

EDUCATION INTERNATIONAL

**THE RIGHTS OF LESBIAN AND
GAY TEACHERS AND
EDUCATION PERSONNEL**

TRIENNIAL REPORT 2004-2007

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1. BACKGROUND INFORMATION ON DISCRIMINATION ON THE GROUND OF SEXUAL ORIENTATION WITHIN THE HUMAN RIGHTS CONTEXT AND WITHIN EDUCATION INTERNATIONAL

The process at the United Nations and its agencies

Few people realise that discussions about lesbian and gay rights began in the United Nations (UN) over thirty years ago at different UN World Conferences, bodies and programmes. The discussion emerged, for instance, at the first UN Women's Conference in Mexico (1975), where women's rights activists had to defend themselves against journalists' charges that they "must all be lesbians". At the UN Women's Conference in Copenhagen (1985), women, including lesbians, were engaged in discussions about their right to control their own sexuality. The next UN Women's Conference in Nairobi (1985) saw the first successful strategies at the Non-Governmental Organization (NGO) forum including providing public education on "women loving women", holding lesbian workshops and including explicit language about lesbians in the UN governmental report.

The UN World Conference on Human Rights in 1993 took the issue further; paragraph 5 of the Vienna Programme of Action stated:

"All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be born in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms".

1993 UN Conference on Human Rights

The UN International Conference on Population and Development (1994) acknowledges in its Programme of Action the necessity of recognizing the diversity of family structures.

The United Nation Fourth World Conference on Women in 1995 included the first explicit language on the issue. The Beijing Platform of Action, in the women and health section, paragraph 96, reads:

"The human rights of women include their right to have control over and decide freely and responsibly on matters related to their sexuality, including sexual and reproductive health, free of coercion, discrimination, and violence".

1995 UN World Conference on Women

At the 83rd Session of the International Labour Organization (ILO) International Labour Conference in 1996, the Committee on the Application of Conventions and Recommendations examined amongst other issues discrimination in employment based on sexual orientation, and the Worker's Group members supported the suggestion to include new criteria of prohibited discrimination in an additional protocol to extend the scope of the ILO Convention on Discrimination (Employment and Occupation) C111, 1958¹.

¹ General Report of the Conference Committee on the Application of Conventions and Recommendations at the ILO Conference, 83rd. Session 1996

In the last decade it has become common to include language regarding sexual orientation in most human rights declarations at UN and NGO levels. Many governments have changed discriminatory legislation, and have included “sexual orientation” as a ground for protection under their human rights acts. South Africa has one of the best non-discriminatory Constitutions in the world, and it includes protections for the rights of lesbians and gays (as does the Constitution of Ecuador). Many countries have established special bodies and plans to monitor and combat discrimination on different grounds, including sexual orientation. In Sweden, the Act on a Ban on Discrimination in Working Life on Grounds of Sexual Orientation (May 1999) includes a provision for the establishment of a specialized body to monitor and combat discrimination on the basis of sexual orientation and promote full compliance with the Act.

National legislation, initiatives and world-wide recognition

Countries like the Netherlands (2001), Belgium (2003), Canada (2004), Spain (2005) and South Africa (2006) have given gay and lesbian couples the rights to full civil marriage. Numerous other countries recognize same-sex partnerships in law, including Denmark (1989), Norway (1993), Sweden (1995), Greenland and Iceland (1996), France (2000), Germany and Portugal (2001), Finland (2002), Croatia (2003), New Zealand (2004) and United Kingdom (2005).

Countries that extend some benefits to same-sex partners, or contain jurisdictions that do so, include: Argentina (Buenos Aires and Rio Negro in 2003), Australia (Tasmania, 2004), Brazil (Rio Grande do Sul, 2004), the Colombian Supreme Court extended some benefits to same-sex partners (2007), Mexico (Coahuila in 2006 and Mexico DF in 2007), Hungary (1996), Switzerland (Geneva and Zurich, 2001) and the United States (New Jersey, 2007, Maine, 2004, Massachusetts, 2004, Vermont, 2000, California, 1999, Hawaii, 1997).

In 2003 and 2004, the Brazilian government presented to the United Nations Commission on Human Rights (UNCHR) a Proposal for a resolution on “*Human Rights and Sexual Orientation*” (E/CN.4/2003/L.92) which affirms the universality of human rights and the basic principle that lesbians, gays and bisexuals are entitled to the same human rights protections as other human beings. The resolution was co-sponsored by South Africa and 25 other members and observers that confronted resistance from the Organization of Islamic Countries and the Holy See, among others.

Brazil has persisted in its efforts to include language on sexual orientation in the context of the UN Conference on Racism, Racial Discrimination, Xenophobia and Related Intolerance (2001), and at the UNCHR debate in the resolutions on Extra-judicial, arbitrary detention and summary executions (2000-03); additionally, issues have been raised in reports by Special Rapporteurs, Working Groups and Special Representatives.

A worldwide campaign organized around the initiative included a broad spectrum of social and political forces. However, during the UNCHR 2004 Session, Brazil decided to postpone this and put it forward at a later time. The government decided instead to launch a programme called “*Brazil without homophobia*”, connecting this to their public services (teachers, police, health workers, and judges) to address institutional violence based on sexual orientation.

The European Union (EU) first had clear competence to act in the field of anti-discrimination legislation through the Amsterdam Treaty, which came into force on May 1st, 1999. The European Commission Employment Equal Treatment Directive (2000/78/EC) was adopted in

November 2000. This directive outlaws discrimination on the grounds of religion or belief, disability, age or sexual orientation.

Education International

The Constitution of Education International (EI) states as one of its aims: *“to combat all forms of racism and bias or discrimination in education and society due to gender, marital status, sexual orientation, age, religion, political opinion, social or economic status or national or ethnic origin” (Art. 2, h).*

Therefore, EI works to defend the interests of teachers and the education sector at large within the UN system, the international financial institutions, the trade agencies and other intergovernmental bodies. EI also promotes quality education for all and helps all who are employed in the education sector on key issues concerning academic freedom, freedom of association, improving teachers’ status, and fighting for their rights and the rights of their students. Furthermore, EI takes action against governments which do not abide by international human rights standards and organizes solidarity actions to help the victims.

EI adopted a policy on the “Protection of the Rights of Lesbian and Gay Education Personnel” in its Second World Congress in Washington, DC (1998). The resolution continues to form the basis of EI’s work on lesbian, gay, bisexual and transgender (LGBT) issues, and it *“Observes and denounces the fact that lesbian and gay teachers face discrimination and harassment, including violence and abuse, as a result of their sexual orientation”*.

EI provides a triennial report to its membership about the Situation of Lesbian and Gay teachers and workers in the education sector. The first survey was done amongst EI affiliates in 2000, in preparation for the First Triennial Report presented at the Third EI World Congress in Jomtien, Thailand (2001). The Report shows a mixed picture across EI’s different regions concerning awareness of LGBT issues.

Practices of violence and offences against gay and lesbian members or students:

- Psychological pressure and threats;
- Harassment and stigmatization;
- Isolation and exclusion;
- Practical jokes and contemptuous humour;
- Physical violence, sometimes with serious consequences;
- Direct and/or indirect discrimination;
- Promotion refused or delayed based on sexual orientation;
- Unfair transfers or job changes;
- Unequal work conditions;
- Arbitrary dismissals;
- Unwritten obstacles impeding access to the profession or to work under equal conditions;
- The spread of stereotypes including via the educational process itself;
- Non-renewal of contracts for part-time staff following the revelation, voluntary or forced, of the sexual orientation of the personnel in question;
- Various types of aggression, sometimes of a serious nature, against gay teachers suffering from HIV /AIDS.

(EI Triennial Report 2001)

The Report also showed that the offenders are public authorities, education employers, colleagues, classmates, students and/or parents. As a result of a renewed commitment to these issues, EI appointed a part-time Human Rights and Equality Coordinator in 2002 to work on LGBT issues. The Second EI Triennial Report (2004) shows a growing interest and body of work amongst affiliates.

In 2003, Education International (EI) and Public Services International (PSI) agreed to launch the first International LGBT workers' forum, held in Brazil in July 2004 prior to the EI World Congress. The Forum is an advisory body to both the EI Executive Board and the PSI Committee. The Forum is open to all member organizations of EI and PSI; its purpose is to help and assist them, particularly those in the Southern hemisphere and in Central and Eastern Europe. The Forum activities aim to:

- *Create awareness amongst EI and PSI member organizations which have not yet developed anti-discrimination policies;*
- *Document cases of discrimination and harassment on the basis of sexual orientation in the public sector, including the education sector;*
- *Organize training programmes;*
- *Advocate the inclusion of LGBT workers' rights in ILO Programmes and Tripartite bodies; and*
- *Seek the active cooperation of all Global Unions.*

The EI/PSI LGBT Declaration presented at the EI Congress, included as an annex to this paper, stated amongst other things that EI and PSI are:

Convinced that the workplace must be a space free of discrimination of any kind, including bullying and violence, and that trade unions must play an important role in ensuring full respect for the dignity and fundamental rights of all workers;

Acknowledge that campaigns for equal rights for LGBT workers will be strengthened if they are integrated successfully into broader rights campaigns at national, regional and international level.

2. THE CHANGING EXTERNAL GLOBAL CONTEXT

The historical context sketched above might suggest a slow but steady progress towards more freedom for women and men of different sexual orientations. The reality, however, is more complex, as is the progress and fall-back in democratic practice in general.

According to the International Lesbian and Gay Association (ILGA) Report 2007, *State sponsored homophobia*², seven UN Member States make homosexual activity punishable by death, 85 UN Members outlaw homosexuality, and thirty-eight of them are in Africa. Among the 46 Member States of Europe, there are signs of increased homophobia in several countries. Few governments are prepared to speak out to defend the rights of gay and lesbian people in other countries. In others, some authorities, policy makers and even ministers of education are the ones who promote intolerance. Trade unions have to be attentive and responsive to the plight of LGBT persons, in particular to teachers and students, whose daily life is negatively affected by the current environment.

Teachers' training in handling homophobia

In Sweden, according to EI affiliates Lärarförbundet and Lärarnas Riksförbund (LR), only two percent (2%) of teachers receive training in handling homophobia. A poll done among 1,400 teachers shows that around eight percent (8%) think that teachers training prepare them to deal with homophobia; fifty percent (50%) of them had heard pupils using abusive language and ten percent (10%) says that they have heard adults in schools using similar language. The Swedish National Council for Crime Prevention (Brå) reported in 2005 that around forty percent (40%) of homophobic crimes were committed by young people, usually young men. School authorities must help pupils from feeling excluded or vulnerable³.

² *"State sponsored homophobia"*, compiled by D. Otosson. Publish by ILGA, 2007. Available at: www.ilga.org

³ "Teachers 'must handle homophobia better'", The Local, Sweden's news in English, August 1st, 2006

The protection of fundamental rights and freedoms guaranteed by the European Convention on Human Rights is not enforced. As in many parts of the world, cultural homophobia prevails and social norms or codes of behaviour exist that, without being expressed in law, work in societies to legitimize oppression. As a consequence, people hide their sexual orientation and/or gender identity. Therefore, violence against LGBT persons is frequently unreported, undocumented and goes ultimately unpunished. Rarely does it provoke public debate and outrage.

Violence in schools coincides with a general rise of violence in society. Hence it is important to establish better ways to report and deal with the problems of bullying, harassment and other forms of intimidation. Violence in schools is underreported given fear, shame, stigma and, in some cases, lack of support systems. Research shows that bullying can lead to absenteeism, underachievement, stress disorders and even suicide. Teacher unions have a role in society, and therefore must end the silence and combat any attitude that promotes intolerance and diminishes human rights.

Campaigning against homophobia and bullying

EI affiliates in Australia (New South Wales Australian Education Union (NSW AEU)), Canada (Canadian Teachers' Federation (CTF-FCE) Centrale des Syndicats du Québec (CSQ), Fédération des Travailleurs de Québec (FTQ), Confédération des Syndicats Nationaux (CSN)), France (Fédération Syndicale Unitaire (FSU), Fédération des syndicats généraux de l'Éducation nationale et de la Recherche publique (SGEN-CFDT), Union Nationale des Syndicats Autonomes (UNSA Education)) are pro-active by being involved in campaigns such as the "International Day against Homophobia". This campaign has gained support from governments in countries such as Canada and Mexico. In the United States the National Education Association (NEA) participated in the "No Name-Calling Week" by engaging in educational activities aiming at ending name-calling and reducing verbal bullying of all kinds.

Neither the existence of national laws nor the prevalence of custom can ever justify the abuse, attacks, torture and indeed killings that gay, lesbian, bisexual, and transgender persons are subjected to because of who they are or are perceived to be. This shameful silence is the ultimate rejection of the fundamental principle of universality of rights. "*Democracy, human rights and the rule of law cannot function in a society which tolerates bigotry, prejudice and hate. If we continue to look the other way, an outburst of homophobic violence is only a matter of time*", said Terry Davis, Secretary General of the Council of Europe.

The concerns arising from these trends are confirmed by the European Parliament adoption of a resolution on homophobia in January 2006 (P6_TA (2006) 0018) and a resolution addressing the increase in racist and homophobic violence in Europe in June 2007 (P6_TA (2006) 0273).

But the national and international laws by themselves are limited. A country may have very progressive legislation, but if prejudice continues to flourish in large sectors of the population, such legislation will be difficult to enforce. "The link between education and minorities articulated in the classrooms and trade union practices is still unsatisfactory, from the perspective of those who suffer discrimination"⁴, said Marta Maffei of Confederación Trabajadores de la Educación de la República Argentina (CTERA - Argentina), at EI Regional meeting "Defining strategies to promote minority rights", held in Brazil in 2005.

⁴ "Los grupos minoritarios en los sindicatos docentes y en los sistemas educativos", carta de Marta Maffei, CTERA a la Reunión regional sobre definición de estrategias para promover los derechos de los grupos minoritarios", Brasil, Agosto 2005.

Today's context

EI strongly believes in the role that school systems can play in addressing prejudice and discrimination. Sex education, changing sexist attitudes in school or removing stereotyping in textbooks are some of the means available.

There are some factors that affect people's behaviour and attitudes towards homosexuality. Religion has been one of these, but there are other factors as well. Democratic freedom in general and specifically for minorities is affected by the economic situation. According to EI's General Secretary Fred van Leeuwen, one-third of EI members, ten million teachers, live below the poverty line.

Poverty is the most abject human injustice and it feeds many other types of injustices, and tends to be a breeding ground for corruption, discrimination and violence, especially when it interacts with weak governance. Amongst the poorly educated population, sexual minorities remain almost entirely invisible. Out-of-school children tend to share conditions such as poverty, minority status, and lack of identity papers and/or being engaged in child labour. Fighting against discrimination on any ground, including sexual orientation and gender identity, is therefore also a matter of fighting poverty.

There is a correlation between personal income, social status, and the possibility to be open about one's own sexual orientation. It is more likely that in high-income countries, lesbians and gays in socially deprived, low-income groups are less inclined to "come out" than those with a high income and above average social status.

Prejudice, repression and intolerance, in the sense of non-acceptance, prevails in many parts of the world, where being lesbian, gay, bisexual or transgender is seen as wrong (a sin, an illness, an ideological deviation or a betrayal of one's culture). This is precisely what provokes actions of hatred aimed against individuals. The non-recognition of LGBT rights in various countries allows the existence of different categories of human rights based on sexual orientation.

The repression that LGBT people face is often defended by governments or individuals in the name of religion, culture, morality or public health. Paramilitary groups, death squads and hate groups act with impunity, attacking and/or killing LGBT people.

Between 2004 and 2006, two of the most prominent activists of the Jamaican Forum of Lesbian and Gay (J-FLAG), Brian Williamson and Steve Harvey, were murdered—and a crowd even celebrated over Williamson's mutilated body. Perhaps most disturbing, many anti-gay assaults have been acts of mob violence. In 2004, a teenager was almost killed when his father learned his son was gay and invited a group to lynch the boy at his school. (Times Magazine, 16/04/06)

By dehumanising LGBT people and marginalizing them as "others", leaders foster a climate in which the public is not concerned about the human rights of LGBT people. This is illustrated by persistently high rates of violence in the public domain and in private life toward persons with non-heterosexual sexual identities.

The 'war on terror' and increased security has led to a decrease in legal protection for the privacy and personal freedom of citizens. It has also led to an increase in political and religious polarization globally and within many countries. There is more investment in 'armed security', than in 'human security' or 'social cohesion'. This works against acceptance of diversity, including different sexual orientations and lifestyles.

It is generally true to say that any minority group, including the LGBT population, is more likely to be accepted in a stable and positive economic and cultural environment. A social

environment that is under threat (of whatever economic, social, cultural or religious nature) is more likely to want to close its ranks and shun 'the other' lifestyle regardless of whether this refers to ethnic minorities, migrants, lesbians or gays.

In some societies, education systems and unions are making an extra effort to address such problems; Canada is one such example.

The national poll, commissioned every two years to track the public's perception of national issues in education by the CTF-FCE shows in 2006 that 84% of Canadians believe that increasing diversity in public schools calls for specialized personnel (psychologists and counsellors) and in-service training for teachers. Some of the poll highlights:

- 70% believe public schools are giving girls and boys an equal chance to succeed;
- 60% aboriginal children and other minority racial groups have an equal chance to succeed;
- 60% public schools are making students feel welcome and included by teachers and students in the schools' activities, regardless of ethnic or religious background;
- 53% believe public schools are making students feel welcome and included, regardless of their sexual orientation;
- 51% believe public schools are making students feel welcome and included, regardless of physical, emotional or learning disabilities.

CTF-FCE Press release, July, 2006

The global context is therefore working against LGBT rights in practice, and is encouraging conservative and suspicious attitudes. On the other hand, the opportunities provided by the internet also lead to a growing demand for freedom and democracy.

This is why there are advances, but also backlashes, visible around sexual rights. Young people the world over are engaged in three areas of tension: inter-generational, inter-cultural/religious and gender-based.

A specific positive movement is shown by the fact that more children are going to school. Estimates of children not receiving any schooling at all have dropped from 115 to under 100 million (2006). Safe schools for girls and for LGBT teachers and students are still few and far between in any country in the world. Nevertheless, literacy is the greatest asset for empowerment and understanding human (and sexual) rights.

Progressive and conservative forces tend to clash most around issues of women's rights (to have control over her own economic, physical and sexual life) – and also on LGBT issues. For some UN members states they are highly emotionally charged issues within polarised cultural, religious and political settings.

Global Trade Unions

Closer to home, the global trade unions, including EI, in promoting human and trade union rights are also becoming more familiar with LGBT rights. Most of them encourage diversity and social inclusion. But not all of them always fulfil their obligations to their LGBT members. The polarization of more progressive and more conservative views is also visible within trade unions. It appears that in cases of students or teachers who have not behaved according to expected norms and are then punished and expelled from schools, EI affiliates have reacted more adequately in the last years, and have stood up for the rights of both their teaching colleagues and pupils.

Trade unions are recognizing the role of human rights defenders, who in many countries may need union solidarity. "Many LGBT groups work in extremely difficult circumstances. They are denied freedom of association when the authorities shut them down, cannot get registered,

which prevents them from carrying out their work. They are physically attacked when they organize demonstrations to claim their rights. Many have even been killed for daring to speak about sexual orientation. They are denied access to important fora, including at the international level, where they should be able to have their voices heard”, described UN Commissioner L. Arbour⁶.

Together with human rights defenders, unions continue to press for change at all levels: advocating to establish anti-discrimination laws and equal treatment policies in all sectors and in society, promoting the development of education programmes aimed at fighting intolerance and prejudice, and providing professional guidance to classroom teachers to carry out these programmes effectively.

In the United Kingdom, National Association of Schoolmasters Union of Women Teachers (NASUWT), The University & College Lecturer's Union (NATFHE) and National Union of Teachers (NUT) are part of a joint campaign developed by Stonewall and LGBT Youth Scotland called “Education for All” aiming to ensure that all lesbian, gay and bisexual young people can fulfil their potential and that the school system can deal appropriately with homophobia and homophobic bullying.

In Spain, Federación de Enseñanza de Comisiones Obreras (F.E.CC.OO) organizes online teacher training on dealing with homophobia in collaboration with the Education Section of the Federación Estatal de Lesbianas y Gays (FELGT). Comisiones Obreras, the national centre, and FELGT have a cooperation agreement to tackle discrimination in the workplace and combat homophobia in schools.

Trade unions also promote the self-organization of lesbians and gays, both with their unions in caucuses or other internal structures and outside of their trade unions to make proposals for change. Local human rights organizations also need to include sexual orientation and gender identity in their agendas and to partner with LGBT NGOs to advocate for better protection of human rights for everyone. It is equally important to link local experiences with their regional human rights institutions.

3. LGBT WORK IN PROGRESS WITHIN EI AT VARIOUS LEVELS

Brief Summary of EI activities between 2004–2007

❖ Information and publications:

- Published regular articles in EI “Worlds of Education”, for example “UN High Commissioner speaks out on LGBT issues” (09/06)
- Posted website news items: Teachers demonstrated in Warsaw over discrimination on grounds of political beliefs and sexual orientation (03/07); Canada: National Day against Homophobia - New teacher resource (05/06); Australia: Workers Out! At Mardi Gras (02/06); UK: new challenges facing LGBT teachers (02/06)
- Produced the Sexual Diversity Forum brochure in three languages as a joint project collaboration between EI/PSI (03/06)
- Revised EI/PSI booklet “Working together for Gay and Lesbians workers” is under development. Project was financed by EI, PSI and UNISON (UK) (04/07)
- Preparatory work on the new website, to be linked with both EI and PSI websites.

⁶ Presentation by the UN High Commissioner for Human Rights Louise Arbour at the International conference on lesbian, gay, bisexual and transgender (LGBT) human rights (Montreal, 26-29 July 2006).

- Updated information to EI bodies (Executive Board, Status of Women Committee, and Pan-European Standing Committee), the regional offices and the Secretariat.
- Conducted a Triennial Survey on the status of gay and lesbian teachers in the education sector in 2006-2007. The survey was completed by 43 affiliates from 33 countries (See Annex No. 2). Respondents were mainly women (25 over a total of 39). See page 13 of this document for a complete summary of the survey.

❖ **Networking and Alliance building:**

EI has been supporting affiliates, LGBT organizations and broader civil society in making linkages and speaking out about LGBT rights in the education sector. For instance:

- EI participated in the Conference “Mainstreaming Policies on Sexual Orientation in Europe” organized by the Ministry of Health, Welfare and Sport of the Netherlands under the EU Dutch Presidency (11/04);
- The EI General Secretary was a keynote speaker at the “Conference on LGBT issues in Labour Life” organized by a network of local Norwegian unions that have been working together since 1998. The event was held in conjunction with the Euro Pride in Oslo (06/05);
- The EI General Secretary participated in the Seminar against homophobia and in favour of Diversity in Education organised by the French group "Education against LGBTphobia in the school environment" composed of FSU, UNSA Education, SGEN-CFDT, Union Nationale des Étudiants de France (UNEF) and Union National Lycéenne (UNL), among others (05/07);
- B. Byers (CLC, Canada), M. Tomei (ILO), H. Engelberts (PSI) and R. Sevilla (EI), participated in the panel on “Fundamental Rights, discrimination and equality principle” held at the ILGA Pre-Conference on “Discrimination in the Workplace”. The meeting was attended by 50 unionists, employers and LGBT NGOs (03/06);
- The EI General Secretary participated at the first International LGBT Conference “Stamping out homophobia: all over the world” organized by the Trade Unions Congress in London. The meeting was attended by 160 participants, including delegates from NASUWT, NUT, NATFHE and others. One of the working groups on “Labour Standards and Corporate Social Responsibility” discussed strategies and actions on ways of ensuring that labour standards reflect LGBT concerns at the ILO Conference (02/06);
- EI has worked with the ILO in meetings with M. Tomei of the ILO Standards & Fundamental Principles office (Promotion of the Declaration) to exchange information on issues related to the preparation of the Global Report on Discrimination 2007 (03/06);
- EI collaborated with other Global Unions in coordinating participation in the Montreal 2006 Conference “the Right to be Different” and the 3rd. Workers Out! conference, organized by Centrale des Syndicats du Québec (CSQ), Canadian Union of Public Employees (CUPE), Fédération des Travailleurs de Quebec (FTQ), Confédération des Syndicats Nationaux (CSN) and Canadian Labour Congress (CLC). Global union federation representatives from EI, PSI and the International Trade Union Confederation ITUC (formerly International Confederation of Free Trade Unions (ICFTU)) organized a workshop on ‘the role of public sector trade unions in promoting LGBT rights at the workplace’;
- EI and PSI took the initiative to launch the EI/PSI LGBT Forum in 2004, prior to the 4th EI Congress in Brazil. The Forum brought more than 120 participants - experts in developing policies and programmes, union delegates and equal opportunity officers - from Africa (12), North America and the Caribbean (17), Pan-Europe (28) and Latin America (47). Participants exchanged experiences through seven panel sessions and ten workshops and adopted a Declaration which was presented to the EI Congress. The Declaration provides a concrete platform to increase activities and resources to LGBT union’s rights. (More information in Annex No. 1);

- EI agreed to take the lead in developing and implementing the programme mentioned in the previous item. A draft plan of action for the EI/PSI LGBT Forum was developed in 2005 and adopted by the EI Executive Board in 2006. The PSI Executive Board adopted its EI/PSI Plan of Action 2006-2007 in November 2005. EI and PSI are currently conducting preparatory work for the 2nd EI/PSI LGBT Forum, prior to the PSI Congress to take place in Vienna, 21- 22 September 2007; and
- The EI/PSI LGBT Steering Committee was set up along a process facilitated by the two co-chairs, B. Chase, National Education Association (NEA - USA) and J. Batista, Federação dos Trabalhadores na Administração Pública Municipal (FETAM - Brazil). At the meeting it was agreed to establish a Steering Group of eight to ten members drawn from the Executive Boards of each organization, members of the Women's and Equality Standing Committees and union representatives. The Steering Group operates through e-mail consultations to discuss concrete plans for the 2nd EI/PSI LGBT Forum in Vienna to be held in 2007 (02/06).

❖ **Advocacy and Solidarity work:**

EI sent letters concerning different issues:

- Deep concern over and a call for investigation of the murder of lesbian and gay activist Fanny Ann Eddy, murdered while working late in the offices of the Sierra Leone Lesbian and Gay Association (SLLAGA) (09/04);
- The banning of Warsaw's Equality Parade by then-Mayor Lech Kaczynski, a member of the Law and Justice Party (he was recently elected President of Poland) (05/05);
- The dismissal of the Director of Poland's National In-Service Teacher Training Centre (CODN) because of the contents of a manual on human rights education, COMPASS, commissioned by the Council of Europe, which states that same-sex relationships are equal to the matrimonial relations between a woman and a man (06/06); and
- EI, together with PSI and the International Union of Food workers (IUF) endorsed a petition asking the UN Economic and Social Council (ECOSOC) to overturn the decisions of the UN NGO Committee denying Consultative Status to the International Lesbian and Gay Association (ILGA) and other NGOs advancing human rights based on sexual orientation and gender identity. In December 2006, ECOSOC granted the status to ILGA Europe, the Danish National Association for Gays and Lesbians (LBL) and Lesbian and Gay Federation in Germany (LVSD). The pending cases are Cultuur en Ontspannings-Centrum Nederland (COC), the Brazilian Gay, Lesbian and Transgender Association (ABGLT), Lesbian, Gay and Transgender State Federation (FELGT) from Spain, Gays and Lesbians of Zimbabwe (GALZ) and the Swedish Federation for LGBT Rights (RFSL) (07/06).

❖ **EI Regional Activities**

A. The EI Regional Office in Latin America (IEAL):

- EI and PSI regional officers supported the First Inter-union Forum on Sexual Diversity and Gender initiative with the aim of opening space in union organizations in Costa Rica. Asociación Nacional de Empleados Públicos y Privados (ANEP Costa Rica) Executive board member J. Paniagua led this process (12/04);
- A Regional workshop "Defining strategies to promote minority rights groups"⁷ in the education sector took place in Brazil. Participants were delegates from Confederação Nacional de Trabalhadores em Educação (CNTE , Brazil), Colegio de Profesores de Chile (CPC), CTERA (Argentina), Sindicato Unitario de Trabajadores de la Educación del Peru (SUTEP), the General Confederation of Education Workers of Nicaragua (CGTEN-

⁷ Conclusiones de la Reunión Regional para la definición de estrategias para promover los derechos de los grupos minoritarios. Oficina Regional de la IE para América Latina. Diciembre 2005

ANDEN - Nicaragua), Asociación Nacional de Educadores Salvadoreños (ANDES-21 de Junio - El Salvador), Sindikato di Trahadu den Enseñansa na Korsou (SITEK - Curacao) and the Brazilian organizations Central Única de Trabalhadores (CUT), Sindicato dos Professores do Ensino Oficial do Estado de São Paulo (APEOESP), Sindicato dos Funcionários e Servidores da Educação – São Paulo (AFUSE-SP) and SINEEM-SP. The recommendations were: to position union members in actions in favour of discriminated groups; to develop awareness-raising on minority issues; to research the status of minority rights groups in the region; to include pedagogic reflection on the status of minority groups; and to develop a common understanding around these issues. IEAL will revise the existing national legislation and the statutes of affiliates seeking to harmonize their contents in relation with minority groups (08/2005); and

- The Second Inter- union Forum on Diversity and Gender in Costa Rica reunited 20 delegates from EI and PSI and was organized by PSI, ANEP, Asociación Sindical de Empleados del Instituto Costarricense de Electricidad (ASDEICE) and Movimiento Diversidad. The outcome of the one-day session was to develop an operational plan. The meeting took place one day prior the First National LGBT Conference which included a session on trade unions' experiences in Latin America. (04/06)

B. EI Regional Office in Africa (EIRAF):

- The Pan-African Teachers' Centre (PATC) was commissioned by the EI Regional Office to conduct a study among EI members in Africa based on the self-administered questionnaire for "*Assessing the Knowledge, Perceptions and Attitudes toward lesbians and gay men*"⁸ (02/05);
- Along one year the study was completed by 110 union members from 19 affiliates and 13 countries from West, East, Southern and Central Africa. The members surveyed included males (60%) and females (40%). A draft background paper was produced to provide input for the roundtable discussion on gay and lesbian issues among national teacher unions in Africa. In the study, the majority agreed that allowing gay and lesbian teachers in the profession will increase teachers' acceptance of LGBT individuals in the long run. It also makes recommendations for seeking a more inclusive environment for all members and on developing regional policy. The EIRAF is working in cooperation with the EI Secretariat for the roundtable preparations. (02/06)

C. EI Regional Office in Asia Pacific:

- The Fourth EI Regional Conference adopted a resolution on sexual orientation, congratulating EI and PSI for the initiative on pursuing the rights of LGBT workers and the organization of the LGBT Forum prior to the EI Congress in Brazil. The recommendations of the LGBT Forum's Declaration provide direction for teacher unions in the region, where in many countries LGBT EI members are still persecuted and discriminated against and their rights are at risk. (12/03)
- The Sixth EI Regional Conference in Jakarta adopted resolutions which considered the recommendations of the EI/PSI LGBT Forum (Brazil) and the Workers Out! Action Plan (Montreal, 2006) with the aim of investigating how these can be implemented in the next three years, and the consideration of LGBT issues as an agenda item and the LGBT Caucus as part of the Regional Conference. (09/06)

D. EI Pan-European Region

- The EI Pan-European Equal Opportunities Committee (Brussels) adopted the name of Pan-European Equality Standing Committee to encompass all dimensions of equality, including LGBT rights. (04/06);

⁸ "Draft Background Paper for round table discussion on the issue of gay and lesbian sexual orientation among national teachers' organizations in Africa" prepared by the Pan African Teachers' Centre in Togo and submitted to EI-RAF. February, 2006. 38 pages

- The Pan-European Equality Round table (Budapest) adopted recommendations on workplace bullying, harassment and violence against women. (09/06);
- The Luxembourg Conference passed unanimously the urgent resolution on “the rise of xenophobic, racist, homophobic and anti-Semitic trends in many European countries”. The resolution presented by UNSA Education (France) stresses the need for teacher unions to defend values such as equality and solidarity. (12/06); and
- The Pan-European Equality Standing Committee (Krakow) adopted unanimously a motion of support for the Polish teacher unions in their efforts to advocate for tolerance and non-discrimination in the education system. The motion was presented by Związku Nauczycielstwa Polskiego (ZNP - Poland) and seconded by Syndicat des Enseignants Bulgares (SEB - Bulgaria). (04/07).

4. SUMMARY OF RESULTS OF LGBT WORK WITHIN EI

Following the plans made at the EI/PSI LGBT Forum in 2004, this chapter summarises the results of the EI LGBT work described in the last section using the internal surveys and activity reports conducted by EI headquarters and regional offices on LGBT work.

Results with the Global Unions

A new Council of Global Unions (CGU) was established with the purpose of promoting cooperation and joint global union solidarity, mobilization, advocacy and campaigns. The plan has several areas of action, including LGBT. As shown by the previous section there has been a lot of fruitful collaboration between the global unions and EI in various contexts around LGBT activities. (04/07)

Results with UN organizations

The Joint UN Programme on HIV/AIDS (UNAIDS), the UN Educational, Science and Cultural Organization (UNESCO) and *Education for All* have all been asked to include more explicit references to specific vulnerable groups in their programmes, training tools and materials. There has been a positive attitude to these requests in general, although in practice the visibility of specific LGBT targets is still patchy. This will require more follow-up to ensure that LGBT issues get a higher profile in this work.

Results with ILO

The new Global Report “*Equality at Work: Tackling the Challenges*” released by the International Labour Office of the ILO provides a global picture of job-related discrimination. The report highlights newly emerging forms of discrimination, such as unfair treatment in hiring of younger and older workers, people with disabilities, those living with HIV/AIDS, on the ground of sexual orientation, and others.

Collaboration with the ILO has room for improvement, in cooperation with Global Unions working on LGBT rights, within the framework of the ILO Convention (111) and the decent work agenda. The *ILO Code of practice on HIV/AIDS (2001)* and the world mentions sexual orientation explicitly and can be used in the case of discrimination. This material deserves promotion among unionists.

Results with civil society

Collaboration with LGBT NGOs such as ILGA, the Out Games 2006 and a number of local NGOs has been close. There is interest in the fact that trade unions are taking on LGBT issues under the topic of discrimination in the workplace. In some specific cases of discrimination or harassment, EI and ILGA members have explored ways to advocate for justice. Information exchanges, linkages and networking practices have been taking place with much interest and respect from both sides.

EI works together with other NGOs on LGBT issues, for example human rights organizations such as Amnesty International, or international development NGOs, such as Oxfam and Action Aid (partners in the EFA campaign). There is space to explore linkages and lobby with international human rights organizations such as the International Service for Human Rights or national development organizations also actively involved in LGBT initiatives (such as the Swedish International Development Cooperation Agency, Canadian International Development Agency, the Humanist Institute for Cooperation with Developing Countries (HIVOS) in the Netherlands, etc.), including initiatives such as the International Day Against Homophobia.

Results of the EI Triennial Survey 2007 per region

EI conducted a Triennial survey on the status of gay and lesbian teachers in the education sector in 2006-2007. The survey was completed by 43 affiliates from 33 countries. Respondents were mainly women (25 over a total of 39).

The work on LGBT issues within unions and towards governments lies in the hands of individual EI members, with the support of the EI Regional offices and the EI Secretariat. From the survey and conversations it is clear that some affiliates and regions have been more involved in solidarity and advocacy work around LGBT issues than have others. But in general there is an increasing trend of interest in working on these issues.

The regional analyses of the survey responses illustrate the following:

A. Latin America

The situation differs by country and by union. There is no legal discrimination against lesbians and gays, except in Nicaragua, but the practice of bullying and harassment in schools is a problem in most countries. For instance, unions in Brazil and Costa Rica are working on having these matters included in teacher training courses.

In terms of equality provisions, pay equity tools and benefits exist, at least in union policy; in Costa Rica and Brazil, they are also actually implemented by the government. Specific activities regarding LGBT issues appear to be at least planned at the level of single unions, even if, generally, the implementation needs to move forward.

B. North America and Caribbean

In the United States, the legal and cultural situation of lesbians and gays differs from state to state. The Pew Global Attitudes survey (2002) shows that only a very slim majority of US citizens (51%) believe that homosexuality should be accepted. Discrimination exists and there is a general lack of government measures supporting LGBT teachers and students, but there is an active LGBT civil society community. LGBT issues are included in union policy.

In Canada the situation appears to be more open and positive. Measures to counter bullying and harassment, as well as specific references to gender identities, are among the issues included into collective agreements. In the Caribbean, more conservative attitudes towards homosexuality seem to prevail.

C. Africa

A representative of the PATC in Togo was commissioned by the EI Regional Office to conduct a study among EI members in Africa on "Assessing the knowledge, perceptions and attitudes towards gay and lesbians". The study involved 109 teachers from 19 national teacher organizations in 15 countries. The excellent literature review and survey was finished in early 2006. Their recommendations, based on the findings, will be discussed at a regional activity.

The conclusions of the study are that homosexuality has a long history in Africa, but is not culturally accepted and is practiced in secrecy. The rights of lesbians and gays are unprotected. Homosexuality is banned in almost thirty-eight countries in Africa. The study includes many powerful examples of discrimination and violence. The majority of respondents are not aware of the presence of gays and lesbians in the union, and do not support open acceptance of such people or groups. The majority do feel that allowing lesbians and gays into the teaching profession will increase teachers' acceptance of LGBT people and issues in the long run.

D. Asia and the Pacific

The situation differs across the various countries. In Mongolia, LGBT issues in general are not considered relevant. Korea sees LGBT issues as very private issues not to be included in education, especially as the teaching profession is, in general, a rather conservative environment. Discrimination in the workplace is a problem in Malaysia; teachers and education workers seem to be discriminated against in recruitment, while students tend to be harassed or bullied. There is a lack of special provisions from the government regarding LGBT issues. Mongolia, Korea and Malaysia do not have access to specific LGBT research, nor do they have policies in this regard. In Japan, discrimination in law and practice exists, particularly in the workplace. Nothing has been reported on the existence of equality provisions or on research on LGBT issues. However, unions' action plans encompass measures to foster LGBT participation in the union, as well as specific activities to increase understanding and awareness on LGBT issues.

Australia and New Zealand report a more positive situation: the majority of equality provisions exist at the various union levels, and pay equity and benefits, together with measures to counter bullying and harassment, are actually implemented by the government – in Australia they are also included in collective agreements. LGBT participation in the union appears to be widely addressed in union policy and action plans. Australia affirms that some provisions or measures are not implemented yet (LGBT rights, gender identity, specific guidelines and materials). In both countries, there are specific research policies on LGBT issues.

E. Pan-Europe

Discrimination, *de jure* and *de facto*, is reported in both Western and Eastern Europe. The problem is less relevant for teachers and education workers (in terms of recruitment, payment, promotion, training, etc), while practices of harassment and bullying or discrimination towards LGBT teachers and students are relevant all over Europe. The lack of government provisions is not considered as relevant as the lack of presence of LGBT issues in curricula. Fostering LGBT participation in the union is a key issue, definitely addressed, at least in policy and action plans, by respondent unions in the West but much less so in Eastern Europe.

Equality provisions exist at different levels in both Western and Eastern Europe - in particular, provisions for participation in training, pay equity tools and benefits and measures for countering bullying and harassment. In both Eastern and Western Europe these provisions are widely present in union policies and action plans, and generally also implemented by governments (though not always included in collective agreements). It is perhaps interesting to mention that one response reports the existence of provisions for leadership positions to be reserved for LGBT individuals (a respondent in the United Kingdom) - the only case reported worldwide.

Research on LGBT issues is conducted in the majority of countries in Western Europe, and is now planned by Armenia in Eastern Europe.

In general, Europe appears to be very self-critical, which probably indicates higher levels of awareness, openness of debate on LGBT issues, and higher human rights standards in general. Nevertheless, despite the high LGBT rights standards, there are significant problems - mainly on the side of public perception and attitudes, which, if it truly is the trend, may translate (in

the future) to a less tolerant political climate in Western Europe. Arguably, this is already happening in Central and Eastern Europe- as reported back from new European Union member states. Discrimination is reported as a problem in all three countries. Other sources suggest that discriminatory trends are coming from democratically elected policy makers.

Further measures that Education International itself has taken in relation to the recommendations from the LGBT Forum Declaration 2004:

- *Delivered* regular reports to their respective Executive Boards on affiliates' progress in establishing these advisory structures;
- *Organizes* the 2nd EI/PSI International LGBT Forum meeting in conjunction with the PSI Congress in September 2007;
- *Provided* necessary staff and financial resources for the implementation of the follow-up activities of the Forum's recommendations;
- *Established* LGBT workers' advisory structures;
- *Worked* with local governments and employer organizations to promote changes in attitudes relating to any form of discrimination, including sexual orientation and gender identity;
- *Established* networks with existing human rights and LGBT organizations to promote and protect the human and labour rights of all person at the workplace regardless of sexual orientation or gender identity;
- *Ensured* that in the development of policies on HIV/AIDS in the workplace that the rights of affected LGBT workers are protected;
- *Encouraged* affiliates to establish LGBT workers' advisory structures; and
- *Taken up* campaigns in cases of human rights violations, e.g. murder or imprisonment of LGBT activists.

Plans made in 2004 which were not achieved:

- *To submit* a test case to the ILO regarding the application of ILO Convention 111 to the rights of LGBT workers;
- *To develop* capacity building programmes and training materials, specially aimed to help member organizations to develop new capacities on LGBT issues;
- *To organize* staff training sessions on diversity, including sexual orientation and gender identity, so as to develop strategies and tools to evaluate progress on anti-discrimination issues;
- *To review and extend* existing equality programmes on sexual orientation and gender identity issues;
- *To take up* campaigns against bullying and violence against LGBT youth and to prevent youth suicides; and
- *To establish* a web-based database and information service to exchange information on relevant cases, policies, legislation, news from affiliates and best practices.

5. RECOMMENDATIONS FOR THE COMING YEARS

In April 2005, the EI Executive Board endorsed an ambitious EI/PSI LGBT Forum Plan of Action. The full plan is to be part of an ongoing dynamic movement towards equality and human rights for LGBT workers in the future.

The EI Triennial Survey 2007 included specific questions for feedback to EI:

- What should EI do to promote a better understanding of LGBT issues?
- Please list what you see as major priorities for EI working plan for the period 2007-2010.

The following draft recommendations are put forth for EI affiliates' consideration. They are based on responses to the EI survey on the "Status of Gay and Lesbian Teachers in the Education sector" and the "EI/PSI LGBT Forum Plan of Action" endorsed by the Executive Board. The current report shows that knowledge and attitudes about the connection between LGBT rights and more general human rights-based education (safe school) work differs within EI. This is a fact at the EI Secretariat, the Regional Offices and amongst and within affiliates.

Even though interest, commitment and strategic insight are growing, it is clear from the survey that there are also voices claiming that LGBT issues are irrelevant or too difficult. Experience from the last years shows that much can be gained by providing quality information, relevant knowledge of human rights literature, strategic linkages with LGBT initiatives in the education sector and, possibly more important than any of these, exposure to the real difficulties faced by LGBT teachers. Most EI affiliates have sprung into action when they were confronted with individual cases of discrimination, dismissal or violence.

These draft recommendations will be easier to implement in situations where energy already exists in different unions, networks and alliances which include issues of sexual orientation and/or gender identity in their more general work on human rights, Education for All, safe schools, quality teaching curricula, etc. These recommendations also have in mind the need to be accountable for concrete plans and results which EI aims to meet during the period 2008-2011.

❖ **Information and publications**

- A **capacity building plan** to be developed within the framework of the ILO Convention 111 and should develop materials and activities appropriate to different levels, regions and settings. It will then be useful for all EI levels (Secretariat, Regional Offices, and EI affiliates);
- Materials to be produced providing quality information and knowledge of human rights such as:
 - Basic **fact sheets** on sexuality, **linkages** with human rights, and linkages with LGBT initiatives in the education sector and union activities.
 - Training materials on how to deal with homophobia; how to bring controversial issues into more mainstream spaces; and strategies to do so;
- Case studies to be researched and developed working on specific good practices combating discrimination in the education field, in teacher training and developing inclusive curricula;
- Education programmes designed to promote human and trade union rights to be further developed and used to raise awareness of issues related to the protection of human and labour rights of all persons at the workplace regardless of sexual orientation or gender identity;
- Use and expand existing networks to promote human and trade union rights for raising awareness and protecting the human and labour rights of all persons at the workplace regardless of sexual orientation or gender identity; and
- Electronic Network: to develop a much broader **electronic sharing community** about LGBT issues in the education sector. This is being demanded – both from within affiliates and across regions. Such an e-community would allow participants to move freely among the national, regional and global communities. Such an e-community needs proper technical but particularly content leadership. Sufficient time, financial resources and energy should be provided for this suggested LGBT e-community to get into full swing.

❖ **Networking and alliance-building**

Experience of the last years shows that networking and alliance-building depends on mainly on organizations, movements and particularly people meeting and getting to know each other. In

this sense, EI affiliates, the regional offices and the Secretariat can promote or involve themselves in broader civil society events and campaigns where they can play leading, facilitating and/or supportive roles, depending on the situation. Natural alliances for LGBT issues are with human rights defenders, women's movements, development agencies, HIV/AIDS networks and the social movements mentioned above (Education for All, Anti-homophobia campaigners, World Social Forum, etc.).

- Campaigns: Promote the integration of LGBT work into broader campaigns in which the position of LGBT teachers and students can be included as a natural message, such as the "Education for All" campaign, the "No name-calling week", "Safe schools", where the position of girls and minorities is important, and the "International Day against Homophobia".
- Alliance-building with other social movements: the **Workers Out! Conference**, event associated with the next LGBT Human Rights Conference (July, 2009) to be hosted by a collaborative venture between the City of Copenhagen, Wonderful Copenhagen (the official tourist organization of the Greater Copenhagen area) and Pan Idraet (a Danish LGBT sport association); the **World Social Forum**, which has sexuality and social justice tracks, or regional Social Forum initiatives like the Sexual Diversity Forum in the Americas.

❖ Advocacy and solidarity work:

- There is specific country, regional and global advocacy work to be done by EI, and where it is relevant EI can work together with PSI on building quality public services for all in challenging settings;
- At the international level efforts can be made to include explicit language and mechanisms of protection in the UN agencies, in particular ILO, UNESCO, the Human Rights Council, etc;
- Solidarity actions can be supported in consultation with local organizations. It may be helpful to develop criteria at global, regional and country levels regarding the kind of cases to be supported, and setting up clear mechanisms and procedures about the type of support that can be offered; and
- National LGBT platforms working on changing discriminatory laws can be supported by EI affiliates at the national level.

❖ Regional work on LGBT issues:

- Each EI Regional Office to or could appoint a contact person to deal with LGBT issues in the region.
- Each EI Regional Office, where is appropriate, to identify one or two affiliates and countries with experience in LGBT work, and then, together with contact person from the region, create a regional Steering Group to further advance the work in the region. The suggestions for affiliates and countries per region must obviously be open to discussion.
- The 'drivers' are EI affiliates within the chosen countries, who, with the support of the appointed regional officers and the EI Secretariat's backing create strategic plans for the region in terms of relevant advancements in that region.
- The EI Regional Conference, where appropriate, can convene a specific space or LGBT Caucus to create awareness and further advance the work in the region.

❖ Organizing LGBT work

- Small **Steering Groups** to or could be created at the regional and/or country levels within EI affiliates. At the regional level a suggestion of working with people from two or three affiliates/countries and a contact person from the regional office can suffice. In countries, where relevant, the Steering Group might be made up out of EI affiliate representatives.

- **Small Steering Groups** to or could also be created at the global level. EI and PSI are in the process of setting up such a steering mechanism globally. The EI Secretariat might have a global overview of the Steering Groups created at global, regional and national levels, so that interaction and support between the levels is possible.
- **Decision-making** should take place where relevant, depending on whether the issue is global, regional or national. Reports of the different steering groups will feed into the regular EI reporting and decision-making mechanisms, namely, the Regional Conferences, regular Executive Board meetings and the EI Congresses.
- **The EI Secretariat** plays a critical role and it needs support in receiving more guidance on regional priorities and needs. It also needs to coordinate more specific ways to collaborate with Regional Offices to prepare materials and capacity-building and monitoring and evaluation tools, and to set up an interactive website which includes information on relevant laws, policies and practices, discrimination cases and successful actions, campaigns and policy changes from all regions.

EDUCATION INTERNATIONAL (EI) and PUBLIC SERVICES INTERNATIONAL (PSI)

Declaration

1st International Lesbian, Gay, Bisexual and Transgender (LGBT) Forum Porto Alegre, July 21, 2004

The participants of the First EI/PSI International Lesbian, Gay, Bisexual and Transgender (LGBT) Forum meeting in Porto Alegre (Brazil) from July 19th to July 21st 2004,

Recalling the importance of the inherent dignity and of the equal and inalienable rights of all human beings as the foundation of freedom, social justice and peace in the world;

Reaffirming the principle of universality, indivisibility and interdependence of human rights, the full enforcement of which will require the elimination of all forms of discrimination;

Calling on all members of Education International and Public Services International to recognize that we are all responsible for making sure that human rights are reaffirmed through our ways of thinking and in our actions;

Taking note of the progress that has been achieved during the past decades to eradicate discrimination based on sexual orientation and gender identity;

Concerned by the obstacles that remain in many countries to the full enjoyment of civil, political, economic, social and cultural rights of all peoples, in particular those who are excluded or discriminated against on grounds such as gender, race, ethnic group, nationality, disability, religion or socio-economic status;

Concerned that the rights of sexual minorities are not explicitly recognized in most international and national standards and instruments; and that therefore discrimination and inequality based on sexual orientation and gender identity continue to persist at different levels. These include employment; access to public services; criminal and civil law; failure to recognize legally atypical personal relations such as same sex partnerships and de facto couples; lack of support for lesbian, gay, bisexual and transgender young workers; and the specific needs of transgender people;

Being aware of the diversity in the lesbian, gay, bisexual and transgender communities and lifestyles, the social, cultural and even linguistic diversity, the needs for different age groups and the differences in accessibility of information on these topics;

Convinced that the workplace must be a space free of discrimination of any kind, including bullying and violence, and that trade unions must play an important role in ensuring full respect for the dignity and fundamental rights of all workers;

Acknowledge that campaigns for equal rights for LGBT workers will be strengthened if they are integrated successfully into broader rights campaigns at national, regional and international level;

Taking into consideration the constitutions of both Education International and Public Services International and the policies and resolutions approved by both EI and PSI;

Acknowledging the work done on LGBT issues and the results obtained by individual affiliates of EI and PSI;

The participants of the First EI/PSI Lesbian, Gay, Bisexual and Transgender Forum request EI and PSI that they recommend:

To the International Labor Organization (ILO)

- to refer explicitly to discrimination at work based on sexual orientation or gender identity in their programs and action plans, particularly in the follow up action plan to the Global Report on Discrimination adopted by the November 2003 Governing Body;
- to develop and disseminate guidelines related to the elimination of discrimination on grounds of sexual orientation or gender identity, and information about best practices;

- to provide technical support to the social partners (governments, employers and workers) to evaluate employment and workplace practices in order to detect and eliminate discrimination on grounds of sexual orientation or gender identity, including in the education system, and in the provision of public services;
- to compile a Conditions of Work Digest focusing on best practices related to promoting labor and trade union rights of LGBT workers;
- to endorse its code on HIV/AIDS, containing fundamental principles for policy development and practical guidelines and for all trade unions to implement this code.

To UNESCO and Education for All (EFA) programs

- to include in their materials and training tools, themes and issues related to sexual diversity, the cultural, social and historical roots of discrimination, and to make recommendations on ways to eradicate all form of discriminatory practices.

To UNAIDS

- to develop programs that are diverse, and contain non-discriminatory references to human sexuality and gender; and to address their linkages to poverty.

To Non- governmental organizations

- To work on specific actions and campaigns to remove all obstacles to the full enjoyment of civil, political, economic, social and cultural rights of all peoples;
- To document discrimination at the workplace and coordinate joint actions with trade unions at national, regional and international level;
- To exchange information, analyses and best practice with trade unions so as to improve the quality and impact of the work against all forms of discrimination.

To governments

- To promote, protect and enforce respect for existing standards for the promotion of human rights and non-discrimination on any ground;
- To amend national legislation in order to eradicate discrimination on the basis of sexual orientation, gender identity or marital status including laws that penalize same-sex relations; and to eradicate exemption provisions, e.g. for religious organizations;
- To afford same-sex relationships the full protection of the law in the areas of pension and inheritance rights, adoption rights, taxation, access to housing, health services, and to take the necessary steps to recognize the diversity of family relationships including ending discriminatory legislation, policies and practices in all fields where this currently exists;
- To ensure the widest and earliest possible access to Quality Public Education, free of prejudice and to empower people, especially women and girls, to make their own choices;
- To ensure that sex education and health care materials, campaigns and services include information relating to LGBT people and their needs;
- To eliminate all discriminatory practices related to people living with HIV/AIDS, especially at the workplace, including arbitrary dismissal or transfer.

The participants of the First EI/PSI Lesbian, Gay, Bisexual and Transgender Forum further request EI and PSI:

- *to reaffirm* the unequivocal commitment of EI and PSI and their member organizations to provide full support for the rights of lesbian, gay, bisexual and transgender workers;
- *to request* the International Confederation of Free Trade Unions (ICFTU) to establish a LGBT workers' network and to develop programs to work on sexual orientation and gender identity issues;
- *to develop* an action plan aimed at cooperation with other world trade union confederations to work on the protection of LGBT workers against discrimination;

- *to submit* a test case to the ILO regarding the application of ILO Convention 111 to the rights of LGBT workers;
- *to adopt and implement* resolutions on LGBT rights and to encourage member organizations to adopt and implement similar resolutions;
- *to explicitly deal with* the issues of sexual orientation and gender identity discrimination as they relate to women in the EI and PSI women structures;
- *to develop* capacity building programs and training materials, specially aimed to help member organizations to develop new capacities on LGBT issues;
- *to organize* staff training sessions on diversity, including sexual orientation and gender identity, so as to develop strategies and tools to evaluate progress on anti-discrimination issues;
- *to establish* a web based data base and information service to exchange information on relevant cases, policies, legislation, news from affiliates, best practices;
- *to encourage member organizations to adopt* policies and mechanisms to detect and eliminate discrimination based on sexual orientation and gender identity and to mainstream related issues into the collective bargaining agenda;
- *to encourage* member organizations to establish LGBT workers advisory structures;
- *to review and extend* existing equality programs to sexual orientation and gender identity issues;
- *to take up* campaigns in cases of human rights violations, e.g. murder, imprisonment of LGBT activists;
- *to take up* campaigns against bullying and violence against LGBT youth and to prevent youth suicides;
- *to provide* regular reports to their respective Executive Boards on affiliates progress in establishing these advisory structures;
- *to implement* a 2nd EI/PSI International LGBT Forum meeting in conjunction with the PSI Congress in 2007;
- *to provide* all the necessary staff and financial resources for the implementation of the follow up activities of the Forum's recommendations.

Further, the participants of the First EI/PSI Lesbian, Gay, Bisexual and Transgender Forum further request EI and PSI to encourage their member organizations:

- *To promote* human and trade union rights education that raises awareness of issues related to discrimination on grounds of sexual orientation and gender identity;
- *To adopt* policies and mechanisms to detect and eliminate discrimination based on sexual orientation and gender identity both within their own structures and at the work place; and to mainstream LGBT issues into collective bargaining;
- *To establish* LGBT workers advisory structures;
- *To work* with local governments and employer organizations to promote changes in attitudes relating to any form of discrimination, including sexual orientation and gender identity;
- *To establish* networks with existing human rights and LGBT organizations to promote and protect the human and labor rights of all person at the workplace regardless of sexual orientation or gender identity;
- *To ensure* that in the development of policies on HIV/AIDS in the workplace that the rights of affected LGBT workers are protected.

Finally, the participants of the EI/PSI Lesbian, Gay, Bisexual and Transgender Forum therefore request EI and PSI

- To establish a Steering group from this Forum to advise and assist the Executive Boards with the implementation of the follow-up activities of the Forum recommendations, which should be composed equally of representatives from EI and PSI affiliates.

Porto Alegre, July, 2004

ANNEX No. 2		
EI Triennial Survey on Gay and Lesbians Teachers: participation in 2007		
Country	Union	Region
Central African Republic	CNTC	Africa
Togo	FESEN	Africa
Zimbabwe	ZIMTA	Africa
Australia	AEU	Asia Pacific
India	AISTF	Asia Pacific
Japan	JTU	Asia Pacific
Malaysia	NUTP	Asia Pacific
Mongolia	FMESU	Asia Pacific
New Zealand	NZEI	Asia Pacific
New Zealand	NZPPTA	Asia Pacific
Taiwan	NTA	Asia Pacific
Brasil	CNTE	Latin America
Costa Rica	ANDE	Latin America
Canada	CTF	North America and Caribbean
Canada	FNEEQ	North America and Caribbean
Dominica	DAT	North America and Caribbean
Trinidad and Tobago	T&TUTA	North America and Caribbean
United States	NEA	North America and Caribbean
Armenia	CPCST	Pan Europe
Belgium	COV	Pan Europe
Bulgaria	SEB	Pan Europe
Denmark	BUPL	Pan Europe
Finland	OAJ	Pan Europe
France	SNES-FSU	Pan Europe
Germany	GEW	Pan Europe
Italy	FLC – CGIL	Pan Europe
Ireland	ASTI	Pan Europe
Latvia	LIZDA	Pan Europe
Netherlands	Aob	Pan Europe
Norway	UEN	Pan Europe
Portugal	FNE	Pan Europe
Scotland - UK	EIS	Pan Europe
Slovakia	ZPŠV NKOS	Pan Europe
Spain	CSI-CSIF	Pan Europe
Spain	FE.CC.OO	Pan Europe
Spain	STES	Pan Europe
Sweden	Laramas Riksfurbund	Pan Europe
Sweden	LARARFORBUNDET	Pan Europe
Sweden	SULF	Pan Europe
United Kingdom	NASUWT	Pan Europe
United Kingdom	NUT	Pan Europe
United Kingdom	UCU	Pan Europe

