

Public Policies, Education for Human Rights and Sexual Diversity

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Abstract

The aim of this study was to analyze Public Policies and education for human rights and sexual diversity. Given the above objectives, the question is: what is the role of Public Policies in ensuring the access and permanence of lesbians, gays, bisexuals, transvestites and transsexuals in the field of education? The methodology was the literature review through the collection of information in books, scientific journals, scientific articles, theses and dissertations published between 2011 and 2018. States must also carry out studies to collect statistical data on education, disaggregated by sexual orientation and gender identity, to inform policy. Finally, States should develop sex education programs that provide students with comprehensive, accurate, and age-appropriate information about sexuality and diverse gender identities.

Keywords: Human Rights. Sexual Diversity. Education. Public policy.

Políticas Públicas, Educação para os Direitos Humanos e Diversidade Sexual Resumo

O objetivo deste estudo foi analisar as Políticas Públicas e a educação para os direitos humanos e diversidade sexual. Diante dos objetivos expostos, pergunta-se: qual o papel das Políticas Públicas no sentido de assegurar o acesso e permanência de lésbicas, gays, bissexuais, travestis e transexuais no campo da educação? A metodologia foi a revisão bibliográfica por meio da coleta de informações em livros, revistas científicas, artigos científicos teses e dissertações divulgadas entre 2011 e 2018. Os Estados também devem realizar estudos coletar dados estatísticos sobre educação, desagregados por orientação sexual e identidade de gênero, para informar a política. Finalmente, os Estados devem desenvolver programas de educação sexual que forneçam aos alunos informações abrangentes, precisas e adequadas à idade sobre sexualidade e diversas identidades de gênero.

Palavras-chave: Direitos Humanos. Diversidade Sexual. Educação. Políticas Públicas.



1 Introduction

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Lifelong learning "could be achieved through the continuing education of the general public and health and social service providers on gender and sexuality issues, together with integrated and targeted programmes for LGBT individuals and communities (e.g. employment resources such as skills training for transgender people). For a comprehensive approach, this would need to be carried out both formally and informally at all levels of the education system and in all public health promotion efforts.

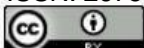
The objective of this study was to analyze the role of Public Policies in ensuring the access and permanence of lesbians, gays, bisexuals, transvestites, and transsexuals in the field of education.

The specific objectives were: to investigate the aspects related to public policies on education and human rights in sexual diversity, identify the aspects of sexuality and its theme in the field of education and diversity, and analyze according to the provisions of the human rights law that ensure education and the right to sexual diversity.

In view of the objectives exposed, we ask: what is the role of Public Policies to ensure the access and permanence of lesbians, gays, bisexuals, transvestites and transsexuals in the field of education?

LGBT people cross all socioeconomic, racial-ethnic, age, gender, (disability), religious, geographic location, education, and relationship status lines. Consequently, for many in these communities, their existence is composed of multiple intersecting social identities, especially in the relationship of sexual diversity and the right to education.

It is strongly believed that everyone has the right to realize their potential and to have the opportunity to live without poverty in a safe and more just world. Sexuality and gender identity are positive aspects, a central part, of being human and experiencing well-being and fulfillment. And yet, when sexuality and gender identity diversity is made invisible, or becomes the basis of discrimination, rights, decisions about bodies, sexualities, identities, and intimate consensual relationships of one's own choosing are violated.





Furthermore, poverty and gender inequalities may be exacerbated, and development interventions may be inadequate or fail to reach LGBTI people at once, resulting in multiple marginalization of LGBTI individuals. Poverty is multidimensional and includes insufficient income and assets and lack of access to basic services and opportunities. But poverty is also deeply rooted in inequality and can be compounded by abuse of power, human violence, oppression, and discrimination. Sexuality can contribute to how people experience poverty and in many cases result in extreme poverty - based on their status, legal rights, and access to resources in society.

Issues related to sexuality are broad and encompass a diversity of elements, from sexual orientation, sexual reproductive health and rights, and sexual pleasure.

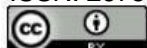
According to Gil (2010) bibliographical research methodology is basically composed of information obtained through procedures performed by the researcher according to the subject theme and through scientifically collected data that may involve books, articles and other sources.

This research was conducted through a literature review based on the collection of materials in books, scientific journals, scientific articles, theses and dissertations published between 2011 and 2018.

2. Results and Discussion

Historically, a common pattern of enacting nondiscrimination policies is the inclusion of protection for sexual orientation, with the later addition of gender identity and expression protection as education, activism, and awareness of transgender issues grow (FACCHINI, 2005).

There are several key areas of proactive change that I will discuss: legislative, workplace, and higher education. Legislative initiatives to protect GI&E have outpaced advances in education by 20 years and in business by nearly 30 years. Most positive transgender initiatives in legislation, business, and education stagnated for much of the 1970s and 1980s, until transgender activism found a new voice and purpose in the 1990s and 2000s (LIRA, 2009, p.54).





Concurrent with the development of LGBT resource centers, the inclusion of sexual orientation in nondiscrimination policies at colleges and universities occurred mostly between the early 1970s and the mid-1990s; more than 500 colleges and universities added sexual orientation to their nondiscrimination policies during that period in Brazil (VIANNA, 2011).

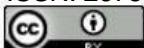
Diversity is generally understood to encompass race, ethnicity, class, gender, sexuality, age, and political and religious beliefs. And while in the past it focused on strengthening intercultural tolerance, new ideas about diversity and inclusion have developed, shifting the focus to enrich human learning and experience, the so-called "unity in diversity." (ROSSI, 2010).

According to Vianna (2012) associated agents, such as policy makers, funders, and higher education institutions, as well as professional associations that train health and social service professionals, also need to contribute to this process. An engagement and commitment to the process of addressing these concerns by these stakeholders would contribute to a transformative practice in which service delivery becomes more inclusive, accessible, gender sensitive and equitable and sexually diverse with a positive health and wellness outcome.

The presence of diversity in today's society is clear and extremely challenging because socio-cultural, economic, political, sexual, or physical differences can significantly enhance the learning, sharing, and enrichment of individuals. Therefore, the university is precisely one of the spaces where diversity can be observed with the predominance of gender plurality and sexual identities (OLIVEIRA, 2010)

However, restricted by walls and norms, these diversities are often forced to obey arbitrary social standards. Thus, they are prevented from expressing their differences safely and democratically, resulting in exclusions and segregations (VIANNA, 2011).

In this context, according to Vianna (2012), sexual diversity involves multiplicity of expressions of sexuality and gender experiences that make up the human being, including sexual identities (heterosexual, homosexual and bisexual) and gender identities, among which we highlight transvestites and transsexuals.





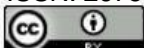
He notes that heteronormativity adopts heterosexuality as the socially recognized norm. This mandatory use, generally excludes heterosexuality as part of the term of sexual diversity; for what is considered normal would not be named (VENTURI, BOKANI, 2011).

Discrimination and segregation threaten the inclusive and democratic role of schools. Moreover, these behaviors promote intolerance to diversity, causing homophobic practices ranging from verbal assaults to serious bodily injury (VIANNA, 2012).

LGBTQ+ youth face higher levels of stress, rejection, and bullying than their heterosexual peers. High levels of childhood stress can affect lifelong mental, emotional, and physical health problems, in addition to academic performance. This problem is compounded for youth who also experience other adverse childhood experiences (such as physical trauma, poverty, and systemic racism. Disproportionately high rates of LGBTQ+ youth contemplate and commit suicide compared to their heterosexual peers. Clearly, providing support to this vulnerable population must be a priority (ROSSI, 2010).

Studies have shown that compared to their heterosexual peers, LGBTQ+ youth report much higher rates of depression, anxiety, alcohol and drug use, and low self-esteem. While many lesbian, gay, bisexual, transgender, and queer (LGBTQ) students are able to navigate their public school education with resilience, many others experience difficult school climates and negative educational and health outcomes. Bullying and harassment of LGBTQ students in school settings have been associated with various negative psychological and academic outcomes for students with sexual orientation and/or gender identity. Preparing teacher candidates (TCs) to respond effectively to student harassment and bullying and to create an inclusive curriculum has been recommended to improve outcomes for students (AZEVEDO, 1997).

Diversity education, on the other hand, "is a fundamental means of developing mutual understanding, respect, and tolerance, which are the foundations of pluralism, coexistence, and democracy. However, many students experience difficulties in learning and participation, because schools continue to give homogeneous answers to their diverse situations and needs, in a context that is heterogeneous (MICHALISZYM, 2011, p.10). According to Fonseca (2011, p.42):





[...] the teacher education courses maintain a disciplinary curriculum structure, grid-like and closed to the introduction of these and other issues so dear to the social movements and so present in our daily lives. The conservative nature of the curricula ends up expelling any discussion of ethnic and racial diversity from the educator's training..

When it comes to education, "unity in diversity" in the classroom no longer seems like an exaggerated idea to any globally minded teacher. This can be achieved with technology that connects students with foreign knowledge and cultures, or with an international student body to make the learning environment multicultural and diverse.

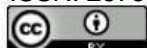
The concept of sexual and gender minorities includes considerable diversity as well as a multiplicity of identities and behaviors. For example, a transgender woman can be heterosexual, homosexual, bisexual, or asexual. In addition, sexual and gender minorities simultaneously have many other personal and social identities.

[...] identities: as women or men or a non-binary gender, elites or working class, people with disabilities, migrants, ethnic or linguistic minorities, indigenous peoples, and so on. The intersection of these personal and social identities can exacerbate or mitigate marginalization, as can the relationship (or lack thereof) between relevant social advances. In this article, people, policies, and actions that are hostile or discriminatory against sexual and gender minorities are referred to as "homo / transphobic," while acknowledging the limitation of that word. It is important to note that exclusion and discrimination against sexual and gender minorities can also directly affect people who do not consider themselves such minorities; male boys and girls are often bullied at school as a result of such discrimination, even though they may become heterosexual and gender-typical adults. Sex and gender discrimination (FERRARI, 2004, p.23).

Minorities also have clear impacts on their families, as when children of gays or lesbians are excluded from school or when entire families suffer due to the presence of a single family member who is seen as part of a sexual or gender minority (OLIVEIRA, 2010).

Rossi (2010) eloquently states that "the genders assigned to us at birth lock us into a course through which we are expected to become whole, complete, creative, loving people-but only as men or women."

Schools serve as one of the significant institutional settings in which students come to understand their own gender and interact with gender identities that may differ from their own.





"One group that is largely left out of discussions about education consists of transgender students and those who transgress social gender norms"(MICHALISZYN, 2011, p. 419). Despite their exclusion from these discussions, those in public education who identify as transgender or gender non-conforming tend to face higher levels of harassment and abuse from their peers, and in some instances, educators.

In 2020, 175 trans women were murdered in Brazil. The number represents a 41% increase from the previous year, when 124 trans people were killed. The data is presented in the dossier of the National Association of Transvestites and Transsexuals (Antra), released this Friday (29), National Day of Trans Visibility. Last year's rate is 43.5% above the average of murders in absolute numbers since 2008, when the monitoring began. There has been a 201% increase in crimes over this period.

This is explained by Serano (2009) when she insists that "the relentless quest to discover the cause of transsexuality aims to keep transgender gender identities in a perpetually questionable state, thus ensuring that cissexual gender identities remain unquestioned "(p. 188). As a result, the sensationalized and perpetually questioned trans individual continues to be perceived and presented as an anomaly in the social context. Therefore, it is important that the objectification of trans individuals is deconstructed and altered in order to promote an understanding of gender in terms of a spectrum or continuum, as opposed to a dichotomous, ordered, dual binary system.

The creation and implementation of school policies generate the potential to inform administrators, educators, and subsequently students about gender dynamism and that diverging from a cisgender system does not require a label of deviance ((MATTOS, et al., 2016).

Consequently, this study was conducted to generate knowledge about these policies and to investigate their effects, specifically, whether they were effective in creating a nurturing environment for all students, not just those who fit neatly into the gender binary

The Department of Education is committed to providing safe and supportive learning environments that respect and value diversity and are free from violence, discrimination, harassment and defamation. The supportive environment that schools





provide can have a lasting impact on educational and lifelong outcomes for students (OLIVEIRA, 2010).

Most people express the gender that corresponds to their biological sex. There are some people whose gender identity or expression is different from that traditionally associated with the sex assigned at birth (FERREIRA; NOGUEIRA, 2015a).

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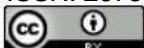
In turn, many trans students - especially those who were considered trans in high school - may begin college with a history of victimization. College has the ability to either reinforce the transphobic and gendered treatment that many students have already experienced in school and society leading to poor academic and psychosocial outcomes; or, to support and empower these students by empowering academic and personal success. For students who were not trans in high school, college can play an important role in facilitating gender identity exploration-for example, by providing the supports and resources necessary to allow students to navigate this process while remaining in college (OLIVEIRA, 2010).

Colleges and universities reinforce social gender in practices, policies, and norms). Trans students seeking to express their gender identities encounter pressures to conform to socially constructed gender norms in terms of appearance, dress, and pronouns, which affects all trans students, but especially non-binary students (BORGES; MEYER, 2008).

Non-binary students may have difficulty presenting themselves in ways that are in line with their gender identity (e.g., using pronouns other than "she / her / her" or "he / he / she"), as they face specific scrutiny for not seeking to conform to or be seen as "any" gender (SOUSA,NASCIMENTO, 2018).

Cisnormativity and gender are evident across multiple domains within the higher education microsystem, from physical structures to official records to policies, curricula, and classroom practices, and over time can create chronic stress for gender minorities actively navigating their identity within such restrictive and potentially alienating structures (COSTA; SILVA; SOUZA, 2019).

It is timely and pertinent, especially considering that the need to address gender justice in the educational system, and specifically transphobia, has been identified as a





significant human rights issue that requires urgent intervention according to the words of Souza and Nascimento (2018).

Therefore, it is important to investigate trans-specific educational research, contexts, and policy practices in order to generate knowledge about how trans youth experiences, gender nonconformity, and creative gender expression are being addressed in the educational system.

Furthermore, while there is evidence of trans-specific education policies, there are few detailed or extensive analyses, of such policies, and limited research that has investigated the effects of these policies, or addressed trans-affirmative and gender-expansive pedagogical practices in the classroom (OLIVEIRA, 2010).

Sharing these ruminations on the epistemological and ethical implications of the need to engage with transgender studies as a basis for thinking about and rethinking the terms of public policy analysis, research, and practice in educational institutions that are committed to promoting transgender informed and broad understandings of gender of embodiment as they are reflected in the documents included as part of this special issue (SILVA et al., 2020)

With regard to public policy as texts, it is important to understand that policies are "representations that are encoded in complex ways (through struggles, compromises, authorized audience interpretations, and reinterpretations) and decoded in complex ways (through actors' interpretations and meanings in relation to their history, experiences, abilities, resources, and context

Schools, no matter how much they wish to suggest differently, are rife with gender category oppression and gender transgression oppression. To overcome this, it is imperative that policies direct a means by which these forms of oppression can be fully disconnected from the education system. Using the gender oppression matrix, this research will identify where chosen policies eliminate or continue to reinforce privilege in the context of human rights and affirmative policies for transvestites and transgender people in higher education.





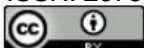
3 Final considerations

10 From what was exposed throughout this work about the challenge of knowing how to deal with heterogeneity in the school universe, from the perspective of sexual diversity, taking into account that, in practice, the school routine is determined by homogeneity, it was possible to state that this study, after readings, investigations and inferences on the subject, points paths that should be taken into consideration in order to share explanations that may be useful to the Brazilian school universe in the process of deconstructing homogeneity.

Thus, it can be seen that Brazilian education is homogeneous for several reasons that constitute challenges for it: It is based on an educational paradigm still driven by historically elitist and conservative interests; teachers have prejudiced postures based on crystallized ideas whose role of the school is to deconstruct them, based on science; the mechanisms still used by the educational system in Brazil, such as curricula, textbooks, commemorative dates, posters, and school speeches, are riddled with the ideology of the dominant classes, denying the differences and reinforcing what interests them; the school continues to follow State and government models that represent the neoliberal capitalist interests that override the interests of the popular or less favored classes, by suppressing fundamental funds for public policies committed to the quality and development of education and society, strongly influenced by fundamentalist neo-Pentecostal religions, conservative political influence of the evangelical and Catholic parties in the National Congress, etc.

Diversity is generally understood to encompass race, ethnicity, class, gender, sexuality, age, and political and religious beliefs. And while in the past it has focused on strengthening intercultural tolerance, new ideas about diversity and inclusion have developed, shifting the focus to enriching human learning and experience, the so-called "unity in diversity."

When it comes to education, "unity in diversity" in the classroom no longer seems like an exaggerated idea to any globally minded teacher. This can be achieved with





technology that connects students with foreign knowledge and cultures or with an international student body to make the learning environment multicultural and diverse.

Furthermore, the reality portrayed suggests that the judicial route may be the least difficult alternative for developing respect for human rights related to sexual diversity, given legislative action may tend to reinforce prohibitive elements in countries where cultural and religious hegemony may be expressed through legislative action. In such countries, the courts may provide the opportunity for a more open discussion.

The next step is to point out possibilities for overcoming prohibitive situations and the denial of rights associated with sexual diversity, especially in education.

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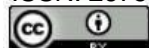
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