

Introduction, List of Acronyms

4

Conceptual legal Framework: the Czech Republic

5

Conceptual legal Framework: Italy

13

Conceptual legal Framework: Cyprus

19

Conclusion

24

# Conceptual legal framework of LGBTIQ+ education in the Czech Republic, Italy and Cyprus



Co-funded by  
the European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

This publication is the project result of “Streets Aligned – Supporting educators towards a LGBTIQ+ Inclusive Education” (2021-1-IT02-KA220-ADU-000029989) implemented by four organisations: Gender Information Centre NORA (GIC NORA) from the Czech Republic, Idrisi Cultura e Sviluppo ETS from Italy, ARISTA DEKA from Cyprus and Istituto Istruzione Superiore Statale Pio La Torre from Sicily.

Conceptual legal framework of LGBTIQ+ education  
in the Czech Republic, Italy and Cyprus

© 2023, Streets Aligned – Supporting educators towards  
a LGBTIQ+ Inclusive Education: Brno, Palermo, Nicosia

**Authors:**

Gender Information Centre NORA, o. p. s.

MgA. Bc. Eva Lukešová, Mgr. Dagmar Matulíková, Mgr. et Mgr. Tamara Jačisko Nasri

Idrisi Cultura e Sviluppo ETS

Bc. Marcello Caruso, M.A., Flavia Binenti

Arista Deka

Nikos Georgoudis, MA, BA. Elizabeth Tzialla



I am for equality.

Nora



# Introduction

4

This booklet discusses the conceptual legal framework concerning the rights of SOGIESC<sup>1</sup> in the major EU countries involved in the project called Streets Aligned. That is the Czech Republic, Italy and Cyprus. The booklet is primarily targeted at educators interested in the field of adult education, but can of course serve the public and all persons hungry for knowledge, teachers, youth and social workers.

## List of acronyms

<b>CZ</b>	<b>the Czech Republic</b>
<b>DDL FEDELI</b>	<b>disegno di legge; bill laid by politician Fedeli</b>
<b>EU</b>	<b>the European Union</b>
<b>FEP BE</b>	<b>the Framework Education Programme for Basic Education</b>
<b>FRA</b>	<b>Agency for Fundamental Rights</b>
<b>HU</b>	<b>Hungary</b>
<b>LGBTIQ+</b>	<b>lesbian, gay, bisexual, transgender, intersex, people who identify as queer or are questioning their sexual or gender identity, other identities not perceived to be included in LGBTQ</b>
<b>MEYS</b>	<b>the Ministry of Education, Youth and Sports</b>
<b>NGO</b>	<b>non-governmental organisation</b>
<b>SK</b>	<b>Slovakia</b>
<b>SOGIESC</b>	<b>sexual orientation, gender identity, gender expression and sex characteristics</b>
<b>UN</b>	<b>the United Nations</b>
<b>UNAIDS</b>	<b>Joint United Nations Programme on HIV/AIDS</b>

<sup>1</sup> An acronym for sexual orientation, gender identity, gender expression and sex characteristics.

6  
7  
8

Transgender in the Czech law  
Intersectionality in the Czech law  
Educative Settings & SOGIESC in Czech Republic

5

# Conceptual legal Framework: the Czech Republic

In the Czech Republic two documents regulate equal treatment:

- ① The Charter of Fundamental Rights and Freedoms No. 1/1993 Coll.
- ② Anti-Discrimination Act

*The Charter of Fundamental Rights and Freedoms* was approved in 1991 by the Federal Assembly of the Czech and Slovak Federal Republic. In 1992, the Charter was declared a part of the constitutional order of the Czech Republic. In the preamble, the previous political order (communist totalitarianism from 1948 to 1989) when fundamental human rights had been suppressed is pointed out and the importance of democratic tradition is mentioned.

In Article 3 the Charter states: “Fundamental human rights and freedoms are guaranteed to everybody irrespective of sex, race, colour of skin, language, faith, religion, political or other conviction, ethnic or social origin, membership in a national or ethnic minority, property, birth, or other status.” The charter does not explicitly list sexual orientation, gender identity or gender (it uses the word sex). However, in contrast to the Anti-discrimination Act, the list of grounds in the Charter is open.

The Anti-Discrimination Act entered into effect in 2009. The act reflects the relevant regulations of the European Union as well as the Charter of the Fundamental Rights and Basic Freedoms and international agreements. It defines the right to equal treatment and prohibition of discrimination with respect to ten areas of public life, including “access to and provision of education, including trainings” (§ 1/1/i). The act lists discriminatory conduct and distinguishes direct and indirect discrimination. Sexual harassment is explicitly mentioned as behaviour that shall be considered to be discrimination (§ 2/2). The Act lists eleven discriminatory grounds including sex and sexual orientation with the specification: “Discrimination on grounds of pregnancy, maternity and paternity and on grounds of sexual identification shall also be considered to be discrimination on grounds of sex” (§ 2/4).<sup>1</sup>

“Czech criminal law does not recognize sexual orientation and gender identity (unlike race or religion) as a motive for hatred that should be punished. In practice, this means that racist or religious attacks should be marked as serious crimes, but homophobic and transphobic attacks are treated as mere misdemeanours. The Public Defender of Rights acknowledged these shortcomings and recommended that the Criminal Code be changed so that victims of LGBTIQ+ hate crime have the same protection as victims of other hate-motivated crimes. However, such an amendment has not yet been adopted.”<sup>2</sup>

## Transgender in the Czech law

The Czech Republic is one of the last European countries to require surgery before allowing a trans person to officially change gender. It is the most seri-

6

ous problem related to transgender identities, because it exposes people who cannot undergo surgery in particular to long-term discrimination and loss of privacy. That is also criticised by international organisations such as Transgender Europe and the Council of Europe. Despite the decision of the European Economic and Social Committee, this situation has still not been rectified.<sup>3</sup>

“An official change of gender is possible in the Czech Republic. However, it is only possible on the basis of an operative sex change, including the inability of the reproductive function (i.e., after sterilisation).” The Czech Republic is one of the last countries in Europe with this requirement. The Council of Europe found this practice contrary to the obligations of member states to protect health. The Public Defender of Rights recommended the government to submit changes to the relevant laws.<sup>4</sup>

In May 2019, the Supreme Administrative Court ruled, contrary to the European Court of Human Rights, that the sterilisation requirement was legitimate. The decision was challenged, but the repeal of the problematic paragraph in the Civil Code has not happened. The Constitutional Court was inclined to the opinion that the wording of the law itself is not unconstitutional.

In March 2023, a press conference was held on the subject of changes to the Act on Gender Change, at which representatives of the Ministry of Justice and the Government Commissioner for Human Rights presented a draft amendment to §29 of the Civil Code. If the presented proposal were to succeed in its current form, the aforementioned sterilisation obligation would be abolished.

## Intersectionality in the Czech law

“In the Czech Republic, there is also low awareness of the special position of LGBTIQ+ Roma and their needs. There is no institutional support aimed at addressing the specific needs of LGBTIQ+ Roma. There is also a lack of systematic and targeted support for the non-profit sector in solving hate crimes, breaking down stereotypes and solving anti-Roma expressions and hatred. There is almost no effort to solve the problems that affect LGBTIQ+ Roma. They are a particularly vulnerable group, especially during the COVID-19 pandemic, due to many disadvantages and discrimination bordering on racism, homophobia and transphobia. National health systems and most civil society organisations do not take into account the specific needs of LGBTIQ+ Roma. Provisions regarding multiple discrimination are completely absent in Czech legal regulations. This type of discrimination is not expressly prohibited by law, nor is there any case law dealing with it. There is a very weak monitoring mechanism. Social policy and legal provisions need to be expanded to include an intersectional approach, as well as to incorporate intersectionality into national law.”<sup>5</sup>

*The Roma LGBTIQ+ Minority and Its Status in Selected EU Countries (CZ, SK, and HU)* is one of the first research studies of its kind within the EU, providing not only theoretical but also practical information on multiple intersectional discrimination as a social-legal phenomenon

<sup>1</sup> Hodická, K., D. Křižová, L. Lukács, G. Mészáros, L. Polánková, D. Rédei, R. Sáfrány, C. Schneider, L. Slavík, R. Tanzberger. 2019. *Gender in national education documents and teaching resources, and in teachers' pedagogical approaches and everyday teaching practices in Austria, the Czech Republic and Hungary*. Comparative report. Available from: [6d77a323ea.clvaw-cdnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report\\_gender\\_Nora.pdf?ph=6d77a323ea](https://6d77a323ea.clvaw-cdnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report_gender_Nora.pdf?ph=6d77a323ea)

<sup>2</sup> LGBTIQ+ in the Czech Republic (LGBTIQ+ v České republice). *Amnesty International*. [online]. Available from: [www.amnesty.cz/lgbti/v-cr](http://www.amnesty.cz/lgbti/v-cr)

<sup>3</sup> LGBTIQ+ in the Czech Republic (LGBTIQ+ v České republice). *Amnesty International* [online]. Available from: [www.amnesty.cz/lgbti/v-cr](http://www.amnesty.cz/lgbti/v-cr)

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

7

concerning the situation of LGBTIQ+ Roma individuals from the perspective of public administration and civil society organisations active in this field.<sup>6</sup>

The Czech organisation ARA ART conducted research in three countries, revealing a lack of conceptual and legal framework in the area of multiple intersectional discrimination. This deficiency affects the protection of human rights for ethnic/racial and sexual/gender minorities in the context of an overall trend of weakening equality oversight bodies. ARA ART emphasises that it is crucial to note that despite this situation, there are actors capable of finding constructive solutions. Fortunately, there is at least some manoeuvring space for cases of multiple intersectional discrimination, including queer Roma individuals.<sup>7</sup>

8

## Educative Settings & SOGIESC in Czech Republic

The specific provisions of the Anti-Discrimination Act relating to men and women refers to the field of work and employment, the provision of services and the social security system for workers. There are no gender-related specific provisions in the area of education.<sup>8</sup>

In 2019, the Office of Public Defender of Rights carried out research on *Being LGBT+ in the Czech Republic* and also dealt with the field of education. They found that “(t)he rate of hiding or concealment in school was slightly lower compared to work and employment. 43% of respondents often or always hide their gender identity, in the case of sexual orientation, 34%. Compared to the results of a study by the EU Agency for Fundamental Rights (FRA) from 2012, this is a shift towards greater openness – at that time, up to 71% of respondents often or always hid their belonging to the LGBT+ group. Up to a fifth of the respondents said that during their studies they often or always experienced negative comments or actions related to their own or some of their classmates’ sexual orientation or gender identity. On the contrary, only less than a quarter of the respondents have never encountered such behaviour. This suggests that schools and other educational institutions are often places where LGBT+ people are exposed to negative experiences and that this area therefore deserves more attention from teachers, principals and other actors who can influence the atmosphere in schools.”<sup>9</sup>

“In April 2021, the *Government Strategy for Equality and the Removal of Barriers to a Dignified Life of LGBT+ People in the Czech Republic 2021–2026* was presented and is now subject to a broad discussion within the framework of the interdepartmental comment procedure. The strate-

<sup>6</sup> Bučková, A., L. Fremlová. 2021. *The Roma LGBTIQ Minority and Its Status in Selected EU Countries (CZ, SK, AND HU)*. Available from: [www.araart.cz/getmedia/ef0f673d-2134-49c8-b56c-46db9a7416eb/ARA-ART-analyticka-zprava-A4-V2-korektura-CR.pdf](http://www.araart.cz/getmedia/ef0f673d-2134-49c8-b56c-46db9a7416eb/ARA-ART-analyticka-zprava-A4-V2-korektura-CR.pdf)

<sup>7</sup> Ibid.

<sup>8</sup> Hodická, K., D. Křišová, L. Lukács, G. Mészáros, L. Polánková, D. Rédai, R. Sáfrány, C. Schneider, L. Slavík, R. Tanzberger. 2019. *Gender in national education documents and teaching resources, and in teachers’ pedagogical approaches and everyday teaching practices in Austria, the Czech Republic and Hungary*. Comparative report. Available from: [6d77a323ea.cldnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report\\_gender\\_Nora.pdf?ph=6d77a323ea](https://www.cdnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report_gender_Nora.pdf?ph=6d77a323ea)

<sup>9</sup> *Being LGBT+ in the Czech Republic. Experiences of LGBT+ people with prejudice, discrimination, harassment and hate violence*. Research of the Public Defender of Rights 2019. (Být LGBT+ v Česku. Zkušenosti LGBT+ lidí s předsudky, diskriminací, obtěžováním a násilím z nenávisťi) [online]. Available from: [www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Vyzkum-LGBT.pdf](http://www.ochrance.cz/uploads-import/DISKRIMINACE/Vyzkum/Vyzkum-LGBT.pdf)

gy is the first government document that comprehensively deals with the rights, lives and problems of LGBT+ people in the Czech Republic. It deals with six strategic areas and one of them is education. It brings proposals for measures aimed at better protection of rights, removal of barriers and equal status of LGBT+ people in the Czech Republic. The measures are based on the constitutional order of the Czech Republic, its international obligations and standards for the protection of the rights of LGBT+ people, and are based on relevant data and scientific knowledge.”<sup>10</sup>

In the Czech Republic three state-published resources are available, which deal with SOGIESC:

9

### ① A tool for assessing the gender correctness of textbooks<sup>11</sup>

The one-page material was one of the outputs of the project called Assessment of the gender stereotyping in textbooks, implemented in 2004 by the Ministry of Education, Youth And Sports (MEYS) of the Czech Republic. The document itself is not dated, the authors are J. Valdřová, I. Smetáčková, B. Knotková. The document consists of a series of questions that reviewers should ask while reviewing a textbook from a gender perspective. Questions are divided into six themes: curriculum selection; depiction of women and men; illustrations; examples for interpretation and practising of the subject; how students are addressed; and the language of description. The tool is intended to guide reviewers of school books to recognise whether a book is gender stereotypical or not.

The guideline presents a binary concept of gender: women and men, girls and boys etc. The wording used concerning gender is ‘non-traditional/alternative/non-stereotypical depiction of women and men’. It does not work with gender identity, sexual orientation or other types of inequalities.

The tool is a recommendation published on the MEYS website. Nevertheless, the study on the status of gender equality at MEYS points out the fact the tool is not systematically used in the book reviewing process (MEYS, 2013).

### ② Homophobia in pupils’ collectives: Homophobic harassment and bullying at elementary and secondary schools – how it is manifested and how to prevent it; Additional teaching material for primary and secondary schools including the didactic application of the topic.<sup>12</sup>

This handbook was issued by the Governmental Council for Human Rights in cooperation with the MEYS in 2009, as supplementary material for primary and secondary schooling prepared by Irena Smetáčková, including the didactic application of the theme prepared by Richard Braun. It is a recommendation intended for teachers at primary and secondary schools, school

<sup>10</sup> LGBTI+ in the Czech Republic (LGBTI+ v České republice). *Amnesty International* [online]. Available from: [www.amnesty.cz/lgbti/v-cr](http://www.amnesty.cz/lgbti/v-cr)

<sup>11</sup> Valdřová, J., I. Smetáčková, B. Knotková. A tool for assessing the gender correctness of textbooks (Pomůcka při posuzování genderové korektnosti učebnic). *Ministry of Education, Youth, and Sports* [online]. Available from: [www.msmt.cz/vzdelavani/zakladni-vzdelavani/pomucka-pri-posuzovani-genderove-korektnosti-ucebnic?lang=1](http://www.msmt.cz/vzdelavani/zakladni-vzdelavani/pomucka-pri-posuzovani-genderove-korektnosti-ucebnic?lang=1)

<sup>12</sup> Smetáčková, I., R. Braun. 2009. *Homophobia in pupils’ collectives: Homophobic harassment and bullying at elementary and secondary schools – how it is manifested and how to prevent it; Additional teaching material for primary and secondary schools including the didactic application of the topic*. [online]. Available from: [www.vlada.cz/assets/udalosti/homofobie\\_web.pdf](http://www.vlada.cz/assets/udalosti/homofobie_web.pdf)

counsellors, school methodologists and prevention methodologists. It aims to provide lecturers guidelines on “how to identify homophobic harassment and bullying, and which preventive measures to take to deal with it as well as to solve it” (p. 14). It brings examples of homophobic harassment among pupils/students.

In the introduction, the handbook defines the basic terms (homophobia, heterosexuality, homosexuality, bisexuality, transsexuality, LGBT, gender, prejudice), explains the issue of homophobic harassment and bullying, how it can be recognized, how to prevent it and how to solve homophobic bullying. The second part of the handbook presents selected techniques and possible ways of working in the classroom. It points out that according to the Anti-discrimination Act, the Education Act, the Constitution and the Charter of Fundamental Rights and Freedoms, schools are responsible for ensuring equal treatment. To pay attention to homophobic harassment is one of the ways to fulfil this commitment. The handbook emphasises the need for understanding the gender order (its heteronormativity, dichotomy and complementarity), to understand the nature of homophobic bullying.

### ③ Sexual Education – Selected Topics<sup>13</sup>

The handbook published in 2009 is a work of fourteen authors. The handbook aims to complete already published publications on health education. Another intention is to help with the implementation of sexual education in schools, to respond to the urgent need to tackle the issue of sexual education in a comprehensive way.

The publication refers to three government documents: Health 21 – a long-term program for the improvement of the health of the population of the Czech Republic (Government Resolution No. 1046); National Program on HIV / AIDS in the Czech Republic in the Period 2008–2012 (Government Resolution No. 130); Strategy for the prevention of risky behaviour of children and the youth in the frame of Ministry of Education 2009–2012 activity (MEYS 2009). It is in accordance with the UNAIDS World Anti-AIDS Program. It focuses on the health aspects of sexual life, the protection of reproductive health, the prevention of sexual diseases and the prevention of risky behaviour on the internet. Sexual education is linked to ethics, the framework educational program for basic education, and legislation. The table of contents includes chapters on sexual orientation, “sexual dysfunctions”, “sexual deviations” and deviant behaviour, gender aspects of sexual education.

When it comes to sexual orientation and gender identity, the terminology used by the manual is confusing and reflects an essentialist and medicalised approach to sexual minorities.<sup>14</sup>

<sup>13</sup> Sexual Education – Selected Topics. 2009. *pedagogicke.info* [online]. Available from: [www.pedagogicke.info/2011/09/e-kniha-pro-vas-sexualni-vychova.html](http://www.pedagogicke.info/2011/09/e-kniha-pro-vas-sexualni-vychova.html)

<sup>14</sup> Hodická, K., D. Křišová, L. Lukács, G. Mészáros, L. Polánková, D. Rédei, R. Sáfrány, C. Schneider, L. Slavík, R. Tanzberger. 2019. *Gender in national education documents and teaching resources, and in teachers' pedagogical approaches and everyday teaching practices in Austria, the Czech Republic and Hungary*. Comparative report. Available from: [6d77a323ea.cldnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report\\_gender\\_Nora.pdf?ph=6d77a323ea](https://6d77a323ea.cldnwnd.com/50d2286a49b6846c801b72a1cf7189d4/200000749-497bb497bd/Comparative%20report_gender_Nora.pdf?ph=6d77a323ea)

## Continuation of Educative Settings & SOGIESC in Czech Republic

The regulation for the creation of the curriculum of Czech basic education is called the Framework Education Programme for Basic Education (FEP BE) and its valid version is set from 2021 and was actualised during 2023. In this document, the LGBTQI+ theme is inserted only latently and in the following way: “The framework educational program for basic education encourages, in the section ‘Citizenship education’, to tolerance: ‘clarifies the need for tolerance in society, respects cultural peculiarities as well as different opinions, interests, ways of behaving and thinking of people, adopts tolerant attitudes towards minorities.’”<sup>15</sup> At this point, we could find room for the teachers themselves to define to the students what minorities are. Minorities is a very broad term and it is not explicitly stated which minorities should be mentioned. The level of tolerance is also very relative, again it depends on the teachers, in what way and if at all they will include the topic in the teaching.<sup>16</sup>

Furthermore, the FEP BE mentions the fight against intolerance: “recognizes intolerant, racist, xenophobic and extremist manifestations in people’s behaviour and takes an active stance against all manifestations of human intolerance.”<sup>17</sup> FEP BE directly mentions the problems of racism, extremism and xenophobic behaviour. From the point of view of intolerance, it would be appropriate to include the category of homophobia as it is already mentioned in methodological materials for the prevention of socially pathological phenomena.<sup>18</sup>

Furthermore, the chapter *Health Education* briefly touches on the area of sexual behaviour: “respects the importance of sexuality in connection with health, ethics, morals and positive life goals; understands the importance of restraint in adolescence and responsible sexual behaviour”.<sup>19</sup>

The same chapter states that “sexual adolescence and reproductive health – health of reproductive systems, sexuality as part of personality formation, abstinence, early sexual experience, promiscuity; problems of teenage pregnancy and parenting; gender identity disorders” should be a part of Health Education.<sup>20</sup> Even here, the Framework Education Program does not provide teachers with sufficient support on how to deal with the topic of different sexual orientation. And that’s not even in connection with the issue of coming out and the identity of young people. However, the positive

<sup>15</sup> *Framework educational program for basic education*. 2021. (Rámcový vzdělávací program pro základní vzdělávání) [online]. Available from: [www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv](http://www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv)

<sup>16</sup> Jírová, D. 2016. *LGBT topics in Czech and international curricular materials*. Diploma thesis. Available from: [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiixZPE7bP\\_AhWTgv0HHa0-Bj8QFnoECA0QAQ&url=https%3A%2F%2Fspace.cuni.cz%2Fhandle%2F20.500.11956%2F73910%3Fshow%3Dfull&usg=AOvVaw3kmbAfldoY6aTd0\\_QxdaE5](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiixZPE7bP_AhWTgv0HHa0-Bj8QFnoECA0QAQ&url=https%3A%2F%2Fspace.cuni.cz%2Fhandle%2F20.500.11956%2F73910%3Fshow%3Dfull&usg=AOvVaw3kmbAfldoY6aTd0_QxdaE5)

<sup>17</sup> *Framework educational program for basic education*. 2021. (Rámcový vzdělávací program pro základní vzdělávání) [online]. Available from: [www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv](http://www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv)

<sup>18</sup> Jírová, D. 2016. *LGBT topics in Czech and international curricular materials*. Diploma thesis. Available from: [www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiixZPE7bP\\_AhWTgv0HHa0-Bj8QFnoECA0QAQ&url=https%3A%2F%2Fspace.cuni.cz%2Fhandle%2F20.500.11956%2F73910%3Fshow%3Dfull&usg=AOvVaw3kmbAfldoY6aTd0\\_QxdaE5](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiixZPE7bP_AhWTgv0HHa0-Bj8QFnoECA0QAQ&url=https%3A%2F%2Fspace.cuni.cz%2Fhandle%2F20.500.11956%2F73910%3Fshow%3Dfull&usg=AOvVaw3kmbAfldoY6aTd0_QxdaE5)

<sup>19</sup> *Framework educational program for basic education*. 2021. (Rámcový vzdělávací program pro základní vzdělávání) Available from: [www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv](http://www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcovy-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv)

<sup>20</sup> Ibid.

thing is that the Ministry of Education, Youth and Sports makes it possible to accredit courses that offer this helping hand. For example, the Czech non-profit organisation Transparent offers an accredited one-day online course on the topic of inclusion of trans and non-binary youth in the school environment with regard to mental well-being and collective cohesion.<sup>21</sup>

The word 'homosexuality' or the term LGBT does not appear at all in the Framework Educational Program for Basic Education. The word 'sexual identity' occurs only once in the Framework Educational Program for Basic Education as a teaching topic 'sexual health – responsible relationship to sexuality, youth – preparation for love, sexual identity, immature parenting'. This mention appears in the section "Additional educational fields", which are not a mandatory part of basic education, they only supplement and expand its educational content.<sup>22</sup>

The framework educational program for basic education does not explicitly criticize homosexuality, lesbians, gays, homosexuals, transgender, intersexual and members of the queer group. But he does not even give a helping hand to the teacher to take on these challenging topics. FEP BE is basically "tactfully" silent about them.

12

- 14 Educational settings & SOGIESC in Italy
- 15 What did the Zan Law consist of?
- 16 The schooling system and anti-discrimination law

13

# Conceptual legal Framework: Italy

<sup>21</sup> Transparent z. s. Available from: [jsmetransparent.cz/pro-odbornou-verejnost](http://jsmetransparent.cz/pro-odbornou-verejnost)

<sup>22</sup> Framework educational program for basic education. 2021. (Rámcový vzdělávací program pro základní vzdělávání) [online]. Available from: [www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcove-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv](http://www.edu.cz/rvp-ramcove-vzdelavaci-programy/ramcove-vzdelavaci-program-pro-zakladni-vzdelavani-rvp-zv)

## Educational settings & SOGIESC in Italy

Many documents, specifically for the Italian schooling system (and, in a broad sense, education and training) “protect and support students in the development of their identity”. However, no document so far explicitly mentions themes, keywords or anything else related to the SOGIESC framework. On the contrary, an educational protocol promulgated by the Ministry of Education (2015) emphasises the fact that “schools should not promote any specific ideology”.

Another protocol (National Guidelines, 2017) suggests the introduction of elements and themes such as sexual orientation at school, but these suggestions are not binding.

On the other hand, over the years and up to 2022, Italy has, if anything, been at the centre of numerous criticisms: for example, having promoted a national strategy on LGBTIQ+ anti-discrimination (2013–2015), the UN within Universal Periodic Review has underlined the shortcomings of Italy and the fact that many points of the 2013–2015 strategy had not been followed up or implemented.

The Italian Department for Equal Opportunities has underlined its willingness to adhere to the well-known “Strategy for LGBTIQ + 2020–2025 equality” of the European Commission, starting from 2022. In any case, to date, Italy does not integrate SOGIESC issues in a compulsory manner either at school or in other educational and/or training settings. There is therefore no obligation in the curriculum to integrate topics such as sexuality education for students. The reforms relating to Civic Education teaching, which have focused heavily for example on promoting education in environmental sustainability, do not integrate or mention SOGIESC issues.

During the training course of future teachers, educators and trainers, there is no training in LGBTIQ+ matters. Although there are numerous guidelines to combat the discriminatory phenomenon, the specific LGBTIQ+ issues have never been included or included in the curriculum to date. Indeed, there are numerous cases, in the news, which testify to a contrary trend: Arcigay<sup>1</sup> often denounces the impossibility of proposing questionnaires or other in the SOGIESC area precisely because of bans imposed by school and/or educational realities.

In general, schools have psychologists or social workers within them who provide students with listening services, but their training – as noted above – hardly includes LGBTIQ+ related topics. Sometimes this service and this educational offer is promoted through protocols, projects and collaborations with non-profit organisations. In the end, it all depends on the availability of the individual school and/or educational institution. Even from the point of view of bullying, schools are not obliged to specifically address the one centered on homobitranphobia.

From a social and political point of view, hate speech and homobitranphobic crimes are on the rise in Italy. Some virtuous cases: several schools and universities today guarantee the transgender student body the autonomous indication of their name.

When we talk about LGBTIQ+ and SOGIESC issues in Italy and at school, we must refer to the controversial Zan Bill, a bill proposed by

14

Alessandro Zan, deputy of the Democratic Party and LGBTIQ+ activist for decades. Starting from 2018, it was therefore a law that would make it a crime, in Italy, to discriminate on the basis of sexual orientation or gender identity.

In fact, on November 4, 2020 – in a period dominated by the Covid 19 emergency – the design was approved in the Chamber of Deputies. Here, however, the process is interrupted: having reached the second and definitive discussion in the Senate much later, the Zan Law was “sunk”: as underlined by many politicians, it was not really understood what they were voting for, imagining in fact, that the Bill was simply related to hate crimes against LGBTIQ+ people and not also related to gender identities, a topic felt as much more problematic.

Hence, and the consequent confusion, the rejection of the law in the Senate. To date, therefore, Italy does not have (receiving formal queries from EU institutions too) a real LGBTIQ+ anti-discrimination law.

15

## What did the Zan Law consist of?

The bill had the “purpose, in implementation of Article 3 of the Constitution, to offer the greatest protection against all forms of discrimination based on sex, gender and sexual orientation, as expressions of the inviolable rights of each individual, as well as against any individual form of discrimination based on disability”.

The art. 2 (in detail: changes to article 604-bis of the criminal code) introduced some changes to pre-existing laws (Article 604-bis of the criminal code): for example, in the first paragraph, letter A, “or based on sex, gender, sexual orientation or disability”. Or again: to the letter D, the addition: “propaganda of ideas (...) and discriminatory and violent acts for racial, ethnic, religious ideas or based on sex, gender, sexual orientation or disability”.

To simplify: Zan Bill envisaged and wished to strengthen pre-existing laws on anti-discrimination, already in force in Italy, with specific references to sexual orientation, gender identities and disabilities.

Several aspects were found difficult to approve by the Senate. For instance:

### ① The establishment of the national day against discrimination

The art. 7 of the Zan Bill introduced the national day against discrimination in order to promote the culture of respect and inclusion. The chosen date was May 17, already world day against homobitranphobia.

### ② Gender identities

In some interpretations of the bill, the reference to gender identities was too strong and too oriented to the possibility of “self-determination”.

In absolute terms, the (negative) emphasis on the very notion of gender identity has been placed by both moderate, conservative and feminist forces, who have ultimately asked for the rejection of any “propagandist” and / or “transactivist” proposal, invoking a rather generic “freedom of speech and expression”.

But was this the real aim of the Zan Bill?

<sup>1</sup> Arcigay is the main Italian LGBTIQ+ non-for-profit organisation, the largest in terms of number of volunteers and activists throughout Italy. Arcigay fights for equality, self-determination, and against stereotypes and prejudice towards LGBTIQ+ people, as well as against any form of discrimination.



Not really. In reality, the Zan Bill dealt with gender identities in a similar way to the European and Western context, distinguishing between “sex” (biological, registered at birth) and “gender” (understood, simplifying, as a culturally determined element, different from *sex* and not *coincident* or *consequent* to *sex*). As already mentioned, these definitions are already largely present in Italian and European law.

The doubts related to “propaganda” were mostly referable to the establishment of the National anti-discrimination day in order to promote the culture of respect and inclusion.

In any case, the Zan Bill expressly protected freedom of expression and the pluralism of ideas.

And self-affirmation?

Actually, the law did not foresee including any changes in the matter of self-determination whatsoever. Even today, in Italy, law 164/82 – very similar to the English Gender Recognition Act – which regulates the path towards sex change is still in force in this regard. Many improvements have been approved (today it is no longer necessary to undertake a surgical transition path to obtain a sex change on one’s documents). In any case, the Zan Bill did not explicitly address these issues.

The bill itself was composed of a set of changes to already existing anti-discrimination laws, strengthening them and introducing key-words such as sexual orientation, gender identities and disability.

16

## The schooling system and anti-discrimination law

This has been a heatedly debated topic. Protecting minors, not ideologizing educational settings, not introducing sensitive topics such as gender and sexuality have always been cornerstones of conservative wings. But, in detail, what did the law foresee?

Nothing particularly burdensome. Precisely on the occasion of the National anti-discrimination day, schools in compliance with the three-year plan of the educational offer<sup>2</sup> and to the educational pact of co-responsibility, as well as the other public administrations, provide activities referred to in the previous article (ed. On the occasion of the day, ceremonies or events can be organised to promote respect, inclusion, enhancement of diversity, the contrast of stereotypes and prejudices, etc.).

This element, among other things, had already been amended, using the formula “they can be undertaken”, essentially allowing, for example, schools or other public realities and institutions to act freely on the matter.

Consequently, there was no mention possibly related to the need to reshape curricula whatsoever. Nor the obligation of ad hoc preparation in LGBTIQ+ topics for teachers, educators, nor students.

Nonetheless, the text was rejected and there are currently no anti-discrimination bills under discussion in Italy.

This overview of the Zan Bill is not only aimed at promoting its content in a correct way, but also to describe the current state of SOGIESC in Italian education in detail in reference to inclusive LGBTIQ+ or referable to sexual education.

In Italy, the introduction of LGBTIQ+ inclusion issues, for example in schools, is far from complete. Moreover, even the general sexuality education in the country is still insufficient. Italy shares the absence only with Bulgaria, Cyprus, Lithuania, Poland and Romania. On the contrary, in many EU countries, such as Germany, Denmark, Austria, France and Sweden, sexuality education has been a compulsory subject. The result, as evidenced in numerous sources, is that young Italians lack information not only about sexual orientation, gender identity or other, but also about sexually transmitted diseases, prevention tools, etc.

It is therefore appropriate for some countries, such as Italy, to introduce compulsory education on LGBTIQ+ issues. In countries where sex education is already taught, it is advisable to also include (in addition to LGBTIQ+ topics) overviews of changing requirements, the stigmatising phenomenon of AIDS, etc. However, Italy does not tend to take any steps forward at the moment.

A small is an attempt represented by Ddl Fedeli (2015), which initially introduced the themes of sexuality education in schools. The bill, of course, has never seen the light and has been severely hampered by pro-life movements, Catholic associations and the Catholic Church, parents’ associations with a profound conservative inclination and more.

Who is most affected by these shortcomings in laws, regulations and curricula?

In fact, only LGBTIQ+ people (and not only): although there are not many studies or data on homobitransphobic bullying available (the latest, by Arcigay, is from 2010), it is highly probable that the numbers at a distance of 13 years are themselves the same, precisely because nothing – on several occasions – has been done on the matter. Based on the mentioned study, already in 2010, 81% of LGBTIQ+ people at school reported verbal bullying, 38% threats and violence and 16% physical assaults.

17

20	Anti-discrimination legislation in education
20	Policies & Action Plans
21	Educational curricula
21	Teacher Training
21	Cypriot legislative context on LGBTIQ rights
22	Civil society and NGOs contribution

# Conceptual legal Framework: Cyprus

## Anti-discrimination legislation in education

In Cyprus, there has been no legislative framework in relation to education and SOGIESC issues. Moreover, there is no anti-discrimination law that is applied in educational institutions. However, Article 28 of the Constitution of Cyprus contains a general anti-discrimination provision. This provision protects against all forms of discrimination but does not explicitly cover sexual orientation and gender identity. The Cypriot Courts have never used Article 28 for cases related to SOGIESC issues. In legal terms, Article 28 could be used for sexual orientation discrimination.

## Policies & Action Plans

The Ministry of Education and Culture of Cyprus published in 2016 a Code of Conduct against Racism and a Guide for Managing and Recording Racist Incidents. These documents are addressed to school authorities, teachers, pupils and their families. The Code contains the theoretical framework of all forms of discrimination, including homophobia and transphobia, guidelines for the combat of discrimination at schools and suggestions to teachers for the appropriate way of addressing discriminating attitudes in the school environment (racist and discriminating comments, bullying). According to the Code, “zero tolerance should be shown regarding incidents of racism or any form of discrimination due to nationality, appearance, community, gender, sexual orientation, gender identity or disability”. Moreover, the Ministry of Education and Culture has established the National Strategy for the Prevention and Management of Violence in Schools (2018–2022). The National Strategy sets a series of legal and administrative measures for the prevention and management of violence in schools. It provides guidelines to ensure that pupils have better access to rehabilitation and support services while promoting values like respect, diversity and equality.

In an attempt to reduce the phenomenon of homophobia and transphobia, the Ministry introduced in 2011 a series of topics related to sexual orientation and gender identity in the pre-primary, primary and lower secondary education. The following year, an anti-bullying plan was introduced in the schools in order to promote a supportive learning environment for LGBTIQ+ individuals. In addition, a specialised campaign for the combat against homophobia was launched under the title Shield against Homophobia in Education. The campaign aimed to support professionals within the field of education and to give them the tools to prevent and handle homophobic incidents in schools. Within the framework of the campaign, a training course for teachers on gender and sexuality and a nationwide conference were organised. Overall, 80 educators of different school levels were trained on the topic of homophobia in education and importantly, a handbook with guidelines for LGBT-inclusive education was produced and distributed to schools. This campaign is part of a series of actions that the Ministry of Education has implemented to promote LGBTIQ+ awareness and handle the problem of school bullying.

20

## Educational curricula

LGBTIQ+ issues or issues related to sexual orientation and gender identity are not part of curricula. Some school books include anti-LGBTIQ content (most often in connection with teaching on “Religion” which is focused on the Orthodox Christianity), but there is no comprehensive curriculum on teaching LGBTIQ+ issues. Moreover, sex education does not include information on LGBTIQ+ issues. The general civic education curriculum of the Ministry of Education does not include content on SOGIESC issues.

## Teacher Training

Teacher training on sex education and LGBTIQ+ awareness is available to all teachers, but it is not mandatory. The Ministry of Education published in 2019 the *Teachers' Guide to Responding to Homophobia and Transphobia*. So far, 250 teachers have received training on how to address LGBTIQ+ bullying. Specialised training on sexual and reproductive health and rights has been provided to home economics and biology teachers.

## Cypriot legislative context on LGBTIQ+ rights

21

The Republic of Cyprus implemented in 2004 an anti-discrimination law and particularly the Equal Treatment in Occupation and Employment Law, which protects people against discrimination on the basis of sexual orientation in employment. This law was designed to comply with the European Union's Employment Framework Directive of 2000.

On the same note, in 2004 Cyprus also implemented the “Law on Combating Racial and Other Forms of Discrimination through which the Commissioner for Administration and Human Rights (Ombudsperson) was appointed as the National Equality Body for combating direct and indirect discrimination on the grounds of community, race, language, colour, religion, and national or ethnic origin and sexual orientation”.

Regarding legal gender recognition, there is no law in place but only administrative procedures. The Ministry of Interior issued a series of guidelines in 2018, according to which legal gender recognition should be provided on the basis of self-determination, but the implementation of these guidelines is flawed. Although there is no gender recognition law, same-sex marriage is now legal under a law that was passed in 2015 by the Cyprus House of Parliament. Same-sex couples can conclude a written agreement known as the civil partnership agreement. The legal recognition of same-sex couples was an important step towards gender equality in Cyprus, but there is still a long way to go. A draft bill is under discussion in the Cyprus Parliament. The draft bill would allow an individual to access legal gender recognition on the basis of self-determination without medical intervention or evaluation. In fact, trans people would be allowed to change their gender identity without having to undergo any sex reassignment surgery first. It should be noted that sex reassignment surgeries are not performed in Cyprus and trans people are required to go abroad, undergo surgery and then request a change of their gender identity.

## Civil society and NGOs contribution

The most active NGO advocating and lobbying for LGBTIQ+ rights in Cyprus is Accept Cyprus. Accept Cyprus is a dynamic youth-led organisation that promotes and supports respect for human rights and fights for acceptance, equality, and equity while harmonising Cyprus society with issues concerning the LGBTIQ+ community. An important part of the organisation's mission is the provision of education and training on LGBTIQ+ issues to teachers, trainers, and professors working in various professional disciplines, including higher education institutes. It also organises speeches, workshops and seminars that serve to inform the public on various LGBTQ-related issues. Accept runs various EU-funded projects that aim to develop useful educational material for teaching LGBTIQ+ inclusive education in schools and educational institutions.



# Conclusion

24

From the overview of information on legislation, policies, and educational programs concerning SOGIESC in the Czech Republic, Italy, and Cyprus, it's evident that protection against discrimination based on sexual orientation, gender identity, and expression remains a complex and evolving issue. Legislative changes, curricular adjustments, and efforts to ensure the inclusion of LGBTIQ+ thematic areas in the educational environment are influenced by various political, cultural, and societal factors. Despite many steps being taken in the form of proposed laws and support programs, the issue of protection against discrimination based on sexual orientation and gender identity remains a lively and ongoing topic in the education and legislation of these countries.



Co-funded by  
the European Union

Funded by the European Union. Views and opinions expressed are however those of the author(s) only and do not necessarily reflect those of the European Union or the European Education and Culture Executive Agency (EACEA). Neither the European Union nor EACEA can be held responsible for them.

Conceptual legal framework of LGBTIQ+ education  
in the Czech Republic, Italy and Cyprus

© 2023, Streets Aligned – Supporting educators towards  
a LGBTIQ+ Inclusive Education: Brno, Palermo, Nicosia

**Authors:**

Gender Information Centre NORA, o. p. s.

MgA. Bc. Eva Lukešová, Mgr. Dagmar Matulíková, Mgr. et Mgr. Tamara Jačisko Nasri

Idrisi Cultura e Sviluppo ETS

Bc. Marcello Caruso, M.A., Flavia Binenti

Arista Deka

Nikos Georgoudis, MA, BA. Elizabeth Tzialla

Graphic Design and Layout:

MgA. Barbora Malo

Issued by:

Gender Information Centre NORA, o. p. s.

[www.gendernora.cz](http://www.gendernora.cz)

