

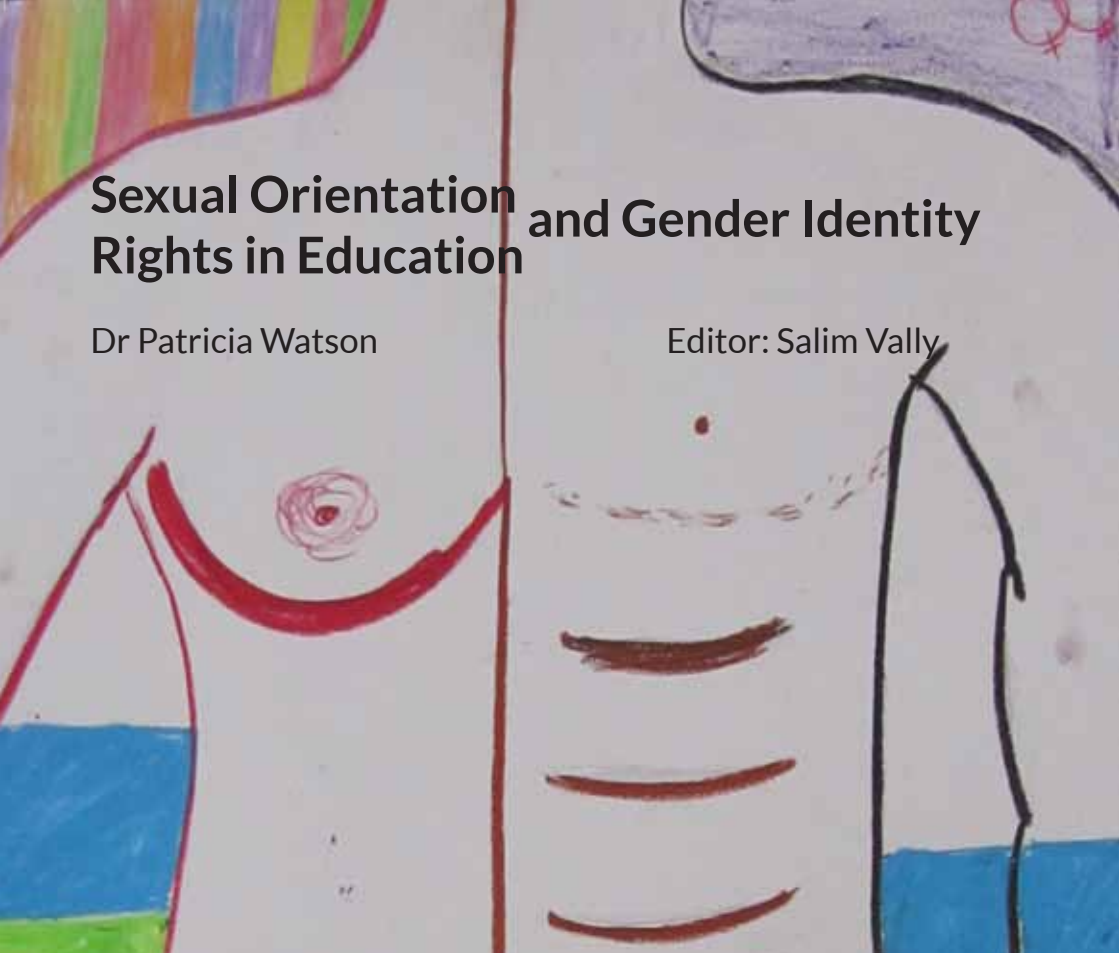


Sexual Orientation and Gender Identity Rights in Education



Education Rights for
Learners, Parents
and Educators

book
16



Sexual Orientation and Gender Identity Rights in Education

Dr Patricia Watson

Editor: Salim Vally

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The struggle for quality public education continues!

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GALA

These booklets are dedicated to the millions of young people who are brutalised by the socio-economic and socio-cultural cruelties of life. Unfortunately, young people are also brutalised by those who are meant to provide healing in our country, at home and in school.

These booklets are also dedicated to those educators in formal and informal institutions, and organic intellectuals in social movements and unions, who see their own knowledge as a gift of trust from the people, who see the learning process as a mutual experience, who encourage the building of selfdiscipline and hard work through their own example, and whose greatest happiness comes from seeing those with whom they have been exploring and changing the world around them, go on to share the process with others.

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Schools take responsibility to prevent discrimination

Schools in South Africa have not always been places where all people have felt accepted, respected and valued as members of the school community.

During apartheid, people were discriminated against on the basis of their colour, gender and sexual orientation. Sexual orientation refers to emotional and/or sexual attraction to the opposite sex (heterosexual); the same sex (homosexual); both sexes (bisexual) or neither sex (asexual). The Constitution of South Africa and education policy today sets the basis for us to recognise the rights of all people, regardless of colour, gender and sexual orientation.

Schools can play a role in building an inclusive society by ensuring that its policies respect sexual orientation and gender identity. The school's leadership is responsible for preventing discrimination of learners and staff. Harassment on grounds of sexual orientation and gender identity is prohibited by the laws of our country.

This booklet provides educators, parents and learners with a basic understanding of sexual orientation and gender identity in order to overcome discrimination and prejudice.

Prejudice is painful

Prejudices about sexual orientation and gender identity causes harm and unhappiness. This is especially when people have to face bullies or people who discriminate due to their own ignorance about sexual orientation and gender identity.

In this extract we meet a young man called Jeremy who is heterosexual yet experienced prejudice at school because his father is homosexual (or gay).

I learnt that my father was gay at the age of 12... he informed me personally before he came out to the rest of the family. I decided... that I would be fairly open about my father's lifestyle and the school reacted horribly to it. I was taunted quite badly because of that... I was happy with my life at home [with my dad] but because of the negative reaction generally from my peers, which sent me into quite a bad depression. They assumed that I was gay, even though he [my dad] ended up with three straight boys [sons]. This situation at school spurred my dad to send me to another school.

At the new school the environment was more liberal. When people became aware of the issues they were incredibly kind and their response was fantastic... we had gone through the first [democratic] elections and in those very short years people's perceptions really had changed and I got quite a warm response.

Jeremy Holden, 2007

The tragic and brutal murder of Noxolo Nogwaza is discussed in the newspaper article overleaf. It is also a story of the effort by activists to bring to book those who have persecuted women in South Africa because of their sexual orientation. Noxolo was not the only young woman to be killed. In 2008, former Banyana Banyana footballer Eudy Simelane was also killed.

Esau Dlamini

THE cellphone of slain lesbian and gay activist Noxolo Nogwaza has been recovered by police – five months after her murder.

Nogwaza's body was found near Shoprite shopping centre in Kwa-Thema, Ekurhuleni, on April 24. Until now, there has been no progress in the police investigations.

Several used condoms were recovered from the scene, suggesting that Nogwaza, who was gay, may have been a victim of the so-called corrective rape that has become prevalent in townships on the East Rand.

The gruesome murder attracted the ire of US-based Human Rights Watch, which labelled the violent act as a "hate crime".

Yesterday, the deceased's aunt, Nyaniso Nogwaza, revealed that police had recovered her niece's cellphone.

"The investigating officer came last week to announce the news that they had discovered Noxolo's cellphone from someone in our neighbourhood, after tracking it for six months," she said.

"He was taken for questioning, but said he got the cellphone from his girlfriend, who claimed that she picked it up from somewhere in the bushes.

"We are not happy, because this case has been going on for a long time with no direction," said Nogwaza.

"The conclusion between us and the police was that they would arrange a meeting with us and the person who had this phone.

He would then be taken for further questioning and for blood tests to see if there is anything that links him with the murder," said Noxolo Nogwaza's aunt, whom she lived with before her death.

Contacted for comment, police investigating officer Lucas Thwala said yesterday: "We have been tracking the cellphone and took the suspect in for questioning".

"There are now four suspects in this case and their blood samples were also taken," said Thwala.

"At this stage, we are waiting for the forensic results and have been promised they will come out in November," he said.

Pressure has been mounting on the police to speedily conclude their investigations and bring the culprits to book.

Human Rights Watch has urged the police to do more to find those responsible for the murder and rape of Nogwaza.

Last month, Gauteng Premier Nomvula Mokonyane supported the lesbian, gay, bisexual and transgender march in Kwa-Thema, where a memorandum demanding the speedy conclusion of investigations into the so-called corrective rape and murder of Nogwaza was handed over to the police.

In 2008, former Banyana Banyana footballer, turned gay rights activist, Eudy Simelane, was also killed in Kwa-Thema.

Two people were given long prison terms for her murder and rape, although state prosecutors denied that her sexuality had motivated her killers.

esaud@thenewage.co.za

New Age newspaper,
27/09/2011



NEW CLUES: Traditional healer Fickie Vlakoff holds a sign at a prayer meeting against gender-based violence earlier this year. INSET: Noxolo Nogwaza. FILE: TEMBA MAZIBU

What is sexual orientation?

The Department of Basic Education's manual *Values in Action* explains that "sexual orientation refers to emotional, romantic or sexual attraction to men; women; neither sex; the same sex; or both sexes."¹

Some people are attracted to the opposite sex. We refer to such people as **heterosexual**.

Some people do not experience sexual attraction to another person. We refer to such people as **asexual**.

Some people are attracted to the same sex. We refer to such people as **homosexual**. Men who are attracted to other men are sometimes called **gay**. Women who are attracted to other women are called **lesbian**.

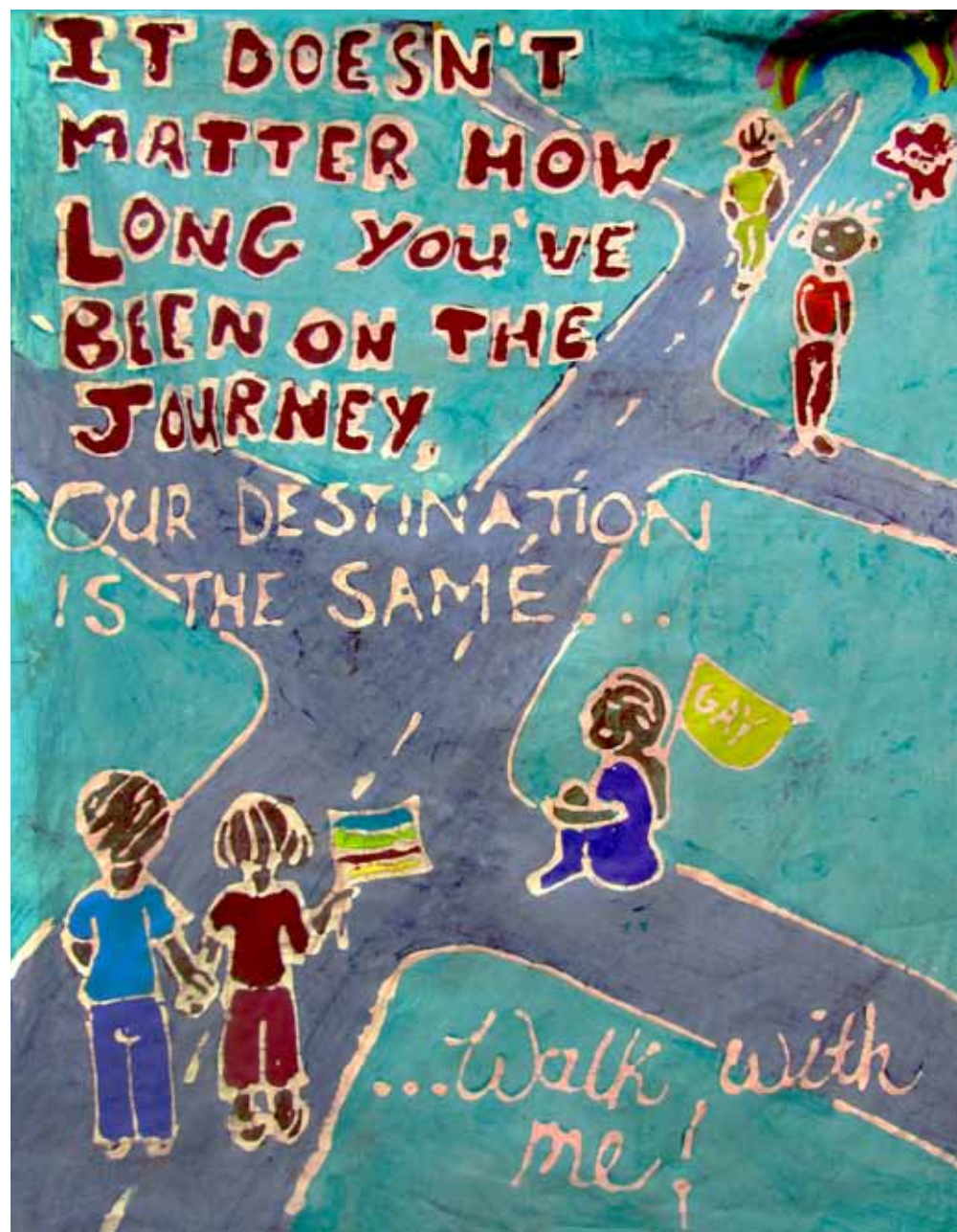
Some people are attracted to both sexes. We refer to such people as **bisexual**.

A publication by the Department of Basic Education reads:

The Department of Education follows the Constitution in espousing non-discrimination on the basis of sexual orientation. In doing this, it is confronting a sensitive issue in society. The dominant view in society has held that all sexuality is heterosexual and has ignored, and even vilified [condemned], homosexuality. The task of education is to provide information, address prejudice and stereotypes and promote acceptance of people irrespective of sexual orientation, HIV status, race or gender. Education materials should highlight diversity and promote its acceptance.²¹

¹ Watson, P and Grey, J. (2010:58) *Values in Action: A Manual in Constitutional Values and School Governance for School Governing Bodies and Representative Councils of Learners in South African Public Schools*. Department of Basic Education, Pretoria

² 'Protecting the right to Innocence: The importance of Sexuality Education', 2002, Department of Education, Pretoria.



What is gender identity?

Sexual orientation is different to gender identity. Gender identity refers to a person's sense of themselves as either male or female regardless of their sex. While most people's gender matches their biological sex, this is not always the case. For instance, someone may be born biologically male, yet has a female gender identity.

In other words, gender identity is our sense of who we are as man or woman-without considering our physical anatomy.

For some people their gender does not match their biological sex anatomy. That is, a person born with a male sex anatomy who identifies as a woman; or a person born with a female sex anatomy (female sex organs) who identifies as a man. Such people do not relate to the gender identity associated with the biological sex assigned to them at birth. As a result they feel that their sex is a false or incomplete description of themselves. People who think about themselves in this way have a transgender identity.

Transgender does not imply any specific form of sexual orientation. Transgender people may identify as heterosexual, homosexual, bisexual and asexual.

Some transgender people choose to change part or all of their sex anatomy by taking hormone treatment and/or undergoing gender reassignment surgery (often called 'sex change' operations).

In this extract we meet a transgender person called Alex who is in the process of gender reassignment.

PHINDIWE WAMIA

Biologically I was born a female... Alex is the name I chose for myself... I identify myself as a trans-[man]male... The first time I noticed or felt different to all the other kids was at the very young age of five. I could not accept the fact that I was a girl and that I did not have what all the other little boys had. I noticed that I was attracted to other girls, but never as a girl myself... It became worse when I hit puberty and I could no longer hide the fact that biologically I was a girl. I found it extremely hard to cope and to be what everyone around me was expecting me to be. I just felt like I was not living a complete life... I can remember that I told my best friend at high school and she was fine with it, she understood. Later on in standard 9 I came out to another friend with whom I later on had a full on relationship with. I never at that stage came out to my parents. What happened was... my mum and I had this discussion when we were sitting in a coffee shop and she said to me, 'Let's face it you have never been interested in men, and all I want to say is that I shall accept you for who and what you are.' Back then she thought that I was gay... [But] the next day I actually said, 'Well mom I am not gay, I am actually transsexual.' That was at the age of 18, I was still in Matric then... now I'm full time student and I am studying civil engineering. I chose this career at a very young age all in preparation for what I knew I would do one day... afford to have all the procedures involved in a transsexual operation.

Alex, 17 March 2006

What is intersex?

Some people are born with sex anatomy which is not clearly male or clearly female. This can be at the level of their reproductive organs inside their bodies, or the sex organs on the outside of their bodies, or a combination of these. This means that a person has some parts usually associated with males and some parts usually associated with females. We refer to these people as **intersex**. It does not mean that a person has all the parts of a female sex anatomy and all the parts of a male sex anatomy.

At the birth of an intersex baby, medical staff often pressure parents to agree to surgery on their intersex babies as soon as possible to make their sex anatomies look more clearly female or male. Many intersex people who had this surgery as babies or children make it clear that the surgery has done them physical and psychological harm.

Intersex activists recommend that no surgery should be performed without the consent of the intersex person, and that parents of intersex children should be willing to change the gender of rearing if it becomes clear that it is uncomfortable for the child. Intersex activists say that an intersex person does not have to undergo surgery on their sex anatomy at all unless these pose a threat to their health or lives, and they can instead choose to live their lives happily with the sex anatomy with which they were born.

What does the acronym LGBTI stand for?

Lesbian, Gay, Bisexual, Transgender and Intersex people form a group collectively known as LGBTI.

What is homophobia?

Homophobia is an irrational fear experienced by people towards homosexual people.

What is transphobia?

Transphobia is an irrational fear experienced by people towards transgender people.

What is intersex discrimination?

Intersex discrimination is also informed by fear and is an irrational fear of difference.

Some homophobic and transphobic people express their fear by isolating, teasing, harassing or acting violently towards homosexual and/or transgender people.

Homophobic and transphobic behaviour is wrong and must be dealt with clearly in the school's policies and code of conduct.

Who is affected by homophobic and transphobic behaviour?

Homophobic and transphobic teasing, bullying and harassment create an unhealthy environment for all students. It negatively affects homosexual and transgender learners as well as heterosexual learners who fear being victimised because they are friends with their homosexual and transgender peers.

Learners who are victims of harassment based on their sexual orientation or gender identity should feel free to speak to teachers or school management about it. These learners should be able to rely on the support and protection of the school community.

Some learners may not yet be fully aware of their sexuality or feel frightened to come out publicly and this should be respected. Staff must prevent victimisation and if this happens they should respond immediately.

Learners who witness harassment of another person due to their sexual orientation or gender identity must report it to teachers and school management. These learners should be able to act in the interests of their homosexual and transgender peers without fear of intimidation or victimisation. They should also be assured that the staff know how to respond in an appropriate manner.



What does it mean to prevent discrimination?

The prevention of discrimination based on sexual orientation commits schools to clearly adopt an anti-homophobic and anti-transphobic stance by articulating the following statements of commitment:

- i. Homophobic and transphobic harassment is a form of unfair discrimination.
- ii. Negative discrimination should be avoided as it prevents equality.
- iii. Homophobic and transphobic harassment violates the principles of non-discrimination demanded by the school, the Constitution of South Africa and various legislation.
- iv. Homophobic and transphobic harassment undermines the dignity of an individual and undermines the school's culture of trust and respect which is important to every individual.
- v. The school community which includes learners, educators, the school governing body, parents and the school management team must be educated against homophobia and transphobia.
- vi. Homophobic and transphobic harassment of staff and/or learners and/or parents will not be tolerated at the school.
- vii. The school leadership will take appropriate action when it receives a complaint of homophobic and transphobic harassment and will discipline the perpetrator/s of both direct and indirect homophobic and transphobic behaviour.
- viii. It will be a disciplinary offence to victimise or retaliate against an individual who in good faith lodges a complaint of homophobic and transphobic harassment.
- ix. The school commits itself to provide a safe environment which is free of homophobic and transphobic harassment and is conducive to learning and teaching for all.

Born Free

It is very important that all people are given the freedom to live the sexual orientation and gender identity that gives them full expression of who they are. This involves:

- Being honest with yourself about who you really are;
- Finding the courage to be yourself to your family and friends, and to the world;
- Accepting yourself even if some people don't accept you;
- Looking for help when you need it;
- Acknowledging the people who love and respect you.



Myths that perpetuate discrimination

MYTH

Homosexuality is un-African

A person can be cured of homosexuality through rape.

Homosexual people are sick and can be cured.

Lesbians don't get sexually transmitted diseases (STDs) – there is no risk in sex between women, so they don't need HIV and AIDS education or testing.

FACT

Homosexuality is found in all communities in all parts of the world.

Wrong. Rape does not cure anything. Rape is used to exert power and control. Rape is often brutal, violent and meant to humiliate. Rape is always a crime and can never be accepted under any circumstances.

No. Homosexuality is not an illness or a mental disorder. There is nothing wrong with being LGBTI. Your sexual orientation is a key part of who you are, like the colour of your eyes or whether you are left or right-handed. It is completely natural.

Wrong. Lesbians or women who have sex with women can get STDs from their partners and pass the STDs on to their partners. Everyone needs HIV and AIDS education.

MYTH

If gays or lesbians adopt children they will make the child homosexual.

Homosexuality is contagious, if you are with gays and lesbians you will become like 'them'.

Homosexuality is ungodly and evil.

FACT

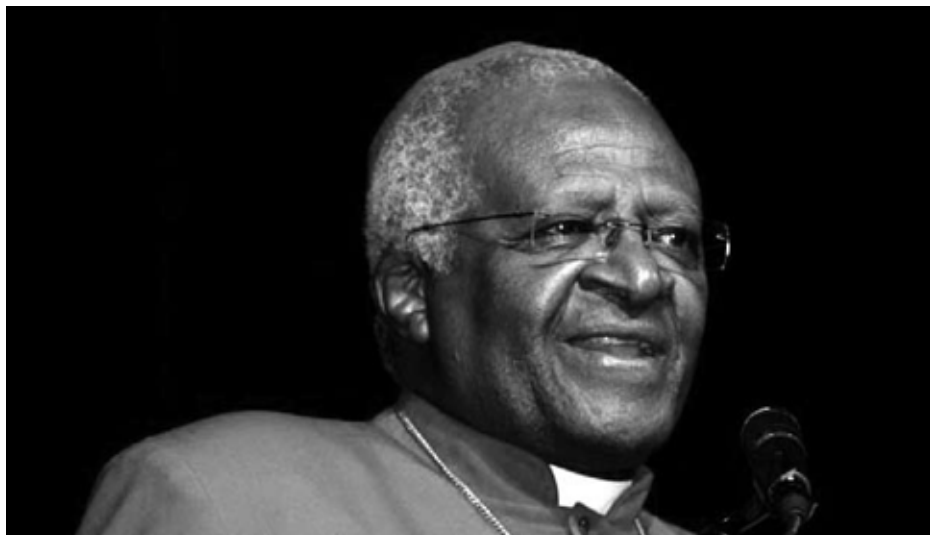
No. Just like a heterosexual couple, a gay or lesbian couple will in all probability love and nurture the child. Just like any parents they should explain to the child when s/he is old enough the nature of intimate, loving and respectful relationships between the sexes. The child will then make a choice about his or her sexual orientation.

Wrong. Being gay or lesbian is not a disease or an illness. They are people just like everyone else and should be treated with respect and dignity like all other human beings.

Incorrect. There are a number of religious people that spread discrimination and prejudice. In contrast there are other religious people that embrace homosexuals by promoting a belief system based on love for all people.

Today I pray for people in Africa and throughout the world who long for freedom because they are lesbian, gay, bisexual or transgender... Boldly I urge all faith leaders and politicians to stop persecuting people based on their sexual orientation or gender identity. Every day people live in fear because of who they love. We are talking about our family members, our flesh and blood, our humanity. LGBT people are in our villages, towns, cities, countries – and our whole world... In South African churches we have sung, “Oh freedom! Freedom is coming, oh yes, I know.” We sang this chorus at the lowest points of our journey towards freedom against racism and the colonialist system of apartheid, and we still sing it to this day. Freedom is coming – and those of us who have freedom must speak out for those whose freedom is under attack. We can and must make a difference.

– Archbishop Emeritus Desmond Tutu, 9 November 2010.



Open Talk

We come from a past that oppressed homosexual and transgender people. For this reason the school community is encouraged to talk openly about homosexuality and transgender experience.

Scholar H.P Mostert conducted a study of the attitudes of learners towards sexual orientation in a secondary school in South Africa. The metaphor of a traffic light was used to organise the responses. The attitudes were categorised according to whether they were positive (green), not sure (yellow) or prejudicial (red).

Green robot:

I think it is right and acceptable to have a homosexual orientation.

Everyone has the right to choose his or her sexual preferences and their choice should be respected.

I respect gays and lesbians because they don't hide behind a mask and lie about who they are.



Yellow robot

I am unsure about whether or not it is acceptable to have a homosexual orientation.

I don't mind if someone is gay or lesbian, but it must not affect me.

I'm uncomfortable associating with homosexuals, if you are seen with them, then others will think you are like that too.



Red Robot

I think it is wrong to have a homosexual orientation.

I look at a gay and think he is not normal.

To them kissing another guy is normal, I do not agree with that at all. Really I'm against it.



How do you feel about homosexuality?

Schools are encouraged to hold a series of open talk shops to establish the climate of prejudice in the school.



- How do I feel about homosexuality?
- Where do my views about homosexuality come from?
- How do I behave as a result of my views on homosexuality?
- What am I afraid of?
- How do my views affect other people?

Open talk can help us to support one another to confront our prejudices and embrace the freedom of living without the fear and anger that judgmental attitudes inevitably produce.



Do you know where homophobia comes from?

Learners who experience negative feelings towards learners with a homosexual orientation say that they have been influenced in forming these negative prejudiced feelings by their parents, peers and their religion.

I've been brought up this way; my parents hate gays, so you feel you have to say something bad about gay people.

My pastor is very headstrong about this, I think he could be gay himself. But he is too afraid to admit it.

It is important to hold open discussions about homosexuality and homophobia so that learners, teachers and parents can better understand their own point of view. When reflecting on our own views we can assess them.



CONFRONTING HOMOPHOBIA:

- Am I aware of my own prejudices?
- Who or what do I pre-judge?
- Where do my prejudices come from?
- Am I consciously taking a positive view of homosexuality?
- How does a positive view of homosexuality show in the way I behave?
- Is my point of view respecting the rights of the other person?
- In what ways does my behaviour harm others?
- In what ways can I change my behaviour?

Learners, staff and parents must not be harassed because of their sexual orientation or gender. The school's leadership could be shown to be guilty for allowing the harassment. They must take reasonable and practical steps to prevent all forms of unfair discrimination, including discrimination based on gender and sexual orientation.

Our constitutional rights

All South Africans are meant to be protected in South Africa by the Constitution and the Bill of Rights.

The Constitution commits all of us to strive to act in ways that are respectful and fair. We behave so as not to unfairly discriminate against another person because of their colour, gender, sex, marital status, ethnic, national or social origin, sexual orientation, age, disability, religion, conscience, belief, culture and language.



Mandela meeting with LGBT rights activists Phumi Mtetwa and Simon Nkoli in 1995.

How does the law protect the rights of homosexuals?

The Prevention of Discrimination and Promotion of Equality Act of 2000 prohibits discrimination, including 'hate speech', on the basis of, amongst other grounds, gender and sexual orientation.

MARRIAGE

The Act also redefines the word "marital relationship" to include people who are in a same-sex relationship. Homosexuals can marry in a magistrate's court.

The Act also opens the way for same-sex couples to adopt children.

Homosexual partners can receive pensions and other benefits from state institutions and foreign homosexual partners of South Africans are recognised as married for the purposes of receiving permanent residence.



WORK

It is a criminal offence for individuals and institutions to discriminate against homosexuals by refusing to employ them or give them the same benefits as married couples.

CLUBS AND INSTITUTIONS

Homosexuals may not be denied membership to any private clubs and institutions. This includes churches, depending on the interpretation given by the special 'Equality Courts' established to adjudicate such matters.

Being out and proud at school

Principals, teachers, learners and parents can consciously cultivate an inclusive culture in which LGBTI people feel that they are valued members of the school community.

When some people realise that they are attracted to the same sex, this realisation can cause stress, especially since for most of their lives and for many uninformed people homosexuality is wrongly seen as 'abnormal'.

It is usually in adolescence that a person will find out that they are attracted to the same sex. It is important that when this happens they find support and people who can help them feel comfortable with their sexual orientation.

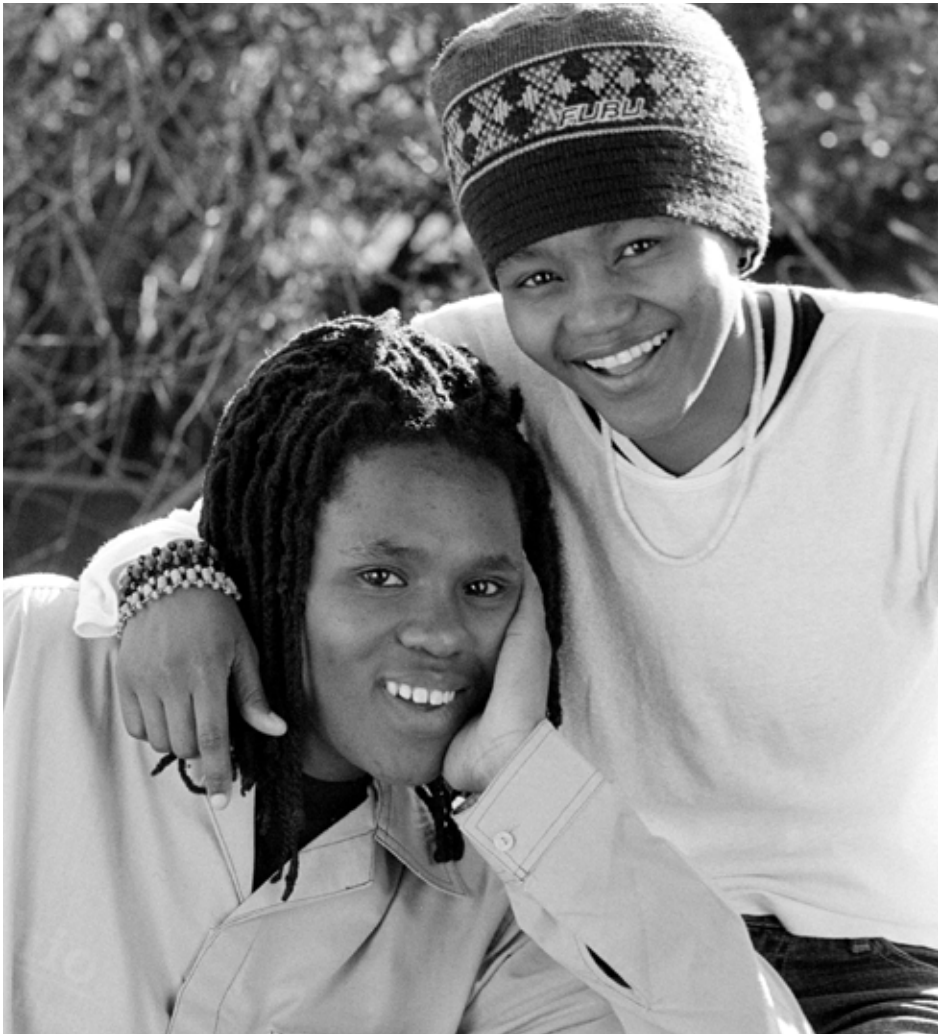
When a learner recognises that s/he is or may be gay, lesbian, bisexual, transgender or intersex they should:

- Feel comfortable and be able to ask a friend or teacher for a listening ear and emotional support;
- Be able to contact any of the LGBTI organizations listed at the back of this book;
- Be encouraged to be who they are;
- Be assured of a caring response that does not lead to worry, hurt or confusion; and
- Know that self-acceptance is very important, some say it is the only acceptance that you need.

LGBTI learners should not suffer the negative effects of discrimination or be made to feel invisible. LGBTI students should be welcomed out of the closet and into public life.

Being out of the closet helps you to think differently. You are not forced to fit the norm – the heterosexual norm – now that feels very liberating, very creative...

– Natalie



Promoting social inclusion by celebrating diversity

SOCIAL CLUBS

Allow students from sexual minorities to form clubs. These clubs can hold discussion about topical issues; perform shows, educate the community about diversity, share LGBTI people's experiences and celebrate students' talents and accomplishments.

SPORTS

Encourage students of all sexual orientations to participate in school sports free from intimidation and teasing. Ensure that all learners have an opportunity to be physically active and able to express their sporting abilities and interests.

AWARENESS RAISING

It is important that the school leadership makes an effort to educate the whole school community about sexual orientation and gender identity rights. It is advisable for the school to invite members from LGBTI organisations to share information and engage the concerns of individuals as well as respond to questions in an informed and tolerant manner.

It is also beneficial for teachers to include LGBTI perspectives in the classroom and to integrate LGBTI themes into the curriculum where appropriate and in a respectful manner.

TOILET FACILITIES

Typically toilet facilities are not unisex. Toilets are separated into male or female ablution facilities. A transgender person should be given the choice to use the toilet facility that he or she feels most comfortable using.

GRADE 12 SCHOOL LEAVING DANCE

The school-leaving dance is a coming of age occasion. Learners dress up and invite a partner to join them at a school function. Ensure that all learners feel free to bring any partner to the dance regardless of sexual orientation and gender identity.

CELEBRATE DIVERSITY AND SOLIDARITY

In South Africa we can recognise the valuable contribution LGBTI people make to our society when we celebrate Human Rights Day on 21 March each year. We can support International Day Against Homophobia and Transphobia (IDAHO) on 17 May. This day promotes respect for LGBTI people worldwide. We can also join in solidarity with LGBTI people on LGBTI Pride Day. This day celebrates pride in one's sexual identity.



*From the book Balancing Act, published by
Gay and Lesbian Memory in Action*

School policy prevents discrimination

Aspects of this school policy could be included in the school's constitution, mission statement and code of conduct. Schools can play a role in creating an inclusive society. School leadership should promote the well-being and security of all members of the school community, including LGBTI learners, teachers and parents. This can be achieved by drafting a School Policy that specifically speaks to the protection of the rights of learners based on gender, sexual orientation, national origin, racial group and religious association.

An example of a school policy that prevents discrimination

You can refer to the example of a School Policy provided here to guide the school community in creating and/ or revising your own school's constitution, mission statement and code of conduct.

SCHOOL POLICY STATEMENT

Provide a positive statement regarding the school's recognition of human rights as a means of promoting a safe and secure school. For example:

The Governing Body regards the promotion of human rights in the school as important. It is through the promotion of the values in our constitution that we are able to create a safe and secure learning environment in which all learners and staff members can express themselves respectfully and realise their full potential as remarkable human beings.

AIMS AND VALUES

Provide a clear statement of the aim and values of the school, for example:

Our school welcomes its duties under the South African Constitution and the South African Schools Act. These duties reflect our core aims and values. We are committed to:

- Promote the rights of human beings as expressed in the Constitution and Bill of Rights.
- Promoting equality of opportunity.
- Promoting good relationships between members of different genders, sexual orientations, foreigners, cultural, racial and religious groups.
- Eliminating unlawful discrimination based on gender, sexual orientation, national origin, racial group and religious association.

RESPONSIBILITIES

Clearly state the responsibilities of all the school stakeholders. For example:

All members of the school community have a responsibility to comply with this policy and its procedures and behave in a manner that respects all people.

The implementation of this policy and its ongoing monitoring and evaluation is the responsibility of the Wellness and Safety Committee of the school. This committee is:

- Accountable to the management of the school for its implementation.
- Responsible for resolving health and wellness, and the safety and security concerns brought to their attention.

STAFF AND LEARNERS

Every learner should be helped to develop a sense of personal pride and identity in which they are confident and respectful towards other people's identities.

Learners are expected to:

- Report any behaviour that harms others immediately to their teachers, HODs or Principal.
- Take reasonable care for the wellbeing and safety of themselves and other persons who may be affected by their acts or omissions.

The School Governing Body (SGB) is responsible for ensuring that:

- The school fulfils its legal responsibilities in upholding respect for human rights.
- This policy and its related procedures and strategies are implemented, monitored and reviewed regularly.

All staff members are expected to:

- Deal with incidents of discrimination that may occur by reporting the incidents directly to the Principal.
- Promote equal opportunities and good relations amongst all members of the school community.
- Incorporate principles of equality and respect for diversity in all aspects of their work.
- Create teaching lesson plans to include exploration of diversity and non-discrimination.
- Promote school activities that respectfully engage with the experiences of people based on gender, sexual orientation, national origin, 'race' and religion.

- Teach respect and appreciation for diversity and equality.
- Be able to recognise and tackle discrimination, bias and stereotyping.
- Provide confidentiality in reporting all forms of harassment and discrimination.
- Know that harassment and discrimination will result in action.

The School Management Team (SMT) is expected to:

- Ensure that the policy is implemented.
- Report to the principal and SGB on matters covered in this policy.
- Establish competence and awareness regarding wellness and safety of learners, staff and parents
- Attend to effective communication and conflict management training.
- Ensure that all staff and learners report potential issues of discrimination immediately.
- Implement appropriate wellness and safety management systems throughout the school.
- Adequately train all staff members and students on issues of diversity and the importance of protecting the rights of all from discrimination.
- Ensure that the policy is communicated to all new staff, learners and parents.
- Take appropriate action in any case of unlawful discrimination

POLICY PLANNING AND REVIEW

Ensure that the school policy informs all policies and procedures adopted by the school. For example:

The principal will ensure that the policy's principles and procedures (as listed above) apply to the full range of the school's policies and practices including those that are concerned with:

- learners progress, attainment and assessment;
- behaviour, discipline and codes of conduct ;
- teaching and learning;
- admissions and attendance;
- staff recruitment and professional development.

The school staff must commit to work with parents and guardians and with the wider community, to challenge and eliminate all forms of discrimination. We will commit to personally follow and promote good practice. We will promote equality and challenge discrimination in many ways including:

- Developing opportunities to celebrate the richness and diversity of different identities and cultures;
- Reporting all incidents of discrimination;
- Eliminating the use of negative images, language and stereotypes used to offend people on the grounds of gender, sexual orientation, national origin, racial group and religious association;
- Promoting the talents and skills of all members of our school community in academic activity, sport, arts and culture and leadership.

IMPLEMENTING POLICY

Be clear on how the policy is to be implemented. For example:

- We will incorporate action plans that specifically speak to the protection of rights for gender, sexual orientation, refugee status, racial group and religious association. These action plans will be included in the School Improvement Plan. This includes:
- Identification of the resources required to meet the needs of staff and learners in appropriate ways;
- The means by which the school's policy and procedures are made known to staff, learners, parents, guardians and the wider community;
- The frequency with which the policy and action plans will be reviewed to ensure that they remain relevant in creating a positive school culture free of discrimination.

BREACHES OF THE SCHOOL POLICY

Measures for persons found guilty in violation of policy can consist of verbal reprimand, suspension or expulsion as specified in the Code of Conduct.

All incidents of discrimination will be regarded as serious matters, and dealt with as stated in the school's Code of Conduct.

Learners who unfairly discriminate or harm another person because of their gender identity or sexual orientation should expect to face the negative consequences of their behaviour as specified in the school's Code of Conduct.

What actions should you take if you are being harassed?

- Tell the harasser to stop. Tell the harasser firmly that their behaviour is unacceptable.
- Keep a written record of the incidents of harassment, describing the incidents, the type of behaviour, the date, time, place and any witnesses who may have seen or heard the interaction.
- Also keep evidence, for example rude notes, sms, emails, etc. left by the harasser.
- Report the harasser to the authorities.

WHO DO I MAKE MY COMPLAINT TO?

- The complaint should be made to the class representative, the Learners Representative Council, your class teacher, and/or the principal.
- The school leadership should advise you of options for counselling and support.
- The school leadership should investigate your grievances immediately and undertake the disciplinary actions outlined in the code of conduct.

A CLEAR CODE OF CONDUCT

Homophobic behaviour should be explicitly mentioned in the code of conduct. All the learners, staff and parents should know what the negative consequences are for homophobic and transphobic behaviour.

LGBTI youth have much less chance of being victimised when schools have clearly stated that homophobic harassment is wrong. The staff also appreciates clear rules and procedures as it makes dealing with homophobic behaviour so much easier.

Speaking UP about being OUT

My mom told me if being gay makes me happy it makes her happy too, so she doesn't have a problem. But my father is very into culture, and he doesn't understand these gay things. He wants me to go to circumcision school... to become developed into the real world of a man: how a man treats his wife, and how to be strong in life. They teach them about their families, how to handle their women. I don't need that. Why do I have to be trained how to care for a woman...? I said to my father, "Don't you think that this is a waste? I won't have a wife. And there is no guarantee that I'm going to come back alive."

– Stanley,
Mpumalanga



In my experience, life for homosexuals is hard: there are violent bashings, murder and rapes. Fortunately modern pop culture and social networking are making it easier for gay youth to deal with their sexuality – Facebook and Pride parades make it easier to connect with other gay people. Last year (2010) the former minister of Arts and Culture, Lulu Xingwana, called my photographic series immoral, because of her prejudice against the homosexual subject matter. I feel I have a responsibility to produce positive art for the gay community, and inform others about our battle for justice and the right to exist.

– Zanele Muholi, Photographer, Cape Town

We are a religious family, our faith means a lot, but my religion says it's wrong for two men to lie together. But God made us in his own image, and loves all of

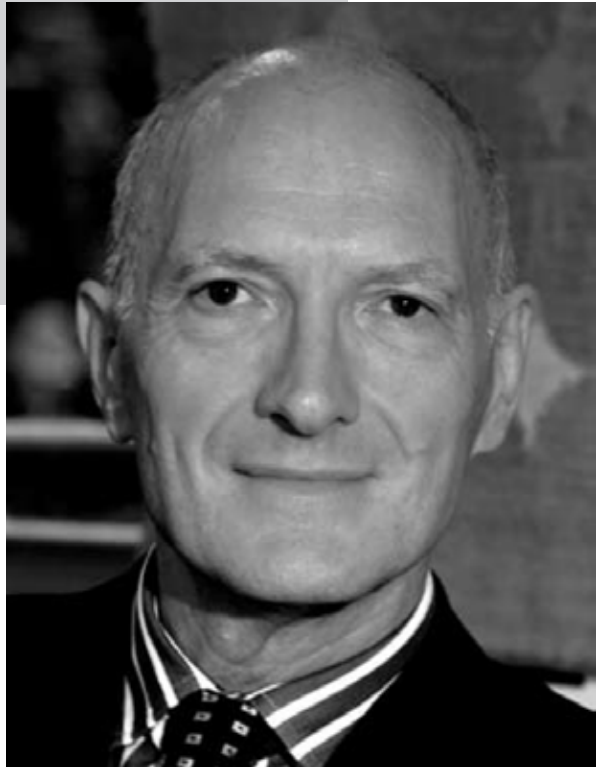


us. There are religions today that accept gay people. I saw on U-Tube that a church organised for its deacons to publicly apologise to the gay community for hurting them by incorrectly thinking they could cure them. If you feel attracted to the same sex, it did not come to you as a test, it is who you are. My family and I have moved forward because of mutual respect and it has been a journey of self-acceptance for me... Sexuality is only one part of a person. The focus should be on our talents as human beings.

– Francois Nel, Mr Gay World 2011, Pretoria

To be gay in the 1960s in South Africa meant prejudice, persecution and even prison. My response was to fight against it and I did until I was 30. It took me this long to accept that sexual love, in private with another consenting adult – regardless of [whether they are] male or female – is a great gift of creation... Since my coming out, I have been unapologetic about my sexual orientation. I have not experienced anti-homophobic prejudice in or outside of my profession; and if people have hateful feelings about lesbians and gays, they definitely hide it from me. I took a male partner to my first judges' dinner at the end of 1995, which was a bit nerve-racking. It inevitably created a sensation, but it was a very positive experience for people to be confronted about sexuality in the modern world. It also made me realise that everyone would rejoice in our capacity to love, long for, nurture and support others – whether we do so as gay or straight.

– Edwin Cameron,
Constitutional Court
Judge, Johannesburg





Being raped made me feel small. I would get angry and sometimes become aggressive... I took an HIV test after I was raped and the results came back positive. I went for counselling and then joined NAPWA – the National Association of People Living with HIV and AIDS. I am not bothered by the fact that I am HIV positive. I can still do anything I want to. To cope, I tell myself it's the same as flu. I must not think of it as a death sentence, but live positively. This is my life. I will live it the way I want, and I don't care what the next person feels or says about it.... A perfect relationship for me is comfort in togetherness. When he is away, I feel that something is missing. I want to get my nursing certificate. When I was raped I saw the necessity of gay nurses in the clinics.

– Muntu, Kwa Thema

We had gay students in primary school but I knew that I was very different from my gay friends. I was in grade 7 when I discovered what I actually am – a transsexual – through a TV programme, I think it was Oprah. It showed people before and after – once in their former bodies and now in their new bodies – and I became very emotional because it just felt like, 'Ja'. My family was also watching. They are accepting, but it's like, 'Ok, fine, you are like that and there is nothing you can do about it, but let's not make it an issue.' But it was so in our faces that day... I spoke to the social worker at school, and she referred me to a doctor who told me I could go on hormonal therapy when I was 18. Once you start hormonal therapy you can't grow any taller because it works on your joints. He advised me that in the mean time I should focus on my school work, so that I could afford to have the operation done properly.



Vanya, from
Johannesburg



Lesbian rights activist Beverley Palesa Ditsie (centre) photographed with her family in Soweto, 2008.

I'm out to my mother and grandfather they are my pillars of strength. My grandfather is 82 years old and he is very perceptive, he just figured it out. Once we were watching a TV programme about LGBTI people and I asked him, 'What would you do if your child was gay?' and he said, 'Everyone is created by God; my child is my child and I love my child regardless.' After I attended Pride in Meadowlands he saw my picture in the community newspaper and he smiled and said, 'My child I am so pleased you have found your people.' My mother and I have had to struggle through it. She is a religious woman and my being a lesbian really ticked her off. I challenged her on her homophobia and asked her, 'What would you say if a hate crime is committed against me?' She replied, 'People do not have the right to take another person's life or to rape them. Hate crimes are wrong.' My advice to other young gays is to know that you are not alone, get out there, go on the internet and reach out to gay and lesbian organizations, these people will understand you. You are not alone.

– Zanele Makhubo, Student, Soweto

Useful Contacts

Behind the Mask (BTM)

Through journalistic activism, BTM strives to mainstream LGBTI interests to change negative attitudes towards homosexuality and same-sex traditions in Africa.

Tel: 011 403 5566

Fax: 011 403 5567

info@mask.org.za

www.mask.org.za

Coalition of African Lesbians (CAL)

CAL is a formation of more than 30 organisations in 19 countries in Africa committed to advancing justice for lesbian and bisexual women and transdiverse people who are passionate feminists, activists and human rights defenders. CAL views itself as part of social movements, including the women's movement, the sexual and reproductive rights movement and the economic justice movement.

Tel: 011 918 2182/5507/6115

Fax: 086 240 5305 or 011 918 5609

info@cal.org.za

www.cal.org.za

Commission for Gender Equality

In terms of its legislative mandate, the Commission on Gender Equality may receive gender related complaints from the public. Where the complaint does not fall within the mandate of the CGE, they will endeavour to refer you to another organisation that may be able to provide assistance.

Tel: 011 403 7182

www.cge.org.za

Durban Lesbian & Gay Community & Health Centre

The Durban Lesbian & Gay Community & Health Centre offers safe and secure spaces for the LGBT communities of Durban and KwaZulu-Natal. The Centre houses an extensive resource centre on lesbian, gay, social, political, health, youth, sexuality, disability, and many other community issues; and a collection of gay, lesbian, HIV/AIDS and related support.

Tel: 031 301 2145/9

Fax: 031 301 2147

info@gaycentre.org.za

www.gaycentre.org.za

Eastern Cape LGBT Forum

The forum is dedicated to building a strong, healthy and empowered movement among constituents of the LGBTI community in the Eastern Cape. It aims to build support and trust among group members, to stop family discrimination and decrease homophobia, in rural and urban societies where the group members reside.

mzielgibt@gmail.com

Forum for the Empowerment of Women (FEW)

The Forum for the Empowerment of Women (FEW) is a national, non-profit organisation based in Johannesburg. It aims to articulate, advance, protect and promote the rights of black lesbian, bisexual and transgender women (LBT).

Tel: 011 333 0345/0458

Fax: 011 333 0328

info@few.org.za

www.few.org.za

Gay and Lesbian Memory in Action (GALA)

Gay and Lesbian Memory in Action (GALA), is a unique source for those interested in the study, promotion and preservation of the history and contemporary experiences of LGBTI people in Africa through its many programmes including the community library and archival material.

Tel: 011 717 4239

Fax: 011 717 1783

info@gala.co.za

www.gala.co.za

Gay and Lesbian Network-PMB

The GL Network works to address the many issues of the gay and lesbian community in Midlands, KwaZulu-Natal and to provide services and programmes that will assist in protecting and upholding their rights.

Tel: 033 342 6165

Fax: 086 508 2203

Gender DynamiX

Gender DynamiX is a human rights organisation promoting freedom of expression of gender identity, focusing on transgender and transsexual issues. It provides resources, information and support to trans folks, their partners, family employers and the public.

Tel: 021 633 5287

Fax: 086 602 9538

Health4Men

Health4Men is a centre of expertise in gay men's sexual health, developing innovative HIV and STI prevention campaigns and undertaking free training of healthcare workers to render appropriate and competent medical services to gay and bisexual men across the country.

Tel: 021 421 6127

info@health4men.co.za

www.health4men.co.za

Inclusive and Affirming Ministries (IAM)

IAM advocates that South African religious communities should become more welcoming and affirming towards LGBTI people. IAM works as a catalyst, interacting with both the religious faith communities and the LGBTI community, building bridges through its programmes and projects. IAM engages with churches through dialogue and training, workshops and counseling and in their journeys of reconciling sexuality and spirituality.

Tel: 021 975 8142

info@iam.org.za

www.iam.org.za

The Inner Circle

The Inner Circle (TIC) was formed with the aim of assisting sexually diverse individuals to reconcile their sexuality with their faith and to minimise the trauma experienced by those who view it a human right to be able to practice both their sexuality and faith. The Inner Circle caters for not only the Queer Muslim community but also all faith-based Queer communities who identify with the struggle to reconcile faith with sexuality.

Tel: 021 761 0037/4434

Fax: 021 761 3862

admin@theinnercircle.org.za

www.theinnercircle.org.za

Intersex South Africa (ISSA)

ISSA is an organisation established to spread knowledge about intersex, to provide the space for the development of an intersex voice in Southern Africa, and to combat discrimination on grounds of intersex.

Tel: 021 447 3803

info@intersex.org.za

coordinator@intersex.org.za

Ivan Toms Centre for Men's Health

This Health4Men clinic is located in Cape Town and provides free sexual healthcare for gay and bisexual men, including STI and HIV/AIDS screenings and treatment, with access to ARV treatment.

Tel: 021 447 2844

info@health4men.co.za

Jewish Outlook

This is a Jewish South African organisation that is committed to providing a social environment, support network and a political voice to LGBTI people within and outside the Jewish community.

Tel: 076 215 8600

Support line: 076 215 8600

info@jewishoutlook.org.za

www.jewishoutlook.org.za

Kaleidoscope Youth Network

Kaleidoscope Youth Network comprises 17 student-run solidarity societies for LGBTIA (Lesbian, Gay, Bisexual, Transgender, Intersex and Asexual) students in institutions of higher learning across South Africa. Interested parties are encouraged to make contact with LGBTI societies in universities closer to them who are members of Kaleidoscope.

Kaleidoscopenetwork@live.co.za

The Lesbian and Gay Equality Project

The Lesbian and Gay Equality Project (LGEP) combines its strategy and methodology to engage with activism, solidarity and alliance building, education and training; social and political participation; research and publications, and media and communications.

Tel: 011 487 3810/1

Fax: 011 487 2332

info@equality.org.za

www.equality.org.za

People Opposing Women Abuse (POWA)

POWA currently has several working sites in Gauteng that provide counselling, sheltering and legal support to women at face-to-face level. Over the years it has become an organisation that is considered to be an expert on issues of women's rights and are consulted by the private sector, government and civil society on educational and decision-making matters pertaining to women's safety and enjoyment of their rights. As an organisation, their aim is to *open spaces for us as women in all our diversity to enjoy our fundamental human rights*.

Tel: 011 642 4345/6

Fax: 011 484 3195

info@powa.co.za

www.powa.co.za

1 in 9 Campaign

The 1 in 9 Campaign is a feminist collective of organisations and individuals, working for social justice for women, envisioning a society where the sexual rights of women are respected, upheld and advanced. In pursuit of this goal the One in Nine Campaign works with organisations and institutions involved in HIV/AIDS, violence against women, women's rights, human rights, and lesbian, gay, bisexual and transgender activism to ensure that the issue of the sexual rights of all women is put on the national agenda.

Tel: 011 024-5185

info@1in9.org.za

OUT LGBT Well-being

OUT promotes sexual and mental health, and human rights. Its services include helpline, clinic, support groups, HIV prevention programmes and training.

Pretoria OUT Office:

Tel: 012 430 3272

Daily helpline: 0860 OUT OUT (0860 688 688), 09h00 to 22h00

Fax: 012 342 2700

administrator@out.org.za

Online counseling is provided by writing to Trish

dzingirayit@out.org.za

www.out.org.za

North West OUT office:

Contact: Mildred Maropefela

Cell: 073 157 1791

milly.maropefela@gmail.com

Hendrik Baird

Cell: 083 698 7998

hennieb@ananzi.co.za

Simon Nkoli Centre for Men's Health

This Health4Men clinic is located in CT and provides free sexual healthcare for gay and bisexual men, including STI and HIV/AIDS screenings and treatment, with access to ARV treatment.

Tel: 011 989 9756

info@health4men.co.za

South African Human Rights Commission

The Human Rights Commission is the national institution established to support constitutional democracy. It is committed to promote respect for, observance of and protection of human rights for everyone without fear or favour.

Tel: 011 877 3750

Fax 011 403 0668

info@sahrc.org.za

www.sahrc.org.za

Triangle Project

Triangle Project, promotes the human rights of LGBTI, their programmes include community empowerment projects, health and support services, research, advocacy and policy development, and public campaigns and education.

Tel: 021 448 3812

Tel: 021 712 6699 (Gay & Lesbian Helpline between 1pm to 9pm daily)

Fax: 021 448 4089

info@triangle.org.za

www.triangle.org.za

Universal Fellowship of Metropolitan Community Churches (MCC-South Africa)

Metropolitan Community Churches believe that they “are on a mission to transform hearts, lives and history. They are a movement that faithfully proclaims God’s inclusive love for all people and proudly bears witness to the holy integration of spirituality and sexuality”.

Cape Town: Good Hope MCC

Tel: 021 447 4464

Tel: 021 811 0881

Fax: 086 614 2297

welcome@goodhopemcc.org

www.goodhopemcc.org

Pretoria: Glorious Light MCC,

Cell: 082 889 1493

mccpta@mweb.co.za

Johannesburg: Hope and Unity MCC

Tel: 011 726 8595

Cell: 082 928 0062

anerela@yahoo.com