

Talking Points



"Enabling educators to become aware of the real-life challenges faced by LGBTQIA+ learners and leading the educators towards setting personal learning objectives for improved inclusion."

The purpose of this tool is to provide some discussion points to promote structural progress in favor of diversity.

The tool also identifies a number of possible negative or sceptical reactions and some suggestions to address them.

Finally, the document lists some national laws and policies that can be useful to promote diversity in educational institutions.



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TALKING POINTS

A collection of ideas to promote structural progress



1. HOW TO OPEN THE DEBATE

How can you open the discussion in your educational institution to promote respect for diversity, the fight against discrimination and an intersectional approach?

We can convince our community of colleagues to commit to developing new policies, curricula and practices by encouraging them with a positive, proactive and engaging approach. We can start from our reflections, from episodes that happened in our educational community or from the simple perspective of making our educational institution better.

Here are some proposals to open the debate!

1.1 "I noticed that our curriculum does not represent LGBTQIA+ identities. I think it would be helpful if our courses reflected more people's diversity and allowed everyone to feel included. How can we overcome this gap?"





1.2 "I am proud that our school has very effective guidelines against the most visible forms of bullying, but I think we can do better. Why don't we also address microaggressions and use inclusive language? For example, I have noticed that our official forms do not take into account people who are transitioning or who have a non-binary identity..."

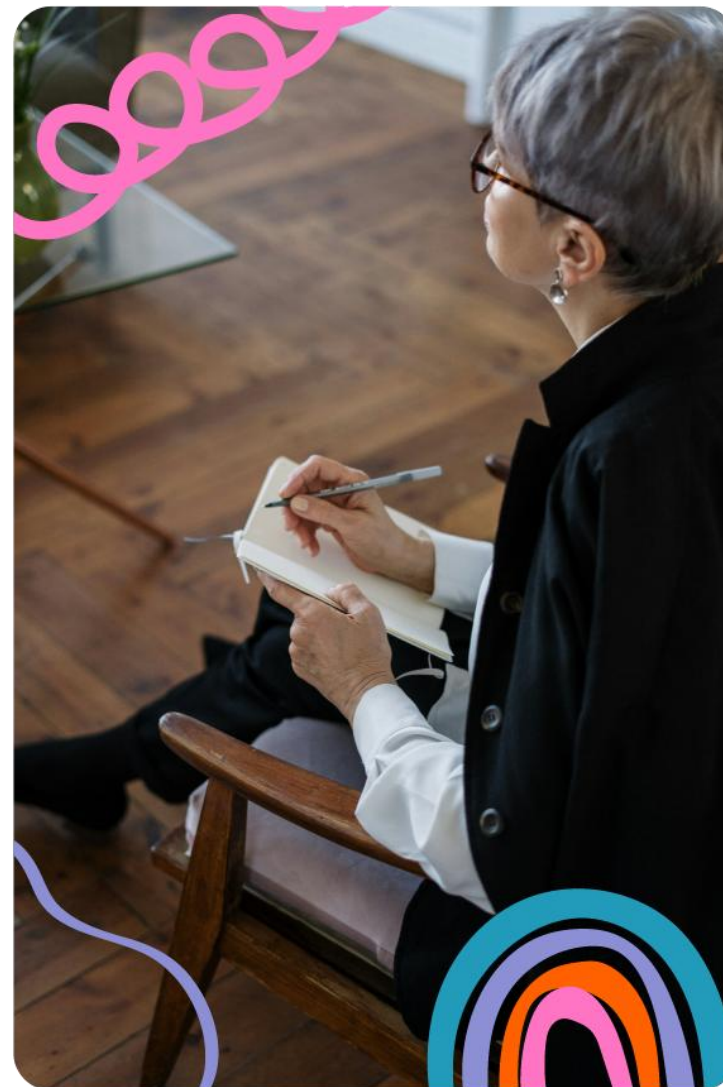
1.3 "Until recently I hadn't paid much attention to issues related to sexual diversity. I started to get informed and I realised that these are very important issues in our work. Why don't we organise training sessions for teaching and administrative staff?"

1.4 "As you know, a student came out as transgender and asked the school to be more effective. I think her request is very fair: we need to offer all students a safe, welcoming and respectful environment for their identities. How can we ensure equality in our school? What changes are needed?"

1.5 "Our students' mental health is very important. Can we offer a psychological support service directly or, if that is not possible, can we refer our students to an external service? Are we sure that the psychologist of reference is able to support queer students as well?"

1.6 "A student complained that our school supports queer people, saying that these school policies conflict with his culture and religious beliefs. In my opinion, it is important to develop our intercultural approach better to allow a positive relationship between people with different identities. We could also contact some associations that deal with these issues in an intersectional way: what do you think?"

1.7 "A student told me that she was insulted because she is a lesbian, but she feels that our institution would do nothing to support her. I think this is a very serious issue: we need to be clear about our position in favour of the safety, well-being and inclusion of all our students. It's time to develop more explicit policies and provide students with clear guidelines against discrimination and on reporting inappropriate behaviour. Isn't it?"





1.8 "An LGBTQIA+ association in our city is proposing a very interesting initiative. In my opinion, we have to accept their proposal. In fact, it could be a great opportunity to discuss with them and develop new inclusive policies!"

1.9 "Dear colleagues, I feel the need to tell you that I am gay. I tell you this to live more peacefully in our workplace, but also because I think that our students need to know that queer people are welcome in our institution. And I hope that we will develop inclusive policies that allow other queer teachers, but also teachers belonging to ethnic or cultural minorities, to be able to work without added pressure here."

1.10 "We wrote the guidelines for inclusion in our institution 5 years ago. In my opinion, it's time to review them, involving students as well. We should constantly improve our practices and remain a model for our community!"

2. ...WHAT IF SOMEONE IS SCEPTICAL?

Not everything always works out perfectly right away, we know that! Even in your educational institution, some people may be sceptical or hostile towards diversity, the fight against discrimination and an intersectional approach, often because they share and spread common misconceptions and misunderstandings.

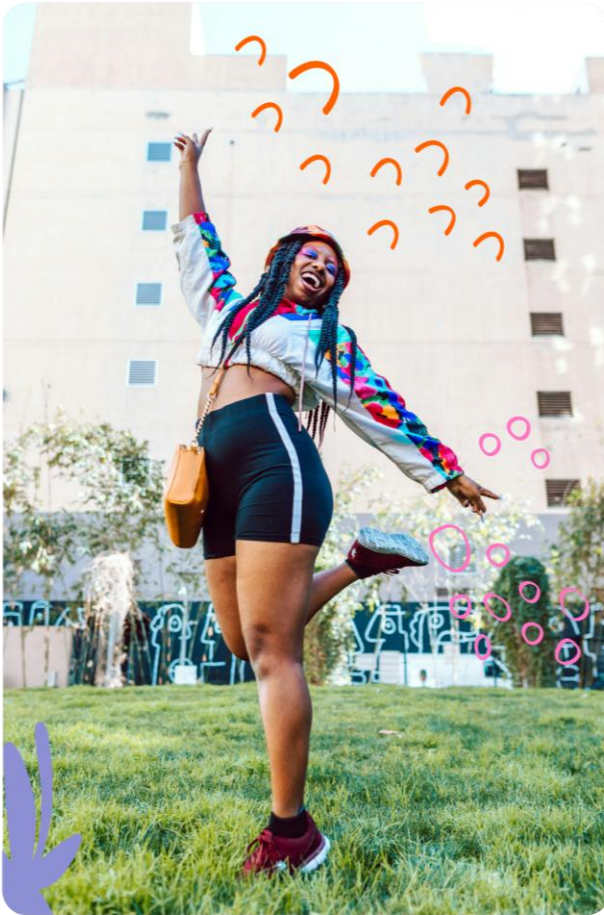
How can you respond to these hostile or sceptical remarks and reiterate the importance of making our study and work environments more inclusive?

We have collected the most common objections and now we offer you some answers to counter them effectively and confidently!

2.1 *"I don't think schools should address these issues: our job is to teach our subjects!"*

Addressing discrimination is an important part of our job. Building a positive social-emotional environment is essential to successful learning: our students cannot learn properly without feeling safe and happy.





2.2 *"You want to push your ideological positions, but our job is to educate, not to do politics!"*

I am sorry for your reaction. My goal is simply to create an inclusive educational environment for all people. I think that ensuring the well-being and respect of our students is a fundamental value for an educational institution. What benefits would there be in making some of our students feel marginalised?

2.3 *"It seems wrong to me to imagine specific policies for some people or for some situations... Why should we pay attention to some and not to everyone in general?"*

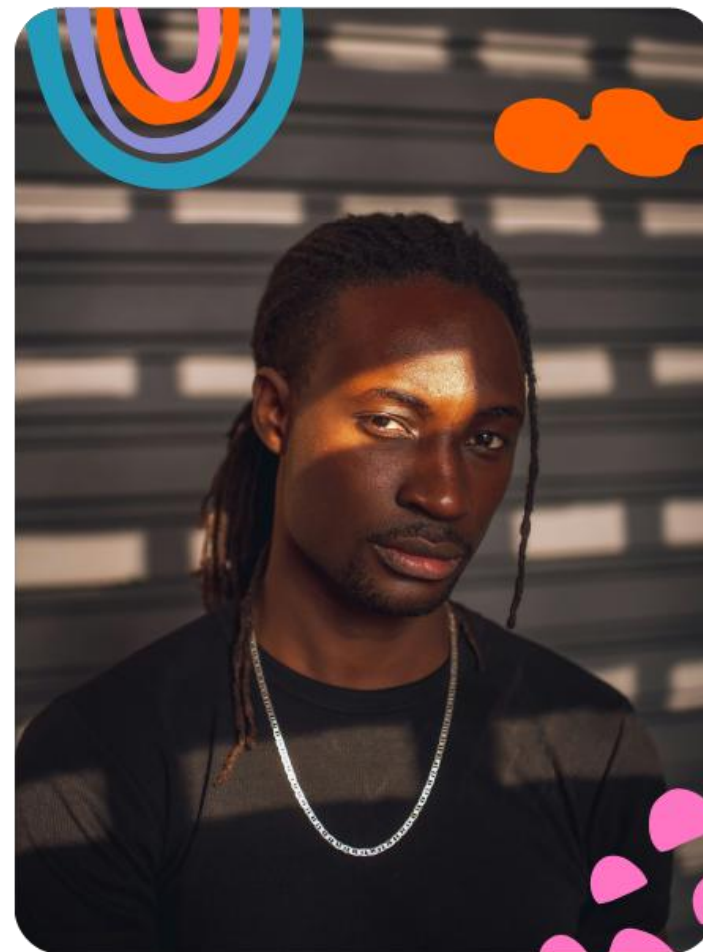
I agree that our goal should be to build an inclusive environment for everyone in general, but it's important to remember that we are in a society that creates differences and discrimination and where equality and fairness do not happen by themselves. That is why we should act proactively for the good of all: if we increase the involvement of those who are marginalised, fight bullying and create an inclusive climate, it will benefit everyone!

2.4 "No one has ever come out as queer in our school: you want to solve a problem that doesn't exist here!"

We can't assume that all people who don't come out as queer are cisgender and straight. On the contrary, the fact that no one has come out as queer could be a sign that in our school it's difficult to express one's sexual identity peacefully and confidently.

2.5 "Our colleague is openly bisexual and says he has never experienced discrimination in our institution: we don't need policies against a problem that fortunately we don't have here!"

In my opinion, we can't draw general conclusions from the experiences of a single person. However, it may be true that there has never been discrimination in our institution, but I believe it is important to have a proactive approach: it is better to prevent discrimination and promote inclusion rather than wait for problems to arise and try to solve them later.





2.6 "If we start implementing policies against discrimination based on sexual orientation and gender identity and expression, then we should also do it against ableism or racism! What a mess!"

In my opinion, this is exactly what we need to do: we have to fight against the fact that people are unfairly discriminated against, not just against specific forms of discrimination. An intersectional approach will help us to address more broadly and more deeply all the different forms of discrimination and their connections. Also, covering all forms of discrimination will help students to empathise and be in solidarity with each other.

2.7 "I'm not against policies of inclusion of LGBTQIA+ people, but they risk taking resources and attention away from other forms of discrimination, which in my opinion are more widespread, such as sexism or classism."

The fight against different forms of discrimination is not a competition, on the contrary! Different policies of inclusion reinforce each other, because they create an environment where discrimination itself is not accepted. Furthermore, an intersectional approach will help us recognize and address forms of marginalisation that arise from different forms of prejudice and hatred.

2.8 *"In our school, there are people with very different cultural and religious backgrounds. Many people have conservative positions and may feel uncomfortable in addressing these issues."*

We are not asking anyone to change their positions, but only to respect other people's identities. If there will be complaints, we'll have to explain that our school is open to all forms of diversity: in an environment that respects everyone, everyone is respected, even those who are complaining.





3. HUNTING FOR RESOURCES!

Did you know that there are some national laws and policies that can help you promote respect for diversity, fight discrimination, and develop an intersectional approach in your school?

Here are some important tools and tips!

BULGARIA

A very important law, although it does not include gender and gender identity, is the [Protection Against Discrimination Act](#), which in Article 4 prohibits discrimination on various grounds, including sex and sexual orientation.

We have also to remember that in July 2023 Bulgaria's Parliament approved [amendments to the Penal Code](#) that classify crimes motivated by hostility towards a victim's sexual orientation as aggravated offences. This includes murder (Art. 116), Bodily injury (Art. 131), Kidnapping and Unlawful Restraint (Art. 142), Incitement to Hatred (Art. 162), Employment Discrimination (Art. 172).

Finally, it is important to mention the UNESCO's [European Agency for Special Needs and Inclusive Education country report \(2023\)](#), that identifies the possible obstacles and barriers to education learners may face as arising from "*gender, remoteness, wealth, disability, ethnicity, language, migration, displacement, incarceration, sexual orientation, gender identity and expression, religion and other beliefs and attitudes.*"

FRANCE

At school, because of their real or supposed sexual orientation or gender identity, pupils or adults may be the victims of acts that fall within the scope of the law: verbal, physical or moral abuse, discrimination.

Verbal abuse (insult, defamation, incitement to hatred, violence or discrimination) is severely punished and the penalties for insult or defamation of an LGBT+phobic nature are increased.

The LGBT+phobic motive constitutes an aggravating circumstance for crimes and misdemeanours: since Law 2017-87 of 27 January 2017, [Article 132-77 of the Penal Code](#) provides for a general provision increasing the penalties applicable to criminal offences committed with a homophobic or transphobic motive, whether or not the victim is lesbian, gay, bi or trans.

Homophobic and transphobic discrimination is an offence punishable by criminal penalties ([article L.225-1 of the Criminal Code](#)).

Minors cannot be tried before the ordinary criminal courts, but they can be held accountable for their actions before the juvenile judge, the juvenile court or the juvenile assize court.

The Ministry of Education's action to combat homophobia and transphobia is part of an interministerial framework coordinated by the Interministerial Delegation for Combating Racism, Anti-Semitism and Anti-LGBT Hatred (DILCRAH). The government's objectives are set out in the [2020-2023 national action plan for equality and against anti-LGBT+ hatred and discrimination](#), which defines several priorities for promoting inclusive education and overcoming prejudice: training for educational staff, raising awareness among pupils, integration of LGBT+ pupils, etc.

GERMANY

In Germany there are many regulations that can support us in our work against discrimination.

German Basic Law (Grundgesetz, GG): The German Basic Law protects the equality of all people and guarantees fundamental rights such as the protection of human dignity, equality before the law, and equal rights in all areas of life. Article 3 is especially significant in ensuring that discrimination is constitutionally prohibited in Germany.

General Equal Treatment Act (AGG): The AGG, or "Allgemeines Gleichbehandlungsgesetz," is a fundamental anti-discrimination law that prohibits discrimination on the basis of race, ethnicity, gender, religion, disability, age, and sexual orientation. It applies across employment, education, and access to goods and services. By setting a legal standard against discrimination, the AGG creates a foundation for diversity policies in organizations, institutions, and companies, making it easier for marginalized groups to seek recourse in cases of discrimination.

Diversity Charter (Charta der Vielfalt): The Diversity Charter is a voluntary initiative for companies and institutions in Germany to pledge their commitment to an inclusive work culture. Signatories commit to creating a respectful environment that values individual differences across gender, nationality, ethnic background, religion, physical abilities, and age. The Diversity Charter has become a widespread movement supported by thousands of organizations, helping normalize diversity in the workplace and fostering structural change through best practices and shared resources.

National Action Plan Against Racism: Germany's "Nationaler Aktionsplan gegen Rassismus" (NAP) outlines strategic actions for combating racism, xenophobia, and related forms of intolerance. The NAP promotes structural measures across multiple sectors, including law enforcement, education, employment, and housing.

Inclusion Law and **National Action Plan on Inclusion**: Under the "Behindertengleichstellungsgesetz" (BGG) and subsequent policies like the National Action Plan on Inclusion, Germany has committed to implementing the UN Convention on the Rights of Persons with Disabilities. This plan addresses areas such as employment, education, and accessibility in public spaces.

Civil Status Act (PStG), § 22 para. 3: Since 2018, Germany's Civil Status Act allows the registration of a third gender labeled "diverse" for individuals who are neither male nor female. This change is based on a ruling by the Federal Constitutional Court (BVerfG, 1 BvR 2019/16, 2017), which recognized the right to gender identity as constitutionally protected. Registration requires a medical certificate confirming a variation of sex development.

Policies and initiatives, such as the Action Plan for the Acceptance of Sexual and Gender Diversity, work to eliminate discrimination against LGBTQ+ individuals, supporting diversity across workplaces and public institutions. The recent reform of Germany's "Transsexuellengesetz" (Transsexual Law) and upcoming Self-Determination Act aim to simplify the legal process for changing gender markers and names, promoting inclusion and visibility for transgender individuals.

ITALY

In Italy, the Constitution, some legislative provisions and numerous judicial decisions guarantee the equality of all people, regardless of their sexual identity.

[Article 3 of the Italian Constitution](#) establishes that "All citizens have equal social dignity and are equal before the law, without distinction of sex, race, language, religion, political opinion, personal and social conditions". Case law has clarified without a shadow of a doubt that "personal conditions" also include sexual orientation and gender identity.

[Law 164/1982](#) allows transgender people residing in Italy to change their sex. Numerous sentences have subsequently recognized the right to change one's sex only in the registry office to adapt it to their gender identity, even in the absence of surgical intervention.

[Legislative Decree 216/2003](#) prohibits direct or indirect discrimination based on disability, sexual orientation, religion, belief, and age in the workplace. According to court rulings, discrimination based on gender identity is a form of gender-based discrimination.

[Law 76/2016](#) introduces civil unions, guaranteeing all the rights and duties of marriage, with the exception of joint adoption, some fiscal and economic constraints and the obligation of fidelity.

SPAIN

It is important to know the Spanish laws that recognize the equality of all citizens and fight discrimination.

[Article 14 of the Spanish Constitution](#) guarantees equality before the law and prohibits any discrimination based on birth, race, sex, religion, opinion, or any other personal or social condition or circumstance.

[Law 13/2005](#): This law allows for marriage to be celebrated between persons of the same or different sex/gender, with full and equal rights and obligations regardless of their composition.

[Royal Legislative Decree 1/2013](#), of November 29th, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion.

[Law 4/2023](#), of February 28th, for the real and effective equality of transgender people and for the guarantee of the rights of LGBTBI people, whose purpose is to develop and guarantee their rights by eradicating discriminatory situations to ensure that in Spain sexual orientation, gender identity, gender expression, sex characteristics, and family diversity can be lived with full freedom.

[Royal Decree 1026/2024](#), of 8 October, which develops the planned set of measures for equality and non-discrimination of LGBTBI people in companies.