT community – especially for young people in need of the unwavering support of those close to them.

#### **4.1 Religion**

In exploring the sources of this 'uneasiness', three contributing factors stand out. The first of these is religion. Research confirms strong links between a person's religion and his or her attitudes towards homosexuality. While one should be mindful of discernible differences between religious groups, a general rule of thumb appears to be that the more strongly a person identifies as religious, the less accepting they are of homosexuality (Huijnk, 2014). More than four out of five people who frequent churches cite that sexual relations between homosexual men are 'disgusting'. (Huijnk, 2014). While catholic communities have made significant strides in the past two decades and have (tentatively) warmed to greater acceptance of homosexuality, protestants – Evangelical protestants especially – have been more hesitant to follow suit. Least accepting are those who identify as Muslim. Homosexuality is rejected on religious grounds by most Islamic religious leaders, pointing to texts of the Koran and statements by the prophet Mohammed (Huijnk, 2014). A majority of Dutch Muslims do not approve of homosexuality and three quarters disapprove of their child having a partner of the same sex. Research indicates that acceptance of homosexuality is a persistent problem among these groups, with little signs of progress to date. The views of second generation migrants differ little from those of their parents (Huijnk, 2014) – a worrying trend that calls for urgent action on the part of policy-makers.

#### **4.2 Ethnicity**

A second and closely connected factor is ethnicity. Ethnicity and religion are closely connected and quite difficult to disentangle. Getting a grasp on the role of ethnicity as a stand-alone factor is further complicated by a lack of data (Huijnk, 2014). Despite these limitations, a partial picture can be sketched. Roughly 12% of the Dutch population is of non-Western descent, with Suriname, the Dutch Antilles, Morocco and Turkey accounting for two thirds of this groups (Huijnk, 2014). Their views on homosexuality diverge: while a large majority of the Suriname and Antillian groups indicate that LGB people should be able to live their lives as they choose, acceptance among Moroccan and Turkish Dutch is considerably more limited, with more than half explicitly rejecting homosexuality (Huijnk, 2014). Acceptance is reasonably high among smaller migrant groups: about two thirds of Chinese, Afghani, Iraqi and Somalian Dutch feel homosexual people should be able to live life as they choose to. Three quarters of Polish Dutch respond positively (remarkably so, considering the notably lower acceptance levels in Poland). Iranian Dutch top the tables with an 82% acceptance rate. In conclusion, Huijnk posits that "religion and ethnicity, while closely connected, play their separate parts. Acceptance of homosexuality is larger among Surinam Muslims than

Turkish Muslims. For all ethnic groups, we see that acceptance of homosexuality is most limited among Muslims.” (Huijnk, 2014, pp. 70)

### 4.3 Remaining factors

Several other factors can play a role in defining a person’s (lack of) acceptance of homosexuality. Studies confirm that attitudes towards LGB people differ strongly between social-demographic groups, with higher educated individuals generally adopting more positive attitudes towards homosexuality (Kuyper, 2015a). Women and people under 70 also tend to be more accepting. (Kuyper, 2015b.). While these elements play a part, they do not appear to be as influential or decisive as either religion or ethnicity.

In conclusion, attitudes towards homosexuality are shaped by a myriad of factors. Overall, girls, young people from ethnically Dutch and Western backgrounds, (highly) educated people and non-religious people are more positive towards homosexuality (Kuyper, 2015a). Unsurprisingly, negative attitudes towards homosexuality tend to co-exist with more traditionally held notions on gender as well as a negative attitude towards freedom of opinion and migration (Kuyper, 2015a). This leaves a large and growing group of (young) people with negative attitudes towards homosexuality.

### 4.4 Young people & LGBT

Ambivalent attitudes towards sexual diversity and homosexuality in the Netherlands are prevalent in schools as well. While 91% of young people between the ages of 12 and 25 claim that gay people should be able to live their lives as they choose to (Kuyper, 2015a), almost half of secondary school pupils do not want to see two men kissing and only a third think it is okay to have a homosexual teacher (Mooij & Witvliet, 2012). A meagre 11% feel that LGBT pupils can freely tell everyone at their school about their sexual orientation and/or identity (Kuyper, 2015a). ‘Homo’ remains a popular term for name calling (Bucx, F. & van der Sman, F., 2014).

Muslim pupils are particularly negative towards homosexuality (Huijnk, 2014): only 28% of Turkish and 36% of Moroccan pupils would accept a homosexual or lesbian friend, compared to over two thirds of Western migrants and three quarters of Dutch pupils (Huijnk, 2014). A third of Turkish and Moroccan pupils would not want a homosexual teacher, and over three quarters find it disgusting to see two boys kiss (Huijnk, 2014).

Unsurprisingly, this has an enormous impact on young LGBT pupils. Research indicates that they are more likely than their heterosexual peers to skip school, exhibit violent behaviour and take drugs. They feel less safe than their peers, are more likely to be bullied, and generally enjoy school less than their peers. A frequently cited and particularly worrying statistic is that they are five times more likely to attempt suicide (Keuzenkamp, 2010).

It must be stressed that the negative attitudes of some pupils, and the negative experiences of many LGBT pupils, should not be exclusively attributed to actions or inactions on the part of schools. A child’s home environment and community play critical roles. However, it should be recognised that schools today fail to offer a sufficiently safe space for LGBT

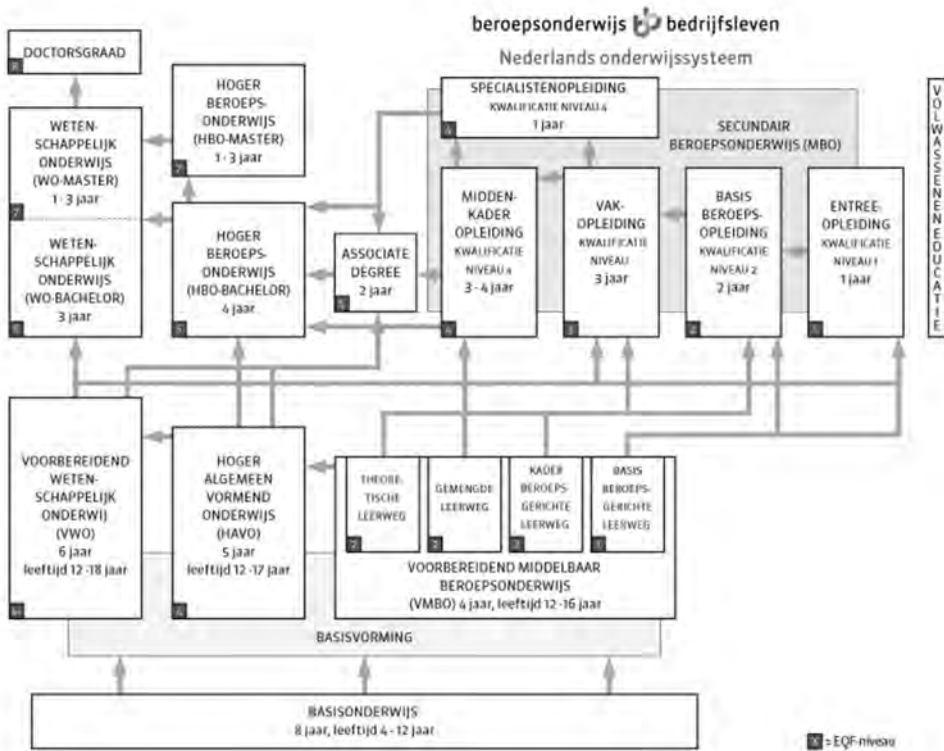


Figure 1 Educational system of the Netherlands

Source: *beroepsonderwijs bedrijfsleven*: <https://www.s-bb.nl/studenten/diplomawaardering-en-onderwijsvergelijking/het-nederlandse-onderwijssysteem>.

pupils. To strengthen the acceptance of homosexuality and ensure the continued protection and quality of life of the LGBT community, including the youngest ones, sexual diversity in all its aspects should be addressed more seriously and more consistently. The next section will explore how the Dutch government has tailored its educational policy to build safer school and learning environments.

## 5. LGBT in school: Education and teacher training in the Netherlands

### 5.1 The Dutch Education System

Education is compulsory for all children until the age of eighteen. Secondary school starts at age 12 and is offered at three levels: a vocational stream (*Voorbereidend Middelbaar Beroepsonderwijs* or *VMBO*), and a 'general' (*Hoger Algemeen Vormend Onderwijs* or *HAVO*) and 'preparatory' (*Voorbereidend Wetenschappelijk Onderwijs* or *VWO*) stream, both of which give access to higher education.

Students are assessed through a set of national examinations. Curriculum development is in the hands of the Ministry of Education, Culture and Science, which sets 'core targets':



knowledge, attitudes and skills each student should master by the end of a particular grade. Schools are required to integrate these core targets in their programmes, but they are free to do this as they see fit.

In 2012, the Dutch government added ‘sexuality’ and ‘sexual diversity’ to the core targets. They now require schools to address “*respectfully dealing with sexuality and diversity in society, including sexual diversity*” (Bron, J., Loenen, S., Haverkamp, M. & van Vliet, E., 2015, p. 7). In motivating this addition, the Ministry stated that “the attention paid to sexuality and sexual diversity in education is of great importance to the sexual resilience and sexual health of students, to a safe school environment, and to tolerance and respect for homosexuality, bisexuality and gender identity.” (Bron, J., 2015, p. 7, *own translation*). For secondary schools, the core target is added to the part of the curriculum that deals with ‘people and society’, lending a social rather than individual focus to the target.

## 5.2 Implementing LGBT teachings: a missed start?

Recent findings indicate that implementation of these new guidelines still leaves much to be desired. In April 2016, the news programme *EenVandaag* showed that sexual diversity and acceptance of homosexuality was part of the curriculum for only a quarter of secondary school pupils. Four in ten students (38%) stated the topic had never been addressed, with a further four in ten (38%) indicating that teachers had only briefly touched on it (COC Midden Gelderland, 2016).

Several organisations pointed to the absence of LGBT in most teacher training programmes as a critical factor in schools’ failure to deliver on the adopted LGBT curriculum. It is not mandatory for training institutes to include LGBT issues in their programmes, leaving (future) teachers insufficiently prepared to deliver on the new core targets. It also leaves them feeling ill-equipped to deal with these issues when they arise in their classrooms (Bucx & van der Sman, 2014). To rectify this, the COC continues to call for mandatory inclusion of LGBT in Dutch teacher training programmes (Junes, 2016). Peter Dankmeijer, director of EduDivers, notes that sweeping changes are unlikely, as the Ministry has limited authority in setting the curriculum for higher education institutions (Edudivers, 2016). He warns the road ahead is difficult and, at best, long: “Something needs to happen so that teacher training programmes are pushed even harder to include diversity and sexual diversity in their curriculum. But even if that were to happen, pupils would not benefit for another five years at least. And that’s if the teacher training programmes get it right the first time. We must work on this, but it really calls for a long-term strategy.” (EduDivers, 2016)

It is regrettable that the core targets have not yet taken off as envisaged. The Dutch government has a role to play in supporting schools and teachers to deliver on this critical curriculum. Teacher training plays a key part, as does the continued development of teaching materials. Schools, however, need not sit back and wait. There exists a wealth of resources on LGBT tailored to schools, teachers and pupils. The Dutch COC, through its support for the Gay-Straight Alliance for schools, offers guest lectures; the *Nationaal Expertisecentrum Leerplanbegeleiding* offers excellent lesson plans that integrate the core targets on homosexuality.

Awareness raising works. A ‘Social Safety LGBT Pupils in School’ pilot by the Ministry of Education, Culture and Science had schools undertake a range of LGBT-responsive measures, including teacher training, integration of LGBT in lesson plans and the engagement of parents. Guest lectures were a notable success: for many pupils, simply meeting a homosexual man or lesbian woman was a new experience, and they appreciated that their looks and behaviour did not match the stereotype (Bucx & van der Sman, 2014). The pilot returned promising results: pupils were more accepting of LGBT and felt safer in the classroom (Bucx & van der Sman, 2014). The effects were small, but notable – and surely worth seeking to replicate on a larger scale.

## 6. Future challenges

The Netherlands unreservedly turns to its schools to bring up citizens that understand, appreciate and espouse the principles enshrined in Dutch law and the values held high in Dutch society. Schools are not viewed as vehicles for knowledge transfer only; they are actively employed to instil in all pupils a philosophy of openness and respect for those around them. This is illustrated by the core target on sexual diversity, which calls for “students to learn about similarities, differences and changes in culture and philosophy of life in the Netherlands, to learn how to connect these to their own lifestyle, to learn the meaning of respect for each other’s views and lifestyles for society, and to learn how to respectfully deal with sexuality and diversity in society, including sexual diversity.” (Bron, J. et al., p. 39, *own translation*).

Dutch education policy and Dutch law on human rights and protections go hand in hand. Values and principles are not taken for granted; rather, rights and protections are actively promoted by ensuring that young Dutch citizens grow up learning about them and – it is hoped – respecting them. To do so effectively, educational policy must be constantly tweaked to meet the changing needs of its target audience. The section below identifies two of the key challenges it will encounter in the next decade.

The first of these, perhaps counter-intuitively, is diversity. The demographic make-up of the Netherlands is reflected in Dutch classrooms, which today are a mix of different religions, ethnicities and nationalities. This is proving challenging where homosexuality is concerned. As detailed above, tolerance – let alone acceptance – of homosexuality is very low among pupils from an Islamic background. Over a third of them prefer not to be taught by a homosexual teacher, and more than two thirds find it disgusting for two boys to kiss. (*Homoacceptatie van etn*, p12). Beyond the school gates, migrants are overrepresented among perpetrators of anti-homosexual crimes (*Homo-acceptatie*, p. 17), and where a longer stay in the Netherlands positively impacts the acceptance of homosexuality among Antillean and Surinamese migrants, this is not the case for Moroccan and Turkish groups (*Homoacceptatie van etn*, p. 83). As with any group, we must be exceedingly careful not to stereotype or generalise. However, it is clear that these dynamics present a significant challenge to schools and teachers looking to build open and welcoming environments for LGBT students. Therefore, every effort must be made to engage all communities, parents and pupils in conversations on homosexuality – both within and outside of the classroom.

A second issue is the rise in cyber bullying. While it is hardly a new phenomenon, and despite increased awareness and action on the parts of educators and parents, cyber bullying is proving difficult to tackle. Gay and bisexual students are more likely than others to be at the receiving end. Cyber bullying places victims in a seemingly limitless vortex of abuse – it does not stop when the school bell rings. To escape means to opt for a complete digital detox, but that is a drastic step for today's pupils – and one that is likely to leave them feeling ever more isolated. Several initiatives have been launched to better equip pupils, parents and teachers dealing with cyber bullying. This year's 'anti-bullying week' focuses on cyber bullying (Gay and School), and a whole host of initiatives to raise awareness and provide information are taking shape (Pesten Links). But isolated initiatives, however successful, will not offer solutions of the scale and scope required to buck this trend. Here, too, policy-makers must take the lead to provide strong and effective tools available to all schools and teachers.

A third and broader challenge is the rise of social conservatism. While the recent elections returned a positive result for those who champion the Netherlands' longstanding tradition as a bastion of liberal and progressive values, Dutch acceptance of diversity – in all its forms – appears slightly more fragile than it was. This is a global trend; populist tendencies and a shrinking civic space are apparent throughout the Western world. Parents, teachers and pupils are now exposed to populist diatribes on a daily basis, with ever more attention for those who despise what was once considered 'politically correct'. This may be yet another storm in a teacup, but Dutch policy-makers would do well not to ignore the growing appetite for right-wing ideals.

## **7. Conclusion**

This article has highlighted the need for action on safe school environments and tolerance and respect for homosexuality and bisexuality in the Netherlands. Despite the proclaimed protection and embrace of LGBT in education, practice leaves much to be desired. Implementation of the curriculum continues to lag behind. Greater enforcement is urgently called for, and teachers must be trained to deal with LGBT issues, which ideally will become part and parcel of the teacher training curriculum. Teachers should also have access to further trainings and support systems in dealing with these issues.

To be truly effective, the LGBT curriculum must be embraced not only in the classroom but also outside – in the hallways, in the playground, and at the school gates. Providing a safe space for LGBT pupils calls for more than lesson plans: schools should raise awareness, adopt a zero tolerance policy on bullying, welcome openly LGBT teachers, and appoint a focal point for pupils with questions on sexual health and sexual diversity. Schools must equip and encourage their teachers to have the LGBT conversation and bring understanding and acceptance of homosexuality into the classroom – however uncomfortable it may be. In short, schools must practice what they preach.

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# Being Different is not Easy in Turkey

Nesrin Oruç Ertürk, Berna Güray

*Each community, shaped by its own values and beliefs, views the world differently. The values that we develop contribute to our sense of who we are. Our values can therefore be understood as the principles, standards or qualities that we inherit from the community we live in and in which we were raised. These values guide the way we live our lives and the decisions we make; even how we react to events and ideas around us. A country's attitude towards a concept like homosexuality is a good example of these values. Turkish people, shaped by thousands of years of history, religion, geography and so on, share common interpretations of homosexuality. This paper is an attempt to present the historical background of homosexuality in Turkey and to focus on its place in education and in the educational system (curricula, educational programs and so on) today.*

*Key words: homosexuality, attitudes, education policy, sex education*

## 1. Introduction

It is not unusual in Turkey to read headlines such as “Activists protest Turkish minister for saying homosexuality is a disease” or “Turkish police use water cannons, tear gas to clear gay pride rally”. Reading those headlines, one would assume that homosexuality is forbidden or criminal in Turkey, but it is not. However, it is a fact that homosexuals lack legal protections and face stigmatization in this Muslim nation. Even though some activists and gay rights groups have been calling on the government to amend the criminal code to state clearly that discrimination on basis of sexual orientation or gender identity is a crime, society is not ready to accept this. Turkey's government has implemented broad reforms in its bid to join the European Union but remains heavily influenced by conservative and religious values (Kumova, 2010).

This paper will first offer an overview of the concept of homosexuality in Turkey's history and will continue with the studies conducted on this topic. It will conclude with an exploration of homosexuality in education.

### 1.1 A historical analysis

Fishman (2013), in his in-depth historical analysis of the situation in Turkey, goes back to the Ottoman Empire and tackles the concept of homosexuality in relation to human rights. He argues that during the Tanzimat period (1839–76) – an era when the Empire was opening up to the West-Europe's conservative values led to a stigmatization of homosexuality. Following the first World War, after the fall of the Ottoman Empire and the establishment of the modern Turkish state, European intervention did not cease and Turkey was required to ensure the protection of its non-Muslim communities, as spelled out in the Treaty of Lausanne in 1923.

After the Second World War, Turkey joined the new world order and signed the United Nations' Universal Declaration of Human Rights in 1945. Less than a decade later, Ankara signed the European Convention on Human Rights and Fundamental Freedoms.

While this paper does not aim to cover the entire history of human rights in Turkey, it is important to mention that until the 1980s in particular, human rights violations were committed. It was only in the 1980s, following the feminist movement's emergence in the 1970s, that human rights organizations adopted the slogan "women's rights are human rights," eventually culminating in the recognition in 1993 that systematic rape is a war crime. Yet, according to, İlaslaner (2014) the most significant political act in the history of the Turkish Republic with regard to the politicization of the queer identity was the establishment of the Radical Democrat Green Party under the leadership of Ibrahim Eren after the 1980 military intervention. They may not have achieved a lot for the acceptance of homosexuality in Turkey, but considering the time the party was established – after the military intervention – this can be considered as a bold act.

## **2. Attitudes towards homosexuality in Turkey**

Studies of homosexuality can broadly be categorised under three main headings: a) the causes or factors underlying homosexuality, b) the social, psychological and clinical problems of homosexuals, and c) general attitudes of society to homosexuals, along with reflections on how to turn negative attitudes into positive ones (Sakallı-Uğurlu, 2006). Sakallı-Uğurlu (2006) reviewed all empirical studies conducted in Turkey on attitudes towards homosexuals and various social and psychological variables, and concluded that psychological problems of homosexuals and the life of homosexual men are the most commonly covered topics.

Different researchers have studied the perception of homosexuality and the attitudes of different groups of people in different contexts. A recent study conducted by Okutan & Büyükşahin-Sunal (2011) explored attitudes towards homosexuality. The authors state that homosexual individuals are amongst the groups most likely to experience prejudice and discrimination. The main purpose of their study was to compare the attitudes of men and women with different attachment styles towards homosexuality, sexism and gender stereotypes. A further purpose of the study was to examine predictive values of variables on attitudes towards homosexuality. 384 individuals who identified as heterosexual and who were currently in a romantic relationship were asked to fill in four different scales. The results indicate that men had higher scores on negative attitudes toward homosexuals, hostile sexism and gender stereotypes about romantic relationships than women. However, women scored higher on benevolent sexism than men. Results also indicated that individuals with fearful and dismissive attachment styles had higher scores on negative attitudes towards homosexuals, sexism and attitudes toward gender stereotypes. Finally, secure participants noted the lowest scores, whereas sexism and stereotypes about romantic relationships were the best predictors of sexual prejudice. This study demonstrates that attachment styles have a significant impact on attitudes towards homosexuals, sexism and stereotypes regarding romantic relationships. The group rated most positive towards homosexuals were individuals who felt securely attached.

Defining homosexuality as a romantic or sexual attraction and/or sexual behaviour between people of the same sex, Sargin & Cırcır (2015) state that various controversial methods were used to treat it in the past. In their study, Sargin & Cırcır (2015) tried to determine the



attitudes of prospective teachers towards homosexuality. The aim of the study was to investigate whether the attitudes of the participants vary according to gender, age and the field they are majoring in. They study groups comprised 488 students who were studying at an education faculty in Konya in the academic year 2011–2012, with a total of 319 female and 169 male participants. The Attitudes towards Lesbians and Gay Men Scale (ATLG) and Personal Information Form were used as data gathering instruments. With regards to the gender variable, men were found to have more negative attitudes towards homosexuality than women. As for the findings related to the age variable, the 21–22 year old participants were found to have more positive attitudes towards homosexuals than other age groups. With regard to their chosen areas of study, students with equal-weighted fields such as law, business, economy and psychology had more positive results towards homosexuality.

In a similar context, Gürşimşek (2009) investigated the relationship between sex education and teacher training students' attitudes towards sexuality and homosexuality. The sample included students that had and had not attended the sex education course during the 2006–2007 academic year at an education faculty in Izmir, a city in the western region of Turkey. The Sexual Attitude Scale (SAS) and Homosexuality Attitude Scale (HAS) were used to gather data at pre and post-test conditions. Results demonstrate that sex education has a positive effect on participants' attitudes towards sexuality, but not on their attitude towards homosexuality.

Gürşimşek (2009) states that, although at the beginning of the course it was hard for participants with a more traditional background to accept different lifestyles and worldviews, examining and discussing these topics during the course, and observing different models, helped some participants express their views and attitudes with more freedom. In this sense, the notion of the “importance of accepting a diversity of lifestyles within society as long as such lifestyles do not involve harm to others” (DfEE, 2000) should be at the core of the value base of sex education. A more positive approach emphasizing capacities or virtues such as empathy, the ability to view the other's perspective, concern for the other and self-reflection must be taught. Sex education should help students on teacher training programmes reflect critically on the sexual values, attitudes and understandings that they have already accrued in their everyday life, so that they can mature in knowledge, skills, beliefs and attitudes relating to sexuality in all its diversity.

Another group of teacher candidates whose attitudes were investigated were prospective Physical Education teachers. This study explored male and female physical education majors (149 men, 97 women) attitudes toward lesbians and gays in Turkey. The short form of the Attitudes toward Lesbians and Gay Men Scale was used to assess attitudes toward lesbians and gay men in relation to the education majors' sex, year of schooling, and whether or not he/she had a lesbian/gay friend or acquaintance. Saraç (2012) states that female students had more positive attitudes toward gay men compared with males, and male and female students' attitudes toward lesbians were similar. Furthermore, no significant differences were found among the different cohort years in terms of attitudes toward lesbians and gay men. Results also revealed that students who had lesbian/gay friends or acquaintances held more positive attitudes toward gay men than those who did not. However, their attitudes were similar toward lesbians.

In a very similar study, Saraça & McCullick (2017) – although aware of the fact that in Turkey, as a predominantly Muslim country, traditional gender roles are still maintained – explored attitudes towards homosexuality in the sporting world, where homosexuality is a taboo subject and where the existence of homosexuals and homosexuality is rejected and ignored. Using a single case study, their study aimed to contribute to fill the gap in the understudied subject of homosexuality in physical education (PE) and sports literature through investigating the experiences of a gay male Turkish PE and sports major. The respondent was aged 25 and a fourth-year undergraduate student at the time. Purposive sampling was used to select the respondent based on his willingness to participate in the study and a semi-structured interview allowed for data to be collected regarding being gay in Turkey, and in particular in the PE and sports environment.

The four major themes derived from the analysed interview data were (1) conflicting feelings about coming out of the closet, (2) life in the Turkish community, (3) life in a PE and sports department and (4) perceived roots of homophobia. The findings indicated that the respondent's disclosure of his sexual orientation to friends resulted in positive reactions; however, he still hesitates to acknowledge his homosexuality publicly. Traditional gender roles, misconceptions about homosexuality and homosexuals and religion were perceived as the most influential factors for homophobic attitudes and behaviour in Turkish society. His experiences in Turkey's world of PE and sports were rife with homophobia.

In a previous study, Sakallı (2002) examined the relationship between sexism (defined as having traditional and conservative values) and contact with homosexual individuals in a college environment. Two hundred and seven male and female students from the Middle East Technical University completed Hudson and Rickett's Homophobia scale and Glick and Fiske's Ambivalent Sexism Inventory, which asks respondents about: (1) their sexual preferences, (2) whether they would describe themselves as traditional and conservative, and (3) whether they know a homosexual or not. This study demonstrated that people with sexist attitudes also have a negative attitude toward homosexuality. Thus, it was not surprising to see that sexist Turkish individuals were more likely to have prejudiced attitudes toward homosexuality because they strongly supported traditional gender roles, perceiving women as inferior and as necessary for men to be "complete." They believed that proper emotional and sexual relationships could only exist between males and females.

Consistent with earlier findings, the study found that people who define themselves as traditional and conservative are more likely to have negative attitudes toward homosexuality. Being a male-dominated culture, many Turkish people accept traditional gender roles and strict norms about the relationship between men and women. Given their attitudes as measured by the Hudson and Ricketts Homophobia scale, more traditional conservative and sexist participants seemed to believe that homosexuality does not have a place in Turkish society. These individuals were likely to judge individual homosexuals highly negatively because of their "improper" sexual relationships. Traditional and conservative men held the most negative attitudes toward homosexuality. Traditional men were less accepting of homosexuality than traditional women. Relevant to this, the findings showed that men, in general, were less accepting of homosexuality than women.

In a male-dominated country, Turkish male participants might easily call to mind an im-

age of male homosexuals while reading the items about homosexuality, and therefore be more negative about homosexuality. News in the mass media about homosexuality and knowledge about famous homosexual singers and writers – almost all of whom are male – might foster the idea that men have more of a tendency to be homosexual than women.

In addition, many Turkish news reports on transsexuals and transvestites may create a mistaken impression that there are no differences between homosexuals, transvestites, and transsexuals. Thus, Turkish people might not distinguish between homosexuals, transvestites, and transsexuals – who are seen as male – reinforcing the idea that only men become homosexuals. These might be good topics to research in the future: how Turkish people define “homosexuality and homosexuals,” whether they know the differences between homosexuals, transvestites, and transsexuals, whether they think of men or women when asked to indicate their beliefs, feelings and ideas about homosexuality, and how these perceptions influence their attitudes toward homosexuality.

Believing that it is very important for counsellor candidates to be trained in sexual orientation issues in their bachelor programme, Kağnıcı (2015) conducted a different study with counselling students. In this study, the film “My Child”, focusing on experiences of individuals with sexual orientations different from their parents’ point of view, was showed to guidance and counselling students. Students’ reactions to the film were then investigated. The participants of the study were 56 third year counselling students attending a ‘Close Relationships’ course in a large university in western Turkey. Of the 56 students, 46 were female and 10 were male. Content analysis results focused on six main themes; a) awareness, b) empathy, c) knowledge, d) gain, e) query and f) advocacy. The study found that students were impacted by the film, which provided an opportunity to question sexuality, brought awareness and empathy about various issues, provided information about sexual orientation and brought sensitivity regarding social justice and advocacy in counselling.

The film helped students reflect on their emotional reactions and empathize with a more diverse group of individuals. One important finding was that counselling students were made aware of their personal biases regarding sexual orientation. Through counselling education, students are trained to confront their biases, learn concepts as empathy, unconditional positive regard and related competencies. In the present study, using film as an experiential tool was found effective in revealing students’ biases. Lastly, since social justice and advocacy are important roles of counsellors in this century, issues related to these concepts should be studied in guidance and counselling undergraduate programs.

### **3. Homosexuality in the Turkish education system**

One of the most significant goals of education should be to design a sex education program that takes account of different socialization processes for boys and girls, and to help teacher candidates understand their effect on students’ view on sexual orientation and discrimination (Gürşimşek, 2009). Awareness and educational campaigns are contingent upon social support for attitude and behavioural change towards homosexuals; however, ignorance, fear of taking an unpopular stand, and anti-homosexual prejudice prevent officials in many institutions from creating a safe and supportive environment for homosexuals, which in the

end creates institutionalized homophobia (Burn, 2000). In the educational environment of Turkey, homosexuality is often still regarded as a taboo subject, and sex education has not been included in the formal education curriculum. Sexuality is considered a veiled subject and relevant education is limited; Turkey therefore lacks permanent, prevalent and formal sex education merged into the education system (Esen, 2016). Comprehensive sexual health education has the potential to offer basic sexual knowledge, to promote responsible behaviour, to reduce risky sexual behaviours, to delay sexual intercourse, and to increase self esteem and decision making skills (Esen, 2016, p. 266). Since young people are deprived of reliable and sufficient sexual information both in their families and at school, they may experience various difficulties and face physical and psychological problems. It is evident that LGBT individuals will experience similar difficulties, and in all likelihood on a larger scale, since homosexuality is still a taboo in Turkish society.

Sex education in Turkey is restricted to the lessons given by some associations and the elective course offered by in psychological counselling, guidance and pre-school departments of education faculties. Civil public associations and their projects with the National Ministry of Education have also attempted to compensate for the lack of sex education in the formal education system.

The history of sex education in Turkey can be summarized as follows:

- 1957–1961 Sex education subjects were added to the curriculum of biology and psychology lessons in some schools. While this was an important starting point, sex education subjects in these lessons are not very comprehensive (Öztürk, 2013).
- 1984 A ‘Health Education Book’ was prepared and reproductive organs, growing up and physical development were started to be studied in high schools (Öztürk, 2013).
- 1992 Sex education subjects were included in the curriculum of the 6th, 7th and 8th grades (primary school). In 6th grade “body, reproductive organs, health of reproductive system, physical and psychological changes in adolescence”; in 7th grade “fertilization, embryo, placenta” and in 8<sup>th</sup> grade “reproduction and development” subjects were taught in different lessons (CETAD, 2000).
- 1993 A project named “Change, First Step to Being a Young Woman” was initiated by the Ministry of Education and volunteer associations. In six months more than two million girls were educated on puberty. At the end of this project a book was published as a collection of answers to participants’ questions (Esen, 2015; Esen, 2016).
- 1997 “Supporting the Health Education of Young People” Project of Ministry of Health, Ministry of Education, United Nations Population Fund (UNFPA), and Human Resource Development Foundation (IKGV), which aimed to prepare candidate teachers in educational faculties for sexuality education, began in Turkey. Teacher educators have been trained for the education program, elective courses have been placed in the curriculum with the consent of High Education Board (YÖK) and Senates of universities and these courses have begun to be taught by trained staff since 2000–2001 academic year (IKGV, 2006). The main idea of this project was that these prospective teachers will teach sex education to their students in the future (Esen, 2016). Within the scope of this project, physical and emotional development, sexuality and public issues, different sexual behaviours, attitudes

towards sexuality, precautions, sexually transmitted diseases, HIV and AIDS topics were discussed (İKGV, 2006; Esen, 2016). The aim of the project was not only to provide sex education but also to prepare materials related to sexual health education (İKGV, 2006). The program has continued building on the observations and results of research carried out by the universities (Gürşimşek, 2009). This has been the only formal forray into sex education in Turkey.

- 2000 ERDEP “Puberty Change Project” which is a result of the analysis of the “Change, First Step to Being a Woman” Project. ERDEP offered sex education for boys and girls in separate classes tackling puberty, sexual identity development, and sexually transmitted diseases. Within the scope of this Project seminars were conducted in various cities and sex education booklets, which were prepared for this Project, were distributed to students and teachers (Esen, 2015; Esen, 2016).
- The Ministry of Health initiated a project to meet the sex education needs of young people. Within the scope of this project a “National Strategic Action Plan” was developed and implemented between 2005 and 2015 to address young people’s sexual health problems. The Ministry of Health’s Youth Consultancy and Health Centers offer advice to young people on sexual development and safe sex issues (Esen, 2016).

As seen above, sexual health education subjects are incorporated in different primary and secondary school lessons in Turkey. They aim to offer some information on sexuality rather than to help develop a healthy approach to sexuality. Moreover, the teachers responsible for giving these lessons may lack up-to-date information and may share incorrect or incomplete information (Zorlu, 2011). In this educational environment, little or no room exists for homosexuality. The elective sex education course in some education departments is not an exception in this sense. Siyez (2017) states that the curriculum of these lessons is generally determined by the instructor of the lessons; as such, it is flexible. In some Psychological Counselling and Guidance Departments, homosexuality is discussed in the first weeks of the course under the title of sexual orientation and sexual preferences. How to offer psychological counselling and guidance to LGBT students is the subject for two weeks of the sex education course (Siyez, 2017). As mentioned above, Siyez adds that Psychological Counselling and Guidance Department students watch the “My Child” film and discuss their views and attitudes towards homosexuality before and after watching the movie. According to Siyez (2017) it is important to increase students’ awareness of homosexuality in order to change homophobic attitudes.

Students have limited knowledge of sexual health education; however, they have positive attitudes towards sex education (Siyez, 2009; Gürsoy & Gençalp, 2010, Kumcağız, et.al., 2013). The sex education coursebook used for some of the sex education courses acknowledges that one of the elements of sexual identity is sexual orientation (IKGV, 2006). The book defines the differences between heterosexuals, homosexuals and bisexuals and briefly mentions that it is generally publicly accepted to be heterosexual. It is added that the attitudes towards homosexuals are culture-dependant and that homosexuals should not be discriminated against because of their sexual orientation. (IKGV, 2006).

All in all, as Gürşimşek (2009) suggests designing a sex education program that takes

into consideration the different socialization processes of boys and girls, and that helps teacher candidates understand their effect on students' views on sexual orientation and discrimination. Furthermore, sex education in Turkey should be much more prevalent and comprehensive, and homosexuality should be added to the curriculum. This will hopefully lessen the prejudice, fear and even hatred towards homosexuals and will create a much more positive atmosphere that welcomes diversity.

#### 4. Conclusion

When talking about the history of the LGBT movement, İlaslaner (2014) states that not much has changed since the first usage of the term "homosexuality" in Germany in 1896. All around the world these communities have been subjected to systematic pressure from governments and the societies in which they exist. To him, "this picture has not changed today; politicians, and public figures, conservative groups still play on the social morality, family ethics and psychological and biological diagnosis of homosexuality worked to marginalize people with such an identity". Therefore, it is not unusual that homosexual individuals in Turkey are facing exclusion and verbal and physical aggression, or that they are pressured into hiding their sexual orientation even from family members and close friends.

The use of technology and the spread of popular media and the internet has helped associations and solidarity groups in recent years, and ideas now reach across borders as part of a global social movement. However, it is still a fact that, owing to this country's formal historical, social, political and economic ideology and context, living as a homosexual individual in Turkey is not easy. To address this, researchers in Turkey must continue to explore attitudes, prejudice and discrimination against homosexuality. Specifically, psychological analysis of the needs, feelings and reactions of heterosexuals towards homosexuality would be valuable in building a more accepting and open society.

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# Born this Way: Challenging and Addressing Educational Inequity for LGBTI Pupils in the United Kingdom

Fiona Shelton

Kookaburra sits on the old gum tree,  
Merry, merry king of the bush is he.  
Laugh, Kookaburra, laugh, Kookaburra,  
Gay your life must be!

*In 2010, an Australian head teacher removed the word gay from the popular, traditional children's song 'Kookaburra sits on the old gum tree' and replaced it with the word "fun" to stop the children in the classroom from giggling. It is time to challenge heteronormativity in our schools and society. Recent research demonstrates that young people feel more comfortable talking about their sexuality but that teachers can compound the learning environment by their tendency to heteronormativity. Stonewall's 2014 Teacher Report found 86% of secondary school teachers and 45% of primary school teachers still report that pupils in school experience homophobic bullying, and the majority felt they had not received sufficient training on LGBTI issues (Stonewall, 2014). In order to combat heteronormativity and to act openly and without ambiguity in schools, Kumashiro (2009) encourages teaching 'queerly'. This means to understand curriculum as a gender text (Pinar, Reynolds, Slattery and Taubman, 1995) and, by being 'queer', have educators question normative ideals about genders and sexualities. By doing so, they normalise other ways of being (Sedgwick, 1991, 2003, 2013), challenging binary logic. Kumashiro (2009) proposes that teaching 'queerly' aims to address our own unchecked assumptions, to be aware that by our actions we can reinforce inclusive practices by not complying with silencing and instead create empowering spaces to challenge such behaviours.*

*Key words: LGBT, teaching queerly, homosexuality, educational policy, law*

## 1. Homosexuality in the UK

### 1.1 All you can do is step back in time (Kylie Minogue, 1991)

In the United Kingdom I think we like to see ourselves as a democratic, open minded nation. Of course there are those with extreme views to whom this would not apply, and recent events demonstrate these views – but they are extreme. I think it is fair to say that attitudes have softened over time and that we are a liberal thinking nation. We enjoy the right to freedom of speech, we have democratically voted for same sex couples to marry, and homosexuality is not illegal ... anymore. We have undertaken a number of significant journeys over the last 50 years which may help us to recognise and understand how we have formed different social attitudes to homosexuality. Before the Sexual Offences Act of 1967, however, male homosexuality had been illegal.

## 1.2 Take a walk on the wild side (Lou Reed, 1972)

The Sexual Offences Act of 1967 decriminalised homosexual acts between two men over 21 years of age “in private” in England and Wales. Despite this, stigma and prejudice against gay men and lesbians remained widespread over subsequent years, preventing many from openly expressing their sexuality. When “Take a Walk on the Wild Side” paraded into the charts in 1972, homosexuality was still classed as a mental illness by the American Psychiatric Association (O’Connor, 2017). In a news article O’Connor (2017) describes how Lou Reed said that he was forced to undergo electro-convulsive therapy as a teenager in a bid to “cure” his sexual attraction to other men. In England, in 1972, same-sex kissing in public was illegal and homosexuality was viewed as an *illness*. Lesbian mothers had their children placed in care, and the police arrested thousands of men for consenting gay behaviour (Tatchell, 2009, online). Hence in July 1972, the first UK Gay Pride Rally was held in London with 1,000 people marching from Trafalgar Square to Hyde Park to campaign for their rights. In 1982, the Sexual Offences Act decriminalised homosexual acts between two men over 21 years of age “in private” in Scotland.

I stated earlier that our attitudes have changed and softened over time. In 1983, the first British Social Attitudes survey was launched, asking people what they thought of “sexual relations between adults of the same sex” (British Social Attitudes Survey, 1983). One in every two people who completed the survey at that time took the view that such behaviour was “always wrong”. Beyond that,

‘An additional one in ten thought it was “mostly wrong” and less than two in ten thought it “not wrong at all”. The view that homosexuality was wrong grew over the decade – by 1987, nearly two-thirds thought it was always wrong, no doubt at least partly reflecting some of the debates surrounding HIV AIDS.’

(British Social Attitudes Survey, 1983)

## 1.3 Do you really want to hurt me? (Culture Club, 1982)

In the early 80s, according to the same survey findings, more than half the population in Britain did not think it was acceptable for a gay or lesbian person to be a teacher and more than one in four did not believe that gay people should hold a ‘responsible position in public life’. Now, our attitudes to homosexuality rank as the most dramatic change in British public opinion. But it took time for these attitudes to change. It was not surprising then, that with such attitudes to homosexuality and with people being ill informed about AIDS and the related hysteria at the time, a fearful and prudish Conservative Thatcher government, at the 1987 Conservative Party Conference, issued the statement “Children who need to be taught to respect traditional moral values are being taught that they have an inalienable right to be gay”. Soon after, the government introduced the contentious ‘Section 28’.

This controversial amendment to the UK’s Local Government Act 1986 was enacted in parliament on 24 May 1988 and provoked immediate outrage among gay rights campaigners and many teachers. The night before it was enacted, several protests were staged by lesbian women, including abseiling into Parliament and a famous invasion of the BBC’s Six O’ Clock News, during which one woman managed to chain herself to newsreader Sue Lawley’s desk

and was sat on by the co presenting newsreader, Nicholas Witchell (LGBTI History Month, online). Section 28 stated that a local authority “shall not intentionally promote homosexuality or publish material with the intention of promoting homosexuality” or “promote the teaching in any maintained school of the acceptability of homosexuality as a pretended family relationship” (Local Government Act 1988, section 28). The notorious Section 28 banned the “promotion” of homosexuality in schools as a “normal family relationship” and has caused controversy ever since its introduction in 1987.

To oppose Section 28, the well-known charity ‘Stonewall’ was set up in 1989. Stonewall’s ‘Let’s Nail Section 28’ campaign collected almost 25,000 signatures and mobilised a national debate in the broadsheet press. The legislation applied to local authorities and had no legal jurisdiction over the actions of specific teachers, schools or school governors. No local authority was ever prosecuted under the legislation. However, the lack of government guidelines defining what was and was not covered by the act generated a great deal of confusion and uncertainty among teachers that has only recently been addressed.

Whilst the legislation was in force, Warwick, Aggleton and Douglas (2001) conducted a survey of secondary teachers in England and Wales. They found that 44% of teachers said that Section 28 had caused difficulties in meeting the needs of gay and lesbian pupils. Follow-up interviews with teachers revealed a number of misconceptions about what the law actually said and what was and was not lawful. Teachers were uncertain of the distinction between promoting homosexuality and simply providing information and support to students, and this uncertainty led to teachers avoiding particular LGBTI topics altogether (Greenland and Nunney, 2008). Section 28 was eventually repealed in England and Wales as part of the Local Government Act 2003 (its Scottish equivalent was repealed a few years earlier in 2000).

The detrimental legacy of Section 28 persists in the UK’s education system today. While the law was overturned by a successive government, it was still reported in 2013 that some Academy schools had been adopting policy statements which echo the bill and caused outrage amongst MPs and activists alike. This prompted OFSTED to include the following supplementary advice into school guidelines into Sex and Relationship Education in 2014: That teaching ‘is inclusive of difference: gender identity, sexual orientation, disability, ethnicity, culture, age, faith or belief, or other life experience’.

Stonewall’s Teacher Report in 2014 found 86% of secondary school teachers and 45% of primary school teachers still reported that pupils in school experience homophobic bullying and the majority felt they had not received sufficient training on LGBTI issues (Stonewall, 2014). Stonewall state that too many teachers come out of the teacher training never having talked about issues like homophobic bullying. Years on from the repeal of section 28, this does not bode well if we are really going to tackle issues of homophobia and teach young people in schools without prejudice or any predisposition towards heteronormativity (I will explore the notion of heteronormativity later in the chapter).

## 2. Homosexuality in the curriculum of initial teacher education and training

### 2.1 I kissed a girl (Katie Perry, 2008)

At the heart of a successful strategy for tackling homophobic bullying is good quality teacher training. Currently in the UK a compulsory curriculum does not exist for initial teacher education. This has been proposed and a recommendation has been put forward to government on core content for providers of initial teacher education in the wake of the Carter review. This review found there were inconsistencies in how trainee teachers were prepared for their professional life in schools. Because initial teacher education is no longer exclusive to Higher Education, teachers can be trained in a variety of ways. This means that inconsistencies prevail in the depth and breadth of training depending on the philosophy and ethos of individual training providers, including their approach to initial teacher education and the ways in which they provide value added opportunities for trainee teachers in their programmes.

Teachers are currently trained against a set of standards that have been produced by the Department for Education. The standards define the minimum level of practice expected of trainees and teachers from the point of being awarded qualified teacher status (QTS). There are two sections to the Teachers' Standards, first published in 2011 and in effect since September 2012: *Part One: Teaching* and *Part Two: Personal and Professional Conduct*. In Part One, eight standards are divided into categories related to teaching, each with a range of bulleted sub sections. These bullets are an integral part of the standards, and are designed to amplify the scope of each heading. These sub-headings are not intended to be interpreted as separate standards in their own right, but should be used by those assessing trainees and teachers to track progress against the standard and to determine areas where additional development might need to be observed. Assessors can also identify areas where a trainee or teacher is already demonstrating excellent practice relevant to that standard.

Trainee teachers have to be provided with opportunities to spend sufficient time being trained in schools to enable them to demonstrate that they have met all the standards for QTS. Secondary school trainees undertaking a four-year undergraduate programme would be required to spend 160 days (32 weeks) in school. A three-year undergraduate programme would be required to spend 120 days (24 weeks) in school and a secondary graduate (non-employment based) programme would be required to spend 120 days (24 weeks) in school (Department for Education, 2017). QTS can only be awarded when trainee teachers have met these requirements and demonstrated their ability against the standards. It might be useful to look at these standards in a little more detail to understand how teachers in England are assessed, how this assessment leads to qualified teacher status and a first year teaching as a newly qualified teacher, and how this relates to their teaching of the curriculum in relation to homosexuality and LGBTI pupils in schools.

The expectations laid out by the Department for Education in *Part One: Teaching* are as follows:

- 1 Set high expectations which inspire, motivate and challenge pupils
- 2 Promote good progress and outcomes by pupils
- 3 Demonstrate good subject and curriculum knowledge

- 4 Plan and teach well-structured lessons
- 5 Adapt teaching to respond to the strengths and needs of all pupils
- 6 Make accurate and productive use of assessment
- 7 Manage behaviour effectively to ensure a good and safe learning environment
- 8 Fulfil wider professional responsibilities

In *Part Two: Personal And Professional Conduct* A teacher is expected to demonstrate consistently high standards of personal and professional conduct. This section of the standards pertains to those behaviours and attitudes which set the required standard for conduct throughout a teacher's career. The standards state that teachers are required to uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by treating pupils with dignity, and respect, and observing proper boundaries appropriate to a teacher's professional position. They should regard for the need to safeguard pupils' well-being, in accordance with statutory provisions and show tolerance of and respect for the rights of others. Fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs should be upheld and are expected to be demonstrated in teaching and learning activities. Teachers' personal beliefs should not be expressed in ways which exploit pupils' vulnerability and teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality. There is an expectation that at all times teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities. (Department for Education, Teachers' Standards, 2011)

On searching the Teachers' Standards (2011) and the proposals for core content for trainee teachers, it emerges that whilst inclusive practice is clearly discussed in these documents, homosexuality, gender, sexual orientation or other such terms are not referenced explicitly. References are made to a number of areas where practice related to inclusion, gender and homosexuality might be demonstrated but this is all implicit in the standards. I have pulled out some phrases and words from the subcategories to exemplify where in the Teachers' Standards trainee teachers might find those implicit opportunities to develop a greater understanding of teaching about homosexuality, and how they – or their training provider – might incorporate this into everyday practice:

- the learning environment
- mutual respect
- role modelling of positive attitudes
- values and behaviour which are expected of pupils
- adapt teaching to respond to the strengths and needs of all pupils
- secure understanding of how different factors can inhibit ability to learn
- awareness of physical, social and intellectual development
- communicate effectively with parents with regard to pupils' achievements and well-being
- treating pupils with dignity
- relationships rooted in mutual respect
- tolerance of and respect for the rights of others

- not undermining individual liberty and mutual respect
- tolerance of those with different faiths and beliefs.

This does not mean that trainee teachers do not have access to training in relation to LGBTI issues, but it is largely dependent on individual students, the schools in which they train and their training providers. Lack of training produces ambiguity on how to effectively handle sexual minority harassment (Goodhand & Brown, 2016). What is highlighted is that research on gender and sexual diversity pedagogy, especially in initial teacher education programmes is scarce and would lend itself to greater exploration.

### 3. Homosexuality in the secondary school curriculum

#### 3.1 I want to break free (Queen, 1984)

School leaders and teachers play a key role in setting the culture of an inclusive school environment by teaching an inclusive curriculum and developing policies and procedures that do not perpetuate a binary gender system (Goodhand & Brown, 2016). It is every educator's professional responsibility to create a school environment where children can thrive socially, emotionally, and academically, and it is educators who must confront and disrupt unjust situations in schools. According to Shields (2008), educational leaders must earnestly find ways to overcome an aversion to differences and must work overtly to displace deficit thinking through actively forming meaningful relationships with all students. This imperative includes LGBTI students. It is compulsory for state run secondary schools to provide sex and relationship education; primary schools, academies and free schools do not have this legal obligation. There is no statutory programme of study for pupils and teachers, although those required by law to deliver the National Curriculum must offer a curriculum which is:

'balanced and broadly based and which promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society and prepares pupils at the school for the opportunities, responsibilities and experiences of later life.'

The National Curriculum also states that:

'Teachers should take account of their duties under equal opportunities legislation that covers race, disability, sex, religion or belief, sexual orientation, pregnancy and maternity, and gender reassignment'.

Justine Greening, the Secretary of State for Education, recently announced that whilst many schools teach sex and relationships education,

'[...] it's not mandatory, and, therefore, for many children, they are not coming out of our schools really being equipped to deal with the modern world or indeed be safe and protected from some of the very modern challenges that young people face on cyberbullying and sexting. What we're introducing [...] is mandatory relationships and sex education in all secondary schools, but also mandatory relationships education in primary schools as well.'

(BBC News, March 2017)

There are a number of professional organisations who offer support in delivering personal, social, health and economic (PSHE) education. The PSHE Association's programme of study was written to sit alongside the 2014 National Curriculum and has been updated to reflect the rapidly changing world in which pupils live and learn. At key stage 3 – when pupils are aged between 11 and 14 – the PSHE Association's programme of study encourages young people to talk about sexual attraction, relationships and the unacceptability of sexist, homophobic, biphobic, transphobic, racist and disablist language. The programme of study encourages teachers to think about how to recognise and challenge stereotypes and about the differences between – and the terms associated with – sex, gender identity and sexual orientation, and how to recognise bullying and abuse in all its forms. Goodhand (2014) states that the terms gender, sex, and sexual orientation are typically used as if they fit into dichotomies. But young people in our schools need role models if we are to avoid a negative impact on educational outcomes and aspirations. Young LGBTI pupils should also feel that their orientation or identity forms just as much part of a 'norm' as those of heterosexual pupils.

Heteronormativity is key in this discussion. For young people to truly feel they are understood and can express themselves freely, we need to take a look at how to interrupt and eradicate heteronormativity from schools altogether. Schools, like the rest of society, are made up of individuals holding a spectrum of values, beliefs and opinions. Some of these may be based on prejudice and may be discriminatory. Homophobia, biphobia and transphobia are examples of such prejudice and can be defined as an irrational dislike, hatred or fear of individuals who are lesbian, gay, bisexual, trans or intersex. Examples of homophobic behaviour can include:

- offensive 'jokes';
- language, innuendo and mockery;
- insulting or abusive behaviour and gestures;
- graffiti;
- damage and threat to property;
- refusal to co-operate because of a person's sexual orientation;
- refusal to co-operate because of a person's gender identity;
- deliberate exclusion from conversation and professional and social activity;
- HIV/AIDS-related discrimination;
- physical threats; and
- assault.

(NASUWT, online)

## **4. Heteronormativity, silence and fear**

### **4.1 Give a little respect to me (Erasure, 1988)**

Because we have grown up in largely heteronormative societies, hetero-sexism and heteronormativity tend to be prevalent in educational institutions. Heteronormativity can reinforce feelings of alienation among LGBTI students and leave their specific support needs largely

unaddressed. The evidence also finds teachers in need of leadership and support, including training (Stonewall, 2017), so that they can feel confident in challenging and addressing prejudice, using the right language and feeling supported by their leadership teams. Although heteronormativity sounds complex, it is actually quite simple. It is a term that describes the processes through which social institutions and social policies reinforce the belief that human beings fall into two distinct sex/gender categories: male/man and female/woman (Adams, 2004). To describe a social institution as heteronormative means that it has visible or hidden norms, some of which are viewed as normal only for males/men and others which are seen as normal only for females/women. As a concept, heteronormativity is used to help identify the processes through which individuals who do not appear to ‘fit’ these norms, or individuals who refuse to ‘fit’ them, are made invisible and silenced. These processes can be challenged and addressed to ensure all young people see how they ‘fit’ and have a voice. Same-sex families are often not represented in curricula studied, in classroom literature, or even in the official forms used by schools. The reality of a child having two mums or two dads is often not acknowledged, resulting in these families frequently being disengaged and fearful that their children will suffer consequences of bullying due to their non-traditional lifestyle (Kappus, 2015).

In the Finnish context, Lehtonen (2003) undertook a study of the construction of sexuality and gender in everyday school practices, including school subjects and bullying. His analysis observed the ways in which heteronormativity becomes intertwined in the practices of school culture (Cardona Lopez & Heikkinen, 2015). The key findings from his study suggest that heteronormativity is not challenged in schools, and that it can create fear and problems for those individuals who challenge it. Policy and legislative support, action on the part of educational authorities, initial teacher education and teachers’ continuing professional development are essential if we are to break down cultural and structural barriers to promoting educational equity.

To further understand ways in which to address and challenge heteronormativity, Kumashiro (2009) created pedagogical principles which promote and enact anti-oppressive pedagogy and anti-oppressive teaching. He exemplified hidden praxis by presenting students in teacher education programmes with two questions, firstly:

“When does gender and sexual orientation come up in schools?”

And secondly:

“What do we actually do versus what we say that we should do?”

(Kumashiro, 2009, p. 718).

The first question raises awareness about how pervasive heteronormativity and the silent paradigm are (Cardona Lopez & Heikkinen, 2015). The second question is about the official curriculum (what we are allowed and encouraged to teach) and the ‘hidden curriculum’, unspoken rules hindering pupils’ identity and modelling them. The hidden curriculum is what we teach mostly indirectly, unknowingly, and/or unintentionally. An action belonging to the hidden curriculum ‘has more educational significance than formal curriculum’ (Kumashiro, 2009, p. 718) because it is reinforced by recurrent and unchecked praxis, which confuses



students. Students learn different things through their own interpretations when confused. In order to combat heteronormativity and to act openly and without ambiguity in schools, Kumashiro (2009) encourages teaching ‘queerly’. This means to understand curriculum as a gender text (Pinar, Reynolds, Slattery & Taubman, 1995) and, by being ‘queer’, educators question normative ideals about genders and sexualities; normalising other ways of being (Sedgwick 1991, 2003, 2013) and challenging binary logic (Gender Male/female and Us/ them).

Kumashiro proposes that teaching ‘queerly’ aims to address our own unchecked assumptions, to be aware that by our actions we can reinforce inclusive practices by not complying with silencing and instead creating empowering spaces to challenge such behaviours. We should check our own assumptions about ‘others’ and ‘us’ and in doing so, we can identify what really makes this divide. So, it is necessary to challenge unchecked silence and invisibility, but crucially, pedagogical tools must be created to do this. In 2014, the British teacher Allie George set up an online resource bank designed to help teachers challenge homophobic, bi-phobic and transphobic language in schools. ‘Rainbow Teaching’ materials are free to use, and meet the need to provide diverse and inclusive teaching across the curriculum. Homophobic, bi-phobic and transphobic language is still common in schools. Combined with lack of discussion of LGBT issues in the curriculum and the scarcity of role models, this has a detrimental impact on educational outcomes and aspirations of LGBT students. Rainbow Teaching provides a range of materials helping teachers challenge inappropriate language, run inclusive assemblies, and include relevant representation across the curriculum from PSHE to English, history and the sciences.

## 5. Initiatives outside schools

### 5.1 I’m coming out (Diana Ross, 1980)

There are many groups and networks for LGBT youth, some local, others national. A number of groups exist to allow young people to meet like-minded individuals and talk about their experiences, share their ideas and network in a community where they feel free to express themselves openly.

The Proud Trust ([theproudsttrust.org.uk](http://theproudsttrust.org.uk)) is described as a life-saving and life enhancing organisation that helps young people empower themselves to make a positive change for themselves and their communities. This is done through youth groups, peer support, delivering training and events, undertaking research and creating resources. They offer peer to peer support for young LGBTI people aged 12–25.

The Schools Out Group state that their ‘over-arching aim is to make our schools safe and inclusive for everyone’ ([Schoolsout.org.uk](http://Schoolsout.org.uk)). They provide:

1. A formal and informal support network for all people who want to raise the issue of homophobia, biphobia, transphobia and hetero-sexism in education.
2. Campaign on lesbian, gay, bisexual and trans issues as they affect education and those in education.

3. Research, debate and stimulate curriculum development on LGBT issues.
4. Work towards unison between teacher and lecturer unions and other professional stakeholders in education
5. Promote equality, safety and visibility in education for LGBT people and all the protected characteristics.

And of course there's Stonewall: Acceptance without Exception, whose mission is: 'We're here to let all lesbian, gay, bi and trans people, here and abroad, know they're not alone. We believe we're stronger united, so we partner with organisations that help us create real change for the better. We have laid deep foundations across Britain – in some of our greatest institutions – so our communities can continue to find ways to flourish, and individuals can reach their full potential. We're here to support those who can't yet be themselves. But our work is not finished yet. Not until everyone feels free to be who they are, wherever they are' (Stonewall, online).

## 6. Special aspects

### 6.1 Born this way (Lady Gaga, 2011)

In the spring of 2017 Ireland became the first country to launch a Youth Strategy for young LGBT people aged 15–24. The strategy is based on The 2014–2020 National Policy Framework for Children and Young People that aims to ensure children and young people are active and healthy physically and mentally, excel in all areas of learning and development; are safe and protected from harm, enjoy economic security and opportunity; and are connected, respected and in a position to contribute to their community and world. The strategy was developed after research found that there had been an “enormous surge” in the number of young LGBT people who felt comfortable coming out, but that 56% of respondents thought homophobic, bi-phobic and transphobic bullying had continued at the same rates as before the vote for same-sex marriage.

Sport England commissioned Pride Sports in January 2016 to undertake a 10-week study examining the participation of LGBT people in sport. The focus of the study was to review the existing research and reports into issues affecting LGBT participation in sport and physical activity. With reference to the Government's Sports Strategy, *Sporting Future: A New Strategy for an Active Nation*, the study focused on three distinct areas:

- Initiatives aimed at improving sports participation by LGBT people
- Volunteering
- Spectating

The study gave particular consideration to how provision, which has successfully engaged LGBT people, is also working to reduce physical inactivity and to engage those not previously participating in sport. A study by the National LGB&T Partnership, (February 2016), raised concern about levels of physical activity amongst the LGBT community. Key findings of the survey include the following: 55% of LGBT men were not active enough to maintain good health, compared to 33% of men in the general population; 56% of LGBT women

were not active enough to maintain good health, compared to 45 % of women in the general population and 64 % of LGBT people who identified as something other than male or female (eg genderfluid or genderqueer) were not active enough to maintain good health. The study reported that existing research from within the LGBT community in the UK demonstrates that homophobia, bi-phobia and transphobia in sport is still extremely prevalent, and significant barriers to participation persist. What is less visible and understood is the impact of heteronormativity and cisnormativity on LGBT participation (Sport England, 2017).

It is disappointing that we have come so far as a nation in the last 50 years in softening and improving our attitudes to homosexuality, and yet there is clearly still much more work to be done to make sport a more inclusive and welcoming place for the LGBT community. The use of homophobic and transphobic language within sport settings, the acceptance of homophobic and transphobic language as ‘banter’, and the prevalence of anxiety regarding sports participation are common themes that emerge between studies (Sport England, 2017).

## 7. Summary

### 7.1 Boys keep swinging (David Bowie, 1979)

Recently, a new survey published in the UK states that the level of homophobic bullying in Britain’s secondary schools has fallen by a third in a decade (The School Report, 2017). The research by Bradlow, Bartram, Guasp and Jadvá (2017) presents the current experiences of LGBTI young people in Britain’s schools. It is the first of Stonewall’s reports to include the specific experiences of trans pupils, reflecting Stonewall’s decision to extend its remit to campaign for trans equality in 2015. With 3,713 respondents, it is arguably the most comprehensive survey into the current experiences of LGBTI pupils in Britain today.

As a nation the change in our attitude to homosexuality has been one of the most significant trends in the last 50 years. We know from previous British Social Attitudes (BSA) surveys that the public has become increasingly accepting of same-sex relationships. There has also been a significant increase in liberal attitudes towards same-sex relationships since the introduction of same-sex marriages in 2014; the proportion saying that same-sex relationships are “not wrong at all” is now a clear majority at 64%, up from 59% in 2015, and 47% in 2012. Looking further back to when the question was first asked in the 1980s an even starker picture emerges. In 1983 only 17% were completely accepting of same-sex relationships.

As previously discussed, attitudes hardened further during the late 1980s at the height of the AIDS crisis; in 1987, according to the BSA survey, just 11% said same-sex relationships were “not wrong at all”. At that time three-quarters (74%) of British people thought same-sex relationships were “always” or “mostly” wrong, a view that has fallen to 19% today (BSA, 2017, p. 4). This increased liberalisation of views appears to mainly be a period effect, driven by a society-wide cultural shift (BSA, 2017).

So somewhere over the rainbow may not be such a dream, but more of a reality if we as educators question normative ideals about genders and sexualities; and by doing so we can normalize other ways of being (Sedgwick, 1991, 2003, 2013), challenging binary logic to reinforce inclusive practices by not complying with silencing and instead creating empowering

spaces to challenge such behaviours. Good initial teacher education and teachers' continuing professional development are essential if we are to break down cultural and structural barriers to promoting educational equity.

Somewhere over the rainbow, skies are blue  
And the dreams that you dare to dream,  
Really do come true.

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10. Female adolescents have limited knowledge of their male peers.

I strongly disagree						I strongly agree
1	2	3	4	5	6	
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**4. Homosexuality - What do you know about homosexuality?**

1. What do you think: How many percent of the population of your country is gay or lesbian?

- Less than 5 percent
- Between 5 and 10 percent
- Between 11 and 15 percent
- More than 15 percent
- Do not know

**Please give your answer by marking 'yes', 'no' or 'I don't know'.**

2. In the Second World War homosexuals were persecuted and gassed in concentration camps.

- yes
- no
- I don't know

3. In history Homosexuals have always been socially discriminated.

- yes
- no
- I don't know

4. Scientifics always agreed that homosexuality was unnatural.

- yes
- no
- I don't know

5. Even today, in some countries of the world, homosexual acts are punished with the death penalty.

- yes
- no
- I don't know

6. In nature, there are many examples of homosexuality among animals.

- yes
- no
- I don't know

7. Among the 'Old Greeks' homosexuality was very common among men.

- yes
- no
- I don't know

8. The suicide rate of homosexual girls and boys is about 5 times higher than of heterosexual girls and boys.

- yes
- no
- I don't know





18. Have any of your friends been bullied in school?

Never	Once	sometimes	frequently	weekly	Daily
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

19. Have you been bullied in school?

Never	Once	sometimes	frequently	weekly	Daily
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

20. Have you been bullied on social media (Facebook, whatsapp, ...)?

Never	Once	sometimes	frequently	weekly	Daily
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

21. Is the word 'gay' or similar used to bullied in your school?

Never	Once	sometimes	frequently	weekly	Daily
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

22. Is the word 'gay' or similar used as an insult?

Never	Once	sometimes	frequently	weekly	Daily
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

23. I think it is important to learn at school about homosexuality?

I strongly disagree					I strongly agree
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

24. What resources should be useful?

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## Appendix B: Teachers' Questionnaire

Dear colleague

As part of a large European project 'Homo'poly' in 8 different European countries, we would like to ask you some questions. The answers to questions should be based on your own experiences and attitudes. There are no right or wrong answers. Answers are anonymous.

Thank you for your cooperation and help on this project!

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### 1. Personal data. Please fill in the appropriate response.

You are a:

- Male  Female

My country

- Belgium  Germany  Hungary  Netherland  
 Poland  Spain  Turkey  United Kingdom

Where do you teach?

- in the country side  in a village  in a town or city

Size of the school

How many pupils are there in your school?

Type of the school

- general education  vocational education  mixed

How old are you?

- less than 30 years old  30-39 years old  
 40-49 years old  50 years or older

How many years have you been teaching?

- 1-5  6-10  
 11-20  more than 20

Number of teaching hours you have per week:

- 1-5  5-10  
 10-15  15-20  
 more than 20

Which subject do you teach? (multiple ticks possible)

- |                                     |  |
|-------------------------------------|--|
| <input type="radio"/> Economics     | <input type="radio"/> Math               |
| <input type="radio"/> Languages     | <input type="radio"/> Foreign Languages  |
| <input type="radio"/> History       | <input type="radio"/> Physical Education |
| <input type="radio"/> Biology       | <input type="radio"/> Physics            |
| <input type="radio"/> Chemistry     | <input type="radio"/> Geography          |
| <input type="radio"/> Art education | <input type="radio"/> ICT                |
| <input type="radio"/> Music         | <input type="radio"/> Others .....       |

Do you have children yourself?

- Yes  No

I am

- heterosexual  homosexual  asexual  don't know  bisexual

Your highest level of study:

- PhD (Doctoral)  
 Master degree (4 of 5 years)  
 Bachelor degree (3 years)  
 Secondary education

**2. Sex**

Please rate the following items based on your opinion and experience. Your rating should be on a 6-point scale where 1= **not at all true for me (disagree)** to 6=**very true for me (agree)**.

1. During my lessons, I observe that boys and girls behave in a different way. Can you also clarify your answer?

I strongly disagree					I strongly agree
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

2. During my lessons, I have a different attitude towards boys and girls. Can you also clarify your answer?

I strongly disagree					I strongly agree
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

3. I think that a pupil outing himself/herself as homosexual would be problematic at our school. Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

4. Our school attaches importance to gender issues. Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

5. I teach boys differently to girls. Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

6. I would prefer to teach only boys or girls (homogenous class groups). Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

7. In daily life (outside school), I have a different attitude towards boys and girls. Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...

8. A friend outing himself/herself as homosexual would be problematic for me. Can you also clarify your answer?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Clarification of your answer...











16. Are you checking how your pupils are behaving towards each other on social media (Facebook, Whatsapp...)?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

17. Are you checking how your pupils are behaving towards each other on social media (Facebook, Whatsapp...)?

I strongly disagree			I strongly agree		
1	2	3	4	5	6
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

---

Open questions:

What resources would be useful in your school to teach about homosexuality?

Do you think that a curriculum on homosexuality would be useful in your school?

How do you react when you find out that a pupil in your class is bullied because of his/her homosexual characteristics?

Are there discussions among the teachers about homosexuality in the school?

Are there initiatives in your school to increase the awareness of teachers towards the issue of homosexuality?

## Appendix C: Parents' Questionnaire

Dear parents

As part of a large European project 'Homo'poly' in 8 different European countries, we would like to ask you some questions ([www.homopoly.eu](http://www.homopoly.eu)). The answers to questions should be based on your own experiences and attitudes. There are no right or wrong answers. Answers are anonymous.

Thank you for your cooperation and help on this project!

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### 1. Personal data. Please fill in the appropriate response.

You are a:

- Male  Female

My country

- Belgium  Germany  Hungary  Netherland  
 Poland  Turkey  United Kingdom

How old are you?

- less than 30 years old  30-39 years old  
 40-49 years old  50 years or older

Your highest level of study:

- PhD (Doctoral)  
 Master degree (4 of 5 years)  
 Bachelor degree (3 years)  
 Secondary education

Do you have children?

- yes  
 no

What is your marital status?

- married  divorced  single parent

**2. Homosexuality – your opinion**

Please rate the following items based on your opinion and experience. Your rating should be on a 6-point scale where 1= not at all true for me (disagree) to 5=very true for me (agree).

1. I think my child should learn about different sexualities in school.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2. I talk to my child about other people's sexuality.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

3. I talk to my child about their sexuality.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

4. I would be comfortable if my child had a friend who was homosexual.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

5. I would be comfortable if my child had a friend who was heterosexual.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. I would be comfortable if my child was homosexual.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

7. I would be comfortable if my child was heterosexual.

I strongly disagree			I strongly agree	
1	2	3	4	5
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

8. At what age do children need to learn about different sexualities?

- under age 8
- 8-9
- 10-11
- 12-13
- 14-15
- 16 and over

9. Are there other aspects regarding homosexuality or sex education that you would like to share?

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Thank you for your cooperation!