

Discrimination and Access to Education of Lesbian, Gay, Bisexual, Transgender and Queer persons in Timor-Leste



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DISCRIMINATION AND ACCESS TO EDUCATION OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND QUEER PERSONS IN TIMOR-LESTE



**“All Human Beings are Born Free
and Equal in Dignity and Rights.”**

Article 1

Universal Declaration of Human Rights

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Executive Summary

A 2018 survey conducted by the Human Rights Campaign in the United States, states that Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) students face physical and verbal harassment at school at twice the rate when compared to non-LGBTQ students.¹ Timor-Leste is no exception. Although there are not many documented studies on this subject in the country, a recent report has highlighted discrimination as part of the lives of students in Timor-Leste who identify themselves as LGBTQ people, whether covertly and/or openly.² It is therefore needed to bring out more in depth those experiences.

Timor-Leste is a party to a number of international human rights treaties that include commitments to prohibit, prevent and punish discrimination of all kinds and make education inclusive for all. These commitments have yet to be fully implemented in what regards LGBTQ youth. Despite the fact that the country has developed some relevant educational policies, access to basic needs such as education is still not equally available for all.

Awareness and sensitivity towards day-to-day challenges faced by LGBTQ students, is very low in Timor-Leste among school and university staff, peer students, as well as the broader community. Instead, prevalent societal norms and prejudice tend to blame and/or ask LGBTQ students to change themselves into a more accepting heterogeneous group, to the detriment of their well-being.

Systematic exposure to incidents of harassment and bullying at schools and universities, tends to drive many LGBTQ students to hide their sexual orientation, gender identity and expression, trying to match or “fit” in the prevailing gender norms. All this is likely to affect their mental and physical health, and it sometimes leads to lower interest in studies or participation in school activities, to the extent that some drop out early when they feel they cannot cope with it anymore.

In the long-term, the premature withdrawal from schools of a considerable amount of the future workforce of the country, has a double impact. On one hand, those who drop out will see their exclusion enhanced and likely become limited to mostly low paying jobs. On the other, the premature withdrawal will also signify losses for the economic development of the country.

The purpose of this research is to highlight the plight of LGBTQ students in Timor-Leste to access education due to discriminatory behaviour, which may constitute bullying or harassment.³ The research will also look into the forms of that behaviour and its impact in the lives of those affected.

This research identifies recommendations to the attention of State authorities, including the Ministry of Education, Youth and Sports (hereinafter, Ministry of Education), and the Ministry of Higher Education, Science and Culture (hereinafter, Ministry of Higher Education), to improve the situation. These include: making educational institutions more inclusive and accommodating of the rights and needs of LGBTQ students by developing measures to prohibit, prevent and punish any kind of bullying and discriminatory harassment against them at schools and universities in Timor-Leste.

¹ The Human Rights Campaign, “2018 LGBTQ Youth Report” (2018), available at hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/2018-YouthReport-NoVid.pdf.

² Iram Saeed and Bella Galhos, “A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste”, Rede Feto Timor-Leste and Asean Sogic Caucus, 2017, available at aseansogiecaucus.org/images/resources/publications/ASC%20-%20Rede%20Feto%20-%20LBT%20Womens%20Lives%20in%20Timor%20Leste.pdf.

³ The terms “bullying” and “harassment” may at times be used interchangeably in this report. However, despite being similar, there are differences between the two. Please refer to the Glossary, at the end of this report.



I. Introduction

Bullying and harassment against LGBTQ students at educational facilities

Schools are places of learning and serve as an important foundation for students to enter society as responsible citizens/individuals. Teachers and administrators play a critical role in creating a safe and welcoming place where each student feels that they can learn and thrive in a supportive environment. However, in schools and universities around the world many students who either identify themselves as or are perceived to be LGBTQ, face incremental discrimination, harassment, bullying and social exclusion when compared to their non-LGBTQ peers.

In fact, the Human Rights Campaign survey conducted in the United States in 2018, revealed that LGBTQ students experienced harassment at school – both verbally and physically – at twice the rate of non-LGBTQ students.⁴ This adds to the pressures lived by young people who already struggle with sexuality and gender identity, particularly when there is a lack of support from family and friends.

According to the United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on the right to education, “this situation is often driven by stigma and prejudice; rooted in deep cultural beliefs about gender roles, masculinity and femininity. LGBTQ students face teasing, name calling and public ridicule, rumors, intimidation, pushing and hitting, stealing or damaging belongings, obscene notes and graffiti, social isolation, cyber bullying, physical and sexual assault, and even death threats. This occurs in classes, playgrounds, toilets and changing rooms, on the way to and from school, as well as online.”⁵

The Independent Expert and the Special Rapporteur have added that “implicit violence also takes place through discriminatory education policies, regulations, curricula, teaching materials and teaching practices. A lack of comprehensive sex education puts the health of students at risk. Trans students face additional obstacles with gendered uniforms, official documents/records that don’t reflect their gender identity, and single sex facilities such as toilets and changing rooms in educational institutions.”⁶

Bullying and discriminatory harassment in schools based on sexual orientation, gender identity, gender expression and sex characteristics affects LGBTQ students in many ways. First, they add to the already existing challenges and trauma that many of these students face at home, within their families and communities. As a result, LGBTQ students have reported feelings of depression, anxiety, fear, stress, loss of confidence, low self-esteem, withdrawal, social isolation, loneliness, guilt, sleep disturbance, alcohol and drug abuse, homelessness, self-harm, and even suicide.⁷

In addition, bullying and discriminatory harassment in schools leads many LGBTQ students to feel unsafe and, as a result, avoid school activities, miss classes, skip school or drop out, achieve lower academic results than their peers, setting them up for an economic disadvantage in life and overall lower education and employment opportunities.⁸

LGBTQ students have the right to learn in settings that are safe, supportive and to consider their experiences and needs to excel academically and emotionally in schools. To achieve this, schools must ensure that all students feel that they belong and that their participation matters, without being discriminated or bullied by school staff or other students. Schools must provide transformative experiences for students so that these experiences can, in turn, contribute to society.

⁴ The Human Rights Campaign, “2018 LGBTQ Youth Report” (2018), available at hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/2018-YouthReport-NoVid.pdf.

⁵ United Nations Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and Special Rapporteur on the right to education, “The inclusion of LGBT people in education setting; of paramount importance to “leaving no one behind”, Statement, 10 November 2021, available at www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25094&LangID=E.

⁶ Idem.

⁷ United Nations Educational, Scientific and Cultural Organization (UNESCO), Good Policy and Practice in HIV and Health Education: Education Sector Responses to Homophobic Bullying, Booklet 8 (2012); UNESCO, Out in the Open: Education sector responses to violence based on sexual orientation and gender identity/ expression (2016); Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence (CRC/C/GC/20), para.33, and No. 21 (2017) on children in street situations (CRC/C/GC/21), para.8.

⁸ Idem.

Access to education and inclusivity

Education is a fundamental human right and the foundation for a more just society. The right to education is enshrined in Article 26 of the 1948 Universal Declaration of Human Rights, reflected further in other normative instruments, such as the 1966 International Covenant on Economic, Social and Cultural Rights⁹ and the 1989 Convention on the Rights of the Child¹⁰, among others.

The United Nations Committee on Economic, Social and Cultural rights has provided detailed guidance to States in its General Comment 13, regarding their obligations to respect, protect and fulfil the right to education. This includes, inter alia, that the right to education is accessible to all, without being subjected to any form of discrimination. It also states that schools should be flexible enough to adapt and respond to changing societies and the specific needs of diverse students.¹¹ In this way, schools need to become places where diversity is acknowledged and respected. In sum, access to education should be inclusive of all.

According to the United Nations Educational, Scientific and Cultural Organization, inclusive education is seen as “a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion from education and from within education.”¹² The goal is that the whole education system will facilitate learning environments where teachers and learners embrace and welcome the challenge and benefits of diversity. Inclusive education can be seen as a process of strengthening the capacity of an education system to reach out to all learners. It is, therefore, an overall principle that should guide all educational policies and practices.

The United Nations Study on Violence against Children recommended that States “encourage schools to adopt and implement codes of conduct applicable to all staff and students that confront all forms of violence, taking into account gender-based stereotypes and behaviour and other forms of discrimination,” and “specific programmes which address the whole school environment including through ... implementing anti-bullying policies and promoting respect for all members of the school community.”¹³

Inclusive education entails then that students from all backgrounds should be seen, heard, and able to participate. A multi-country report on LGBTQ inclusive education by the International Lesbian, Gay, Bisexual, Transgender, Queer Youth and Student Organisation (IGLYO) and the Organising Bureau of European School Student Unions (OBESSU), describes that “visibility and participation mean recognising the existence of and including lesbian, gay, bisexual, transgender and queer people in society. Within a school, participation is achieved through ensuring that people of diverse sexual orientations and gender identities are included and represented in all school structures.”¹⁴

The positive impact caused by the respect of the right to education of all is broader than the individual. Education reduces poverty, decreases social inequalities, and empowers vulnerable groups, helping societies achieve lasting peace and sustainable development. In this way, improved access and keeping the young generation in schools and universities is also important for the economic development and growth of the country.

⁹ International Covenant on Economic, Social and Cultural Rights, art. 13.

¹⁰ In particular articles 28 and 29 of the Convention on the Rights of the Child.

¹¹ Committee on Economic, Social and Cultural Rights, general comment No. 13 (1999) on the right to education (E/C.12/1999/10).

¹² UNESCO and International Bureau of Education, Interview with the UNESCO-IBE Director, Clementine Acebo (November 2011), available at www.ibe.unesco.org/fileadmin/user_upload/Policy_Dialogue/48th_ICE/Press_Kit/Interview_Clementina_Eng13Nov.pdf.

¹³ Report of the independent expert for the United Nations study on violence against children, A/61/299, 29 August 2006, para. 111, available at documents-dds-ny.un.org/doc/UNDOC/GEN/N06/491/05/PDF/N0649105.pdf?OpenElement.

¹⁴ International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex (LGBTQI) Youth and Student Organisation (IGLYO) and Organising Bureau of European School Student Unions (OBESSU), “Guidelines for inclusive education sexual orientation, gender identity and gender expression” (2015), available at www.iglyo.com/wp-content/uploads/2015/03/4.11-Inclusive-Education-Guidelines1.pdf.



II. Research Objectives and Methodology

Background

While Timor-Leste seems to display a level of acceptance and tolerance toward the LGBTQ¹⁵ community compared to its peers in South-East Asia, significant challenges persist, including stigma and prejudices as well as misinformation, rooted in rigid negative gender norms. For example, a Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste¹⁶ identified several challenges for LGBTQ persons in the country, in particular poverty, early marriage, and discrimination at home and in school. The report stated that rules, practices and systemic discrimination in schools in Timor-Leste, based on differences regarding a student's sexual preference or gender identity or expression, led them to miss school.

However, to date there has been no assessment on LGBTQ students' experience related to inclusion and harassment in educational settings in Timor-Leste. Hence the need for the present study.

Objectives

The main objectives of this research are as follows:

- Review existing national policy or legislation relevant for the research.
- Understand challenges faced by LGBTQ students in Timor-Leste to access education, free from any kind of discrimination, particularly due to their LGBTQ status.
- Conduct in-depth interviews with selected schools and universities (random sampling) in districts covered for this research, to understand the level of knowledge of LGBTQ related issues and level of inclusiveness in these institutions.

¹⁵ This study does not include experiences of intersex students due to unavailability of information in the context of Timor-Leste.

¹⁶ Iram Saeed and Bella Galhos, "A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste", Rede Feto Timor-Leste and Asean Sogic Caucus, 2017, available at aseansogicaucus.org/images/resources/publications/ASC%20-%20Rede%20Feto%20-%20LBT%20Womens%20Lives%20in%20Timor%20Leste.pdf.

- Review data and information from other sources on inclusive schools and what steps can be taken to prevent bullying and overall discrimination of LGBTQ persons in schools that could be relevant in the Timor-Leste context.

Methodology

The research was conducted in two phases by consultants hired by the United Nations Human Rights Adviser Unit in Timor-Leste. Phase I focused on using a quantitative methodology (December 2020) while Phase II focused on using a qualitative methodology (August-September 2021).¹⁷ The use of both methodologies ensured that the magnitude as well as the depth and nature of experiences of the target groups were captured. Three municipalities, namely, Bobonaro, Dili, and Liquiça, were chosen as geographical location of the research, which remained the same for both methodologies, while the sample selection was purposive.

Quantitative Methodology: Participants were selected based on their level of education (high school or university), type of school (public or private), and location of their school in the selected municipalities. To be eligible to participate in this study, respondents had to be older than 13 years old and currently in either high school or university. The final sample consisted of a total of 99 students between the ages of 13 and 25. Given that most universities are in Dili, only university students from Dili participated. Moreover, 14 teachers were also interviewed for the research.

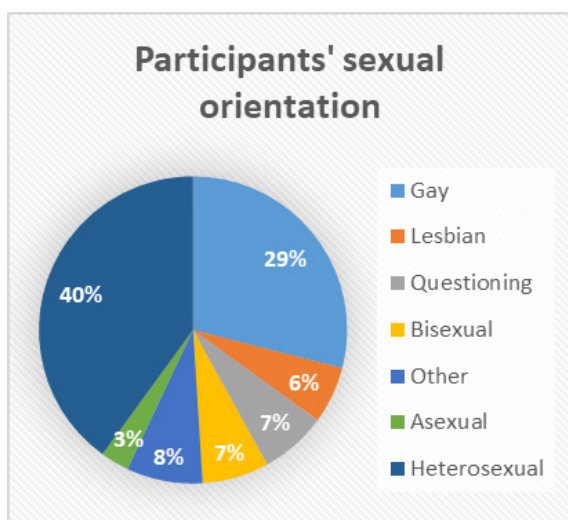
A formal letter to School Directors requesting permission to conduct the research in their respective school was sent. Due to the sensitivity of LGBTQ issues in Timor-Leste, and to ensure the safety of the research participants, rather than selecting only LGBTQ students to participate, the survey included all students, regardless of their gender identity, gender expression or sexual orientation.

¹⁷ Due to the COVID-19 pandemic, there was a gap of a few months in between these initiatives.

However, the survey asked each participant about their gender identity, gender expression as well as their sexual orientation.

Approximately 29 per cent of students who participated in the research identified themselves as gay men, 6 per cent as lesbian, 7 per cent as questioning their sexual orientation, 7 per cent as bisexual, 8 per cent identified as other, and 40 per cent as heterosexual (figure 1). Students and teachers were asked to complete a survey about their experiences in school in the last three months of 2020.

Figure 1 Total participants in the study by sexual orientation.



The survey questions were adapted from the annual Gay, Lesbian & Straight Education Network (GLSEN) survey¹⁸ and tailored to the context of Timor-Leste. A human rights activist who identifies as an LGBTQ person was consulted to review the questions. Moreover, two LGBTQ community members were recruited and trained to conduct the survey. The questions were also pre-tested. The data gathered from the pre-testing is not used in this report.

Qualitative Methodology: Six LGBTQ members who had finished university were trained by a university teacher who has a research background on qualitative methodology. Focus group discussions (FGD) checklist and in-depth interview tools were developed and translated into Tetum. They collected data in the above-mentioned districts and interacted with LGBTQ members in separate groups.

The qualitative research was able to reach out to 96 LGBTQ members (13 years and above), who participated in the FGD and in-depth interviews. These include:

- ◆ **Group One:** Presently studying in high school or school dropouts.
 - ◆ **Group Two:** Presently studying at university level, finished university, or drop-outs.¹⁹
- In addition, it included:
- ◆ **Group Three:** 37 family members of the LGBTQ community were also invited for FGD and interviews, and their voices and concerns were documented.
 - ◆ **Group Four:** 13 school and university teachers.
 - ◆ **Group Five:** 6 service providers (CSOs working in schools and local leaders - Suco Chief and Youth Chief) were also included in the in-depth interview process.

The research team ensured that a consent form was signed by all the participants in the FGD and in-depth interviews.

¹⁸ Joseph G. Kosciw et al, "The 2013 National School Climate Survey: The experiences of lesbian, gay, bisexual and transgender youth in our nation's schools" (New York: GLSEN, 2014).

¹⁹ Dropped out LGBTQ students were interviewed to ensure a fair representation of reasons for discontinuing their studies.

III. Key Findings

A. Laws and Policies in Timor-Leste

Currently, there are no laws and regulations in the country that explicitly forbid discrimination based on Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics (SOGIESC).²⁰ In the exhaustive list of grounds upon which discrimination is prohibited in Section 16.2 of the Constitution of the Democratic Republic of Timor-Leste (the Constitution), there is no reference to gender identity and expression or sexual orientation as a form of discrimination. In fact, reference to sexual orientation was removed from the draft Constitution after debate in the Constituent Assembly, mainly due to fears this would allow for same-sex marriage, even if sexual relations between consenting adults of the same sex are not criminalized.

The Constitution states in Section 59.2, that: “Everyone has the right to equal opportunities for education and vocational training”, while Section 18 stipulates that “children shall be entitled to special protection by their society namely their family, community and the State against any forms of abandonment, discrimination, violence, oppression, sexual abuse and exploitation.”

Timor-Leste has ratified various international human rights treaties (seven of the core ones), including the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of all form of Discrimination Against Women (CEDAW), both of which recognize the right to education of all children without any form of discrimination. Article 19(1) of the CRC adds that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

²⁰ The only reference that can be found is in Article 52 of the Penal Code of Timor-Leste, which states that if a person who commits a crime is motivated by discrimination on the grounds of “gender” or “sexual orientation”, this is considered an aggravating circumstance and consequently, perpetrators will be subject to a higher criminal penalty.

Timor-Leste has also committed to the Sustainable Development Goals (SDGs), wherein Goal 4 declares that States must “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”

At the Universal Periodic Review of Timor-Leste in the Human Rights Council in 2016, the country accepted two recommendations on LGBTQ rights. Specifically, 1) to strengthen the legal framework to ensure gender equality and ban discrimination on the grounds of sexual orientation and gender identity and, 2) to develop and adopt legal and administrative measures to investigate and punish acts of discrimination, stigmatization, and violence against lesbian, gay, bisexual, transgender and intersex persons.²¹ Similar recommendations have been made to Timor-Leste during the Universal Periodic Review of the country in 2022. At the time of writing this report, the State was yet to reply which recommendations it accepted.

However, in its submission to the Universal Periodic Review of Timor-Leste in 2022, the organization Amnesty International mentioned that Timor-Leste’s government has failed to comprehensively implement laws, policies and practices, including awareness training, to improve non-discrimination based on sexual orientation, gender identity or expression and sex characteristics.²² It added that the Ministries are yet to implement comprehensive training to its staff to ensure sensitivity on the same issues.²³

The National Education Strategic Plan 2011-2030, published in 2011, and the National Policy for Inclusive Education, approved in 2017,²⁴ mention social inclusion in the education system as one of the targets to improve human capital in the country.

²¹ Report of the Working Group on the Universal Periodic Review: Timor-Leste (A/HRC/34/11), para 89.76 and 89.77), available at documents-dds-ny.un.org/doc/UNDOC/GEN/G16/442/42/PDF/G1644242.pdf?OpenElement.

²² Amnesty International, “Timor-Leste: Enhancing Equality and Inclusion, Amnesty International submission for the UN Universal Periodic Review, 40th session of the UPR Working Group, January-February 2022”, 23 July 2021, p.6, available at www.amnesty.org/en/wp-content/uploads/2021/07/ASA5744992021ENGLISH.pdf.

²³ Idem.

²⁴ Government of Timor-Leste resolution 18/2017 (12 April), available at http://www.mj.gov.tl/jornal/public/docs/2017/serie_1/SERIE_I_NO_14.pdf.

The former stipulates that “all individuals will have the same opportunities to access quality education that will allow them to participate in the economic, social and political development process, ensuring social equity and national unity.”²⁵ It also refers to the Constitution and mentions education both implicitly and explicitly, referring to the State obligations in this sector. For example, Section 18 paragraph 2 reads: “Children (under 18 years of age) shall enjoy all rights that are universally recognized, as well as all those that are enshrined in international conventions commonly ratified or approved by the State”,²⁶ such as the CRC and CEDAW.

The Global Education Monitoring Report (GEM) 2020,²⁷ which focused on education and inclusion, highlighted that even though 68 per cent of countries defined inclusive education in their laws, policies and strategies, 17 per cent of these defined it in reference exclusively to people with disabilities. Similarly, in Timor-Leste, even though inclusion should be universal, the National Education Strategic Plan 2011-2030 and the National Policy for Inclusive Education in Timor-Leste²⁸ listed protected groups as those with disabilities, those who come from low-income families and live in remote areas, pregnant girls, young mothers, as well as working children, among other, but excluding LGBTQ persons.

On a positive step, in 2011, Timor-Leste was one of the 85 United Nations (UN) Member States supporting at the UN Human Rights Council the Joint Statement on “ending acts of violence and related human rights violations based on sexual orientation and gender identity.” In 2016, the then Prime Minister Rui Maria Araújo, became the first Southeast Asian leader to publicly denounced discrimination against LGBT individuals in Timor-Leste. He explicitly called for parents and schools to foster a safe and supportive space for the youth, as central to the prosperity of the nation, thus assuring that they can grow and thrive in an environment filled with love, protection, and opportunities, irrespective of their differences.²⁹

²⁵ Timor-Leste Ministry of Education, Timor-Leste National Strategic Plan 2011-2030 (August 2011), available at timor-leste.gov.tl/wp-content/uploads/2011/07/Timor-Leste-Strategic-Plan-2011-20301.pdf.

²⁶ Constitution of the Democratic Republic of Timor-Leste, sect. 18, para. 2.

²⁷ UNESCO, Global Education Monitoring Report 2020: Inclusion and Education – All Means All, available at en.unesco.org/gem-report/report/2020/inclusion.

²⁸ Timor-Leste Ministry of Education, National Policy for Inclusive Education, available at moe.gov.tl/pt/inclusive/send/14-inclusive/16-3-english-politika-nasional-depois-aprovasaun-husi-cdm.

²⁹ Government of Timor-Leste, “Timor-Leste celebrates LGBT Pride Day”, 29 June 2017 available at timor-leste.gov.tl/?p=18362&lang=en.

However, lack of awareness among the LGBTQ students in Timor-Leste on relevant rules, commitments and policies is common. Particularly teachers and LGBTQ high schools’ students interviewed for this study, stated not being aware of any relevant legislation, while most of the LGBTQ university students interviewed seemed to be well informed. A university student from Bobonaro shared “the Constitution of the Democratic Republic of Timor-Leste states that no one can discriminate and commit violence against others, even though the articles covered only gender and didn’t mention gender orientation.” Access to information is critical for educators and LGBTQ students, and the school system in general, to implement an inclusive education.³⁰

B. Inclusive Climate at Timorese Schools and Universities

There are many challenges for LGBTQ students in Timor-Leste to access education. Families of LGBTQ people, especially in remote locations of Timor-Leste, have many times difficulty in accepting LGBTQ identity issues and tend to put pressure on their children to behave within the gender boxes largely accepted in the society. At times, they might resort to more extreme and/or violent ways to address the issue, including corrective rape, physical and psychological abuse, ostracism, discrimination and marginalization.³¹ While some LGBTQ children or students might be discouraged by the family to attend school or university because they are considered “not worthy”,³² others, not being understood and at the receiving end of discrimination and abuse within the family, run away from studies and/or drop out of schools.

³⁰ International Lesbian, Gay, Bisexual, Transgender, Queer & Intersex (LGBTQ) Youth and Student Organisation (IGLYO) and Organising Bureau of European School Student Unions (OBESSU), “Guidelines for inclusive education sexual orientation, gender identity and gender expression” (2015), available at www.iglyo.com/wp-content/uploads/2015/03/4.11-Inclusive-Education-Guidelines1.pdf.

³¹ Iram Saeed and Bella Galhos, “A Research Report on the Lives of Lesbian and Bisexual Women and Transgender Men in Timor-Leste”, Rede Feto Timor-Leste and Asean Sogic Caucus, 2017, available at aseansogiccaucus.org/images/resources/publications/ASC%20-%20Rede%20Feto%20-%20LBT%20Womens%20Lives%20in%20Timor%20Leste.pdf.

³² Idem.

However, it is not only within the family that LGBTQ students face challenges in Timor-Leste to access education. The lack of an inclusive climate at schools and universities has a direct impact on students' participation and performance, as well as their social interaction with their peers.³³ Studies have shown that a negative school environment can have concrete adverse effects on students, such as lower academic achievement, increased risky behaviours, a diminished perception of safety, poor relationships, lack of encouragement, low school connectedness, reduced teacher retention, and increased bullying and victimization.³⁴ In this way, teachers and administrators have a critical role in creating a safe and welcoming place where each student feels that they can learn and thrive in a supportive environment.

While assessing the situation of LGBTQ persons in accessing education and the level of inclusiveness of schools and universities, this research asked students and teachers about their knowledge and perspectives related to sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC). It also asked about their experience and exposure to discrimination and violence faced by LGBTQ and non-LGBTQ students; school dropouts among LGBTQ students; and what school policies are in place to support LGBTQ students.

- **Awareness and Understanding about Sexual Orientation, Gender Identity, Gender Expression and Sex Characteristics issues**

Timor-Leste's early education system (first and second "cycles") is undergoing a curriculum reform since 2013, initiated by the Ministry of Education. The new curriculum is based on the idea of a learner's centred pedagogy, while using international best practices to the Timorese context. However, research on Timor-Leste educational system notes that "the school vision of pedagogy reflects local or "traditional" pedagogy, centred around rote learning, infused with religion, and maintained through the teacher's authority and control."³⁵

³³ Gail Hooks Greenway, "The relationship between school climate and student achievement", dissertation, Georgia Southern University, 2017, available at digitalcommons.georgiasouthern.edu/cgi/viewcontent.cgi?article=2800&context=etd.

³⁴ Elisabeth Kane et al "School Climate and Culture: Tier 1", Strategy Brief (February 2016), available at k12engagement.unl.edu/strategy-briefs/School%20Climate%20&%20Culture%202-6-16%20.pdf

³⁵ Laura Ogden, "Competing visions of education in Timor-Leste's curriculum reforms", The International Education Journal: Comparative Perspective, vol. 16, No. 1 (2017), pp. 50-63, available at files.eric.ed.gov/fulltext/EJ1138180.pdf.

In this context, there may be limited space for new or less conservative ideas, particularly if around sexuality.

School teachers can also be influenced by conservative norms prevailing in the society. Research on Timor-Leste's educational system has noted that "the moral role of teachers in helping to shape children into citizens is also part of the school vision of pedagogy. A commonly used phrase is that education 'makes people into people' (forma ema sai ema, in Tetun), perhaps also reflecting a colonial-era, missionary-style view of school's role in shaping moral, civilized citizens. Several teachers identified this role and its concomitant social prestige as part of their professional identity and their love of teaching."³⁶

During the interviews for this study, many teachers reported not being aware of what SOGIESC and LGBTQ meant. In their responses, some seemed biased and disapproving of the lives of the LGBTQ community, demonstrating a lack of social recognition of the community. A secondary school teacher in Liquiça stated, "just like the majority of people in the country, I think that the LGBTQ community in Timor-Leste turned themselves against nature. If they face discrimination and violence is because some men change or act like women, and some women act like men, which is against nature." This type of biased comment, while putting blame on LGBTQ members for not conforming to their assigned gender, was shared by a few other teachers.

Nonetheless, many of the teachers showed interest in learning about SOGIESC. A teacher in Liquiça, remarked, "at school, we have not yet received specific information and training on these issues, but we need to know about it. Teachers and students should be taught about sexuality (education) in biology, including variations in gender identities."

In the past years, some civil society organizations (CSOs) and United Nations agencies have expressed the need to introduce reproductive and sexual health education or comprehensive sexuality education in schools. A few pilot programs at district level³⁷ have been successful, but these are yet to be continued and up scaled.

³⁶ *idem*.

³⁷ United States Agency for International Development and JSI, "Engaging Young People as Adolescent Reproductive Health Educators in Timor-Leste", October 2020 available at publications.jsi.com/JSIInternet/Inc/Common/_download_pub.cfm?id=23890&lid=3.



Such consistent inclusion, up to the highest level of education, containing a broader vision of sexuality beyond heterosexuality as the norm in society, would constitute a major leap in the education sector for all students, including LGBTQ.

Raising awareness and sensitizing, using factual information, about LGBTQ people and their rights, as well as the challenges they face, is the first step to removing unconscious biases and discrimination. Conservative religious views, compounded by a strong patriarchal disposition that most educators themselves possess, exacerbate their already limited knowledge and understanding of LGBTQ issues and constrain their ability to contribute to the inclusion of these students. In turn, for educators and other school staff willing to engage on LGBTQ issues, the lack of information and understanding about those issues create a myriad of uncertainties about how to meaningfully approach the topic.

In a context where educators and other school staff are unaware about SOGIESC and the challenges that LGBTQ students face, in addition to being dominated by personal prejudice and conservatism, LGBTQ students feel unsafe. Unable to secure help and support from those whose duty should be to protect them at educational settings, LGBTQ students prefer to avoid school or ultimately, drop out.

- **Anti-bullying/harassment policies and other resources**

Guaranteeing students' safety at schools should start by establishing policies that address the potential threats against them and support inclusive environments. Nevertheless, based on this research findings, there seems to exist limited action to integrate and address the needs of LGBTQ students in educational facilities in Timor-Leste. There is also limited knowledge among students and even teachers about the school policies on issues of harassment or bullying overall.

About 35 per cent of high school students interviewed and 14 per cent of university students, reported that they believe that their school has a policy against bullying, harassment or assault. However, only 21 per cent of high school students, and 13 per cent of university students reported that their school had a comprehensive policy that specifically enumerates both sexual orientation and gender identity or expression.

Similarly, 21 per cent of the teachers interviewed reported that their schools had a policy that explicitly prohibits bullying based on the grounds of gender identity or expression, sexual orientation, disability and religion, while 14 per cent said that their school policy on anti-harassment and discrimination did not specifically mention about sexual orientation, gender identity or expression, disability and religion. About 14 per cent of the teachers reported that their schools did not have a policy on anti-discrimination or bullying.

A schoolteacher from Liquiça reiterated that "in general, schools have rules, though not specific rules for the LGBTQ students. But in the internal policies that we have adopted in the school, there is a regulation that mentions that students with different identities should not be discriminated. The School Principal doesn't have tolerance for any act of discrimination among students or in the school." However, as mentioned by some schoolteachers, there was a need to have it.

In addition to the development of anti-bullying/harassment policies, other measures can contribute to the integration of LGBTQ students at educational facilities, such as access to information and availability of literature or other resources that approach LGBTQ issues, as well as targeted discussions and action, led by teachers and school staff, that help students better understand and support the challenges felt by their LGBTQ peers.

About 50 per cent of the teachers interviewed reported that they would feel somewhat comfortable to use literature that contains LGBTQ characters or story lines in their curriculum, while 38 per cent teachers did not, and only 14 per cent felt comfortable. One secondary schoolteacher from Liquiça suggested to "create a book to keep in every school to talk about LGBTQ, so that we can understand what it is." However, 71 per cent of teachers felt that they would be "in trouble" with their school's community if they ever used LGBTQ literature in their classroom.

Regarding access to information around LGBTQ history, important figures or events, 50 per cent of teachers admitted that their school students were not allowed to use computers to access websites about LGBTQ issues; only 21 per cent of teachers said that their schools allowed it and 14 per cent other teachers were not sure about this.



When students were asked the same question, around 30 per cent (24 per cent of high school and 6 per cent of university), reported that they were able to use school computers to access websites about LGBTQ history or events; 20 per cent of LGBTQ students reported that they were able to use school computers for the same purpose.

On the availability of resources at school and university libraries, 34 per cent of students interviewed (23 per cent of high school and 11 per cent of university students), reported that their school library contained information about LGBTQ history or events. The majority of the LGBTQ participants interviewed believed that schools and universities should talk specifically about the rights of LGBTQ people and have regulations against discrimination and bullying.

• Dress-code regulations

Schools in Timor-Leste, and sometimes even universities, on formal occasions, have dress code regulations: boys are expected to wear pants as school uniform, while girls should wear skirts. These regulations are challenging for the LGBTQ members who do not conform to their assigned gender and see themselves forced to wear a uniform not in accordance with their gender identity.

During focus group discussions, many LGBTQ students talked at length about school uniforms. They explained how they felt left out or isolated because this type of prevailing gender stereotypes hinders some of them from performing regular tasks or participating in school activities, unless they give in to the pressure. A transgender man student from Liquiça mentioned that schoolteachers always reprimand him about his school uniform and asked him to leave the class for not following the school uniform rules (of wearing a skirt instead of a pair of pants).

The problem is particularly concerning at schools, as there seems to be more freedom and acceptance at universities regarding what students should wear. Still, a few university students mentioned verbal abuse and harassment, including of a sexual nature, because of how and what they wear. They added that they are pressured to dress according to their assigned gender, even if against their gender identity. A transgender university student from Dili shared that he was not allowed to wear shirt and trousers in the official ceremony upon completion of

his studies. He had heard that another transgender man had not been allowed to attend the same official ceremony as he refused to wear a skirt.

This type of regulation is contributing to the psychological and social dimensions of the bullying patterns and related trauma that LGBTQ students face in educational institutions in Timor-Leste. The students interviewed explained that this type of regulation is also creating barriers in their studies. One university student in Dili confided that “I am losing hope to continue my studies because my lecturer, my friends, they keep reminding me of the rule that women have to wear skirts and men have to wear pants.”

While the issue of school uniforms may seem trivial to some, it is critical for the LGBTQ community, as dressing is part of the way they express themselves, as well as their identity, to the outside world, like any other person. Due to its significance, several students during the focus group discussion stated that the inability to dress according to their gender identity or expression can sometimes become a reason for LGBTQ students to start disliking going to school and eventually dropping out.

Some teachers interviewed seemed to empathise with the challenge faced by LGBTQ students. A schoolteacher in Liquiça remarked that schools, parents and the Ministry of Education should find a solution, so that students do not drop out of school and lose their future for things that can be accommodated. Another teacher at a University in Dili shared that “I think it is good they [LGBTQ students] can join university because they also want to learn. But there are challenges for them as well because they need to follow the gender norms regarding what women and men should wear i.e., women should wear skirts and male wear pants. I think some teachers already understand about LGBTQ, but some lecturers don’t yet.”

While talking to families of LGBTQ students, this issue was raised multiple times. Families that are accepting of the gender identity of their child have attempted to find alternative solutions. One interviewee explained that “we, as family members, went with him (transgender student) to his school to meet the School Director.



However, they did not allow him to wear pants, so we tried looking for an alternative and came up with an idea of him leaving from home to school in pants, and then upon arrival at school, changing in the bathroom and putting the school uniform (skirt). For us it is important that he finishes his studies.”

There are positive examples in the region about how to gradually overcome this challenge. The Participatory Review and Analysis of the Legal and Social Environment for Lesbian, Gay, Bisexual and Transgender (LGBT) Persons and Civil Society in Thailand, reported that “after facing multiple instances of being unable to sit for his exams for refusing to wear a skirt, Kaona Sawakun, a transgender man, filed a complaint with his school administration and then with the National Human Rights Commission of Thailand, reporting it as a violation of his human rights and right to self-expression. He was successful in his attempts and won the right for students to wear their uniform of choice during examinations, granted they had a letter of approval from the administration. Students would need to ask for permission at the beginning of every semester. To date, 17 individuals have requested this allowance at his school.”³⁸ Victories as this are a first step. Ideally, longer term solutions need to be found.

• Perceptions on School Safety

During this research, unsafety was one of the most common feelings shared across the LGBTQ community members who are currently in or out of school. Many of them find the environment at school intimidating and that they have no one to support them. Of those LGBTQ students interviewed, 23 per cent reported that they have felt unsafe at school due to their sexual orientation and gender identity or expression, while 29 per cent reported they avoided public spaces in school such as bathrooms, cafeteria, and the school athletic field because they felt uncomfortable or unsafe.

The feeling of general unsafety leads many LGBTQ students to avoid school sometimes. Around 40 per cent of LGBTQ students missed between one to six or more full days of school in the last three months prior to the interview because they felt unsafe or uncomfortable on their way to or from school.

³⁸ UNDP and United States Agency for Development, Being LGBT in Asia: Thailand Country Report, Bangkok, 2014, available at www.usaid.gov/sites/default/files/documents/1861/Being_LGBT_in_Asia_Thailand_Country_Report.pdf.

Several reported being called names, as one of the interviewees shared “when I walk to my school, they call me ‘Hey gay, where are you going?’”

Additionally, 38 percent of LGBTQ students reported that they have felt excluded or “left out” on purpose by others at their school. One LGBTQ student from Dili shared that “many friends at my school dislike me and make fun of me because I am ‘paneiro’.”³⁹ Whenever I tried to talk to them, they were distant from me.” Another student quoted his experience, “at school my friends judged me and asked me ‘Why don’t you try to change yourself? Do you feel okay like this?’ But I just kept silent.”

The frequent exposure to verbal abuse and harassment, from both peers and even teachers, seems to have become one of the main reasons why LGBTQ students discontinue their school education. Almost all interviewees reported having to deal with this on a regular basis. A transgender man from Bobonaro explained that “I was always questioned by my friends and teachers at school about my gender identity. I felt angry all the time as they did not understand me. I have two transgender men friends with similar experiences. I decided to drop out of school this year because of this.” Another LGBTQ member, a secondary school dropout from Dili, remarked, “They [teachers] said ‘why did you turn yourself into a man? You are a woman.’ They even had a problem with my short hair. But I no longer think about it because I don’t attend school anymore.”

During the qualitative research, service providers (civil society organisations who provide support services to LGBTQ persons in Timor-Leste) were also interviewed and acknowledged that discrimination and harassment faced by the LGBTQ community, particularly in schools, is real. One service provider stressed that it is important for LGBTQ students to have support from educational institutions to feel safe, continue to finish their studies and build their future. Another service provider suggested developing school curriculum for inclusive education to eliminate discrimination, intimidation, harassment and any kind of violence affecting the LGBTQ community members in schools.

³⁹ The term “paneiro”, from Portuguese, is a pejorative term commonly used in Timor-Leste to refer to almost all LGBTQ members including cross dressers, transgender, homosexuals and gay.



• Bullying and Harassment

Discriminatory harassment and assault of LGBTQ students at educational institutions in Timor-Leste seems to assume different forms and with relative high incidence. For this research, 44 per cent LGBTQ students reported that in the past year they have been verbally harassed with name-calling and threats either because of their sexual orientation or what their peers think their sexual orientation is; their gender identity or how they expressed their gender.

A lesbian from Liquiça stated “I have experienced intimidation by my friends at school who are always bullying me by saying that I should only date men and that as a girl dating other girls is not fair. My family also tries to remove me from school because of my sexual orientation.” One LGBTQ person mentioned that “I did not experience physical violence, but I was always treated bad by my teachers and school mates due to my gender identity and sexual orientation. They said that I am a Sinner and that I’m acting against God’s will because I am a woman turned into a man.”

Several students, though, described that the harassment can become physical. Around 37 per cent of LGBTQ students interviewed reported that in the past year they have been physically harassed, shoved and pushed, at their school. A total of 45 per cent reported to have been sexually harassed either through hearing sexual remarks made towards them or someone touching their body inappropriately at their school in the past year.

One LGBTQ member who has in the meantime dropped out school reported that “I have faced physical violence at school many times. Once one of my classmates took my bag away and hide it. They knew that I would get angry but even so, I didn’t hit anyone. However, my classmate beat me and pushed me down with a wooden chair.” Another gay student shared, “the regular bullying I experienced at my school killed my desire to go to school; I was beaten by my friends many times because they didn’t like my way of life.” Most of the violence and bullying experiences were shared by LGBTQ members who looked or behaved different from their birth gender.

Harassment can assume other forms or take place online. About 23 per cent of LGBTQ students reported to have been harassed or threatened by students at their school either by phone text messages or on social media including, but not limited to, Facebook, YouTube, Instagram and Tiktok. A total of 20 per cent of LGBTQ students reported that in the past year, they “frequently” have had their property such as books, clothing, motorbikes and bicycles, stolen or damaged at school.

Most of the teachers interviewed were against any discrimination or violence in schools. One teacher from Liquiça said, “all schools need to provide protection to everyone, including LGBTQ persons. All need to be treated equally.” However, around 69 per cent of LGBTQ students reported that they have heard sexist remarks made also by teachers or school staff, even if no physical violence coming from them was reported.

In fact, none of the teachers in the qualitative interviews accepted that there was any bullying, harassment or violence happening in their educational facility in relation to sexual orientation and gender identity or gender expression. They added that in their school they collected data on students’ attitude regarding how courteous and respectful they were around their teachers and peers. These can include incidents of violence, bullying, and harassment all within and in the school vicinity. However, even in cases of incidents involving physical violence, there was no record as to the cause of the incidents.

• Accountability

Findings from this research pointed to the unlikely existence, or at least knowledge, of a support system, including a mechanism to address complaints of those exposed to homophobic or transphobic harassment or bullying. About 64 per cent of teachers who participated in the survey did not know whether their school had any support systems for students who were victim of those behaviours, including physical violence; 21 per cent reported to have such support systems; while 14 per cent believed that such support systems did not exist in their schools at all. During interviews with LGBTQ students, none was aware of this support.



In fact, most of the incidents of harassment, intimidation and even physical violence against LGBTQ students in educational facilities in Timor-Leste go unreported. When asked “how often did you report when you were harassed or assaulted in school to a teacher, the principal or other school staff person?” only 29 per cent of the LGBTQ students revealed “sometimes” and only 5 per cent “most of the time”.

There are many reasons for underreporting, mentioned during the group discussion, such as the fear of getting reprimanded, not being taken seriously or believed in, fear of the family’s reaction and fear of disclosure about their gender identity and/or sexual orientation. As stated by one LGBTQ member from Liquiça, “I couldn’t do anything because I was afraid to talk to the teacher. I didn’t know how he would react. Also, my friends didn’t care about me, and I was afraid to tell my family because even they don’t like me.”

In the few cases that are reported, limited, unsatisfactory or no action seems to have been taken. A total of 18 per cent of LGBTQ students interviewed found the staff response between not at all effective to somewhat ineffective, while 15 per cent of students found it to be somewhat effective. A gay student from Liquiça shared that “I didn’t tell my family what I faced at school [bullying and verbal abuse]. From school [after the incident], I went straight to my room, and kept thinking why did they do this to me? Then I did report to the School Principal and one of the guys [who harassed me] was punished by kneeling down in front of the school flag.”

At times, LGBTQ students are blamed for “asking for it” by expressing their gender identity or sexual orientation. A transgender student revealed that “I was able to speak to the teachers about the harassment I received from my fellow students, but they didn’t care and scolded me asking ‘why did you turn yourself into like this?’”

Rarely a case is reported to the police, but even in such case the response seems to be inadequate. One gay student from Liquiça shared “I faced physical violence and verbal abuse at my school by other students. I was also once threatened by a male friend who wanted to force me to engage in sexual activities. I took the case to the Police but I was not satisfied with the Police reaction as they blamed only me for whatever happened.”



IV. Conclusions and Recommendations

As demonstrated by the research, schools and universities can be an unsafe learning environment for students in Timor-Leste who identify and/or express themselves as LGBTQ. LGBTQ students have reported missing school and avoiding public spaces because they feel unsafe or uncomfortable. They have heard sexist remarks about boys not acting “masculine enough” or girls not presenting themselves as “proper” or “feminine enough” in their school. They have also shared stories about feeling lonely, not being understood, being left out or rejected, and being subjected to discriminatory treatment and bullying, including psychological, physical and sexual violence at both schools and universities.

Stigma and discrimination can negatively impact the rights of LGBTQ students. In addition to their fundamental right to live free from violence and discrimination, many LGBTQ students in Timor-Leste, unable to withstand the situation and with low personal and academic self-esteem, see themselves forced to drop out from their studies, including higher education.

This, in turn, can limit future qualified employment opportunities and in general, better life conditions. Lack of education is also most likely to deepen their social exclusion and have a short and long-term impact on their mental and physical health and development.

Hence, many LGBTQ youths in Timor-Leste have no option but to find odd jobs, rely on families who sometimes are not supportive and perpetuate the physical, emotional and psychological abuse by holding them responsible for dropping out of school or universities. Some LGBTQ individuals turn to sex work or other forms of high-risk behaviours to sustain themselves or support their families. In addition, civil society organizations working with the LGBTQ community in Timor-Leste report that self-harm among the LGBTQ community happens, mostly because of the stigma and discrimination associated with their situation.

There is a critical need to take action to create safer and more inclusive schools for LGBTQ students in Timor-Leste and prohibit, prevent and punish incidents of discrimination, harassment or bullying. LGBTQ persons are entitled to access quality education without discrimination, as their human right. The degree of access to education impacts the level of enjoyment of other human rights. Education grants an individual full development and dignity, as well as the ability to participate in society and have access to many other human rights, such as political participation, access to justice, employment, adequate housing, etc.

It is everyone’s responsibility to establish and foster a safe and supportive learning environment both for students and educators, where there is freedom to express and fully live according to one’s identity. The responsibility lies primarily on the State, namely the Government led by the Ministries of Education and Higher Education, supported by teachers, students, communities and civil society and other organizations working on these issues.

Timor-Leste’s Strategic Development Plan 2011–2030 (SDP 2011-2030) has recognized that improved access to education and holding the young generation in schools and universities is important for the economic development and growth of the country.⁴⁰ The SDP 2011-2030 also recognized the high importance of education to build “a fair and progressive nation,” and to “improving the life opportunities of our people and enabling them to reach their full potential.”⁴¹

⁴⁰ National Parliament of Timor-Leste, Timor-Leste Strategic Development Plan 2011-2030, p. 14, available at <http://timor-leste.gov.tl/wp-content/uploads/2011/07/Timor-Leste-Strategic-Plan-2011-20301.pdf>.

⁴¹ Ibid.



However, according to a research bulletin published with the State's support, "Timor-Leste is at risk of missing a demographic dividend because children are not receiving the necessary investments in their health and education that successful demographic dividend countries have made."⁴² It further states that, "staying longer in school, which is associated with delayed entry into the workforce, should lead to lower labour income for adolescents and young adults." It also suggests that "in order to prepare Timor-Leste's youth for achieving a demographic dividend, the government needs to ensure that more children are enrolled and attend school and for longer, including in rural areas."⁴³

This becomes more concerning if considered that Timor-Leste is presently an oil-based economy and that there is a dire need to shift its focus to non-oil-based revenues. Educated and qualified youth would be an asset. The SDP 2011-2030 recognizes that "building our human resources [through, inter alia, access to and quality of education] is essential to developing the economy and society of our independent nation." Importantly, it also specifically states that "our first step will be to establish a policy of social inclusion to ensure that our most vulnerable people have a right to education."⁴⁴ However, as mentioned, despite references to people with disability, women, people from poor families among other vulnerable groups, there is no reference to LGBTQ persons in such policy.

There is a definite need to improve the quality and the relevance of the education system in Timor-Leste in general, and its access for vulnerable groups, in particular. Providing true inclusive education, that is also inclusive of LGBTQ students, that adapts to the challenges they face and that recognizes their identity, is an essential step towards making the right to education accessible for all and the rhetoric of "leaving no one behind" a reality.

⁴² United Nations in Timor-Leste and Democratic Republic of Timor-Leste, National Transfer Accounts, "Timor-Leste's Youth Population: A Resource for the Future", Research Bulletin (September 2018), available at timor-leste.unfpa.org/sites/default/files/pub-pdf/NTA%20Brief_final.pdf; Helen Hill, "In Transit to the Youth Dividend in Timor-Leste", Background Paper on Education and Training for a New Economy, United Nations Development Programme (UNDP), Dili, 2018.

⁴³ Ibid.

⁴⁴ National Parliament of Timor-Leste, Timor-Leste Strategic Development Plan 2011-2030, p. 25, available at timor-leste.gov.tl/wp-content/uploads/2011/07/Timor-Leste-Strategic-Plan-2011-20301.pdf

The following are recommendations to improve the access to inclusive education for LGBTQ persons in Timor-Leste:

- **National framework for diversity and inclusion**

First and foremost, it is essential that Timor-Leste recognizes the existence and validity of different gender identities and expressions, as well as sexual orientation, with explicit language in the Constitution, and that this language is used in national strategies, policies and curriculum, including at the educational level.

Only then can LGBTQ students start to feel that they belong, that their presence and abilities are valued and respected, and that they can learn without being discriminated or bullied, particularly by school staff or their peers.

This recognition needs to be supported by a legal framework that condemns any act of discrimination and/or violence against LGBTQ people. The Committee against Torture has recommended to Timor-Leste that "the State party should take effective measures to prevent violence based on real or perceived sexual orientation or gender identity and ensure that all acts of violence are investigated and prosecuted promptly, effectively and impartially, perpetrators brought to justice and victims provided with redress."⁴⁵

Tackling discrimination against LGBTQ students in schools and universities in the country can only be developed if policy makers are themselves fully aware and supportive of the importance of diversity and inclusion. Drafting guidelines on diversity and inclusion, which can be incorporated across the ministries themselves, including the Ministries of Education and Higher Education, would be critical.

⁴⁵ Committee against Torture, Concluding observations on the initial report of Timor-Leste (2017), CAT/C/TLS/CO/1, para 45.

- **Anti-Bullying and Anti-Discrimination policies and mechanisms**

The first concrete step for a school to be inclusive of all students is to guarantee their safety. A school code of conduct that includes an anti-discrimination policy is a statement of its commitment to students' safety.

Codes of conduct or policies must explicitly articulate what type of behaviour constitutes discrimination and bullying, what is prohibited, how students and teachers should respond to it, what are the consequences for both students and teachers who practice it, and the process for affected students to report it. These policies must also be explicit in protecting the rights of LGBTQ students. This means the inclusion of language that specifically prohibits discrimination, harassment and bullying, based on gender identity, gender expression and sexual orientation, and the mechanism to deal with complaints about such behaviours.

A code of conduct or policies should also have an annex with a list of government agencies or civil society organizations which could provide psychosocial support and counselling, including for LGBTQ victims to help them deal with the added trauma, in addition to the complaint mechanisms set.

Additionally, there should be a regular evaluation, for example yearly or bi-yearly, on the implementation of the policy and complaint mechanisms regarding their effectiveness in protecting students and reducing incidents of discrimination, harassment and bullying.

- **Training for teachers, administrators and students**

Regular training should be provided to teachers and school/university staff in Timor-Leste on inclusivity, with a focus on how to build inclusive schools to prevent discrimination and bullying, including violence. Orientation and discussions about SOGIESC should be a component of this training. A clear and factual understanding about SOGIESC will provide both educators and administrators with important tools to help build safe and more inclusive schools for LGBTQ students in Timor-Leste.

Training to teachers and school/university staff should also include discussions about common causes for bullying of LGBTQ students in the country, including prejudice and misconceptions about SOGIESC, as well as blaming and shaming of LGBTQ students because of erroneous views that these students are “asking for it” by expressing their gender identity or their sexual orientation. It is imperative that teachers are sensitized to the importance of being non-judgemental while dealing with LGBTQ students, who are already struggling and need support.

In addition to this, the Ministry of Education should develop comprehensive sexuality education (CSE) programmes that provide students with complete, accurate and age-appropriate information regarding sexuality and diverse gender identities and sex characteristics. It is important that CSE includes ongoing discussions about social and cultural factors relating to broader aspects of relationships and vulnerability, such as gender and power inequalities, socio-economic factors, race, HIV status, disability, sexual orientation and gender identity.⁴⁶

Overall, there is a need to have these discussions with teachers and students around the human rights discourse to combat stereotypes and disregard for the rights of others and promote respect for those considered “different.” Often, even verbal abuse like swearing, teasing, name calling, etc. are considered as “harmless acts”, disregarding the impact that such acts have on people who are already going through personal challenges and trauma and who could find in schools much needed support during challenging years of growing up and defining their identity. As a country where religion is an important component of day-to-day life, these discussions may also use common grounds of compassion, tolerance, and acceptance of diversity.

⁴⁶ UNESCO, Revised Edition- International technical guidance on sexuality education, available at www.unfpa.org/sites/default/files/pub-pdf/ITGSE.pdf.



It is also essential to raise with educators and administrators at schools and universities the importance of accountability for any incident in educational facilities of discrimination or bullying, including violence based on SOGIESC. The impunity or lack of accountability for discriminatory behaviour creates a sense of acceptance among peer students and school staff overall, that must be combatted. Accountability is also paramount for LGBTQ students to feel safe and heard.

The responsibility for this training and discussions should lie with the Ministries of Education and Higher Education, which may also consider requesting support from the United Nations and non-profit organizations working in this area.

- **Support to students in fulfilling their educational goals**

There is a need to relook at the strict imposition of dress codes or uniform types at schools and universities based on gender assigned by birth. A flexible solution must be found for LGBTQ students in Timor-Leste to feel comfortable and safe in what they wear at schools and universities. This will help LGBTQ students to refocus on their studies, rather than dropping out. Constructive debates on the need of breaking the prevailing gender stereotyping, gendering process, and on the concepts of what is masculine and what is feminine, would be helpful in changing the dominant misconceptions in society, and among teachers and peer students in particular.

Schools should also serve as a support to LGBTQ individuals to overcome challenges at home of acceptance and sense of “worth.” Well trained teachers on SOGIESC, should be able to provide some support in this regard, by advocating with families and communities for the right of LGBTQ youth to access education and finish their studies to help them be productive members of society. LGBTQ students, their families, schoolteachers and authorities should be working together in this regard.

- **Availability of school-based resources**

Availability of resources and support in school for LGBTQ students and educators can significantly help to promote a safer school climate and a positive school experience. LGBTQ inclusive curriculum, school policies, and books with either historical events of LGBTQ or characters who are LGBTQ, can assist in this regard. Information and knowledge are a first step for overcoming prejudice and discrimination, particularly in places outside of the capital Dili, where access to those resources is very difficult.

The findings from this study have shown that availability and access to resources and support for LGBTQ students and educators are relatively low in Timor-Leste. Both national and international organizations working on these issues could help obtain those resources and/or make them available in Tetum. In turn, schools should put those resources at the disposal of students as well as families.

- **Data monitoring and collecting**

To understand the level of inclusion of a school or university, it is recommended for school and university administrators, as well as teachers, to conduct studies and/or collect specific data on the incidence of discrimination, harassment and bullying by both school staff and students. It would also be important to analyse that information to assess the impact of those incidents in school safety and plan effective interventions to tackle homophobic, bi-phobic and transphobic bullying, abuse and violence in educational facilities in Timor-Leste. Data should be disaggregated by sexual orientation and gender identity.

The National Education Strategic Plan of Timor-Leste requests under program result 6.1.3 the establishment of clear procedures and monitoring systems to eliminate gender violence in schools.⁴⁷ These procedures and system should include measuring reliable data on incidence of harassment and bullying, particularly on the grounds of sexual orientation and gender identity or expression.

⁴⁷ Ministry of Education of Timor-Leste, National Strategic Plan 2011-2030, p. 130, available at timor-leste.gov.tl/wp-content/uploads/2012/02/Strategic-Development-Plan_EN.pdf.



Teachers interviewed reported that in their school they collected data on students' attitude regarding how courteous and respectful they were around their teachers and peers, including incidents of violence, bullying and harassment both within the school vicinity. However, there was no record as to the cause of the incidents.

Hence, any procedure or system established must be mindful that many LGBTQ students do not feel safe or comfortable to "come out" for fear of their own safety. As it might be challenging to report on incidents specifically linked to discrimination against LGBTQ students, systems must create safeguards for data collection to be conducted in a non-judgemental and safe way.

- **Partnership between schools, universities and civil society organisations**

There are several civil society and other organizations in Timor-Leste working on human rights and specifically on LGBTQ issues, some of them very well positioned within the LGBTQ community in the country. The State, in particular the Ministries of Education and Higher Education, as well as the school and university systems, could greatly benefit from the expertise, experience and outreach of those organizations. Developing partnership with them would be beneficial at several levels.

For example, these organizations could support the further development of existing anti-discrimination policies at schools and universities to make them more inclusive of issues around SOGIESC. These organizations could also help schools and universities to establish constructive platforms of dialogue in schools on inclusiveness, human rights, sexual diversity, respect, and tolerance. The knowledge and the use of the right language and tone in delivering appropriate messages in an impartial and sensitised way, are key for creating safe spaces for learning about LGBTQ issues, not only for LGBTQ students, but also their peers.

Moreover, this kind of partnership can provide comfort for the LGBTQ students who tend to feel alone and rejected in an environment they might perceive as unsafe to open-up. This support can also be reassuring for many LGBTQ students in schools where there is a lack of skills to deal with this type of trauma.

Glossary

Bisexual/bi: people who may be attracted to individuals of the same or different sex.⁴⁸

Bullying: behaviour repeated over time that intentionally inflicts injury of discomfort through physical contact, verbal attacks, or psychological manipulation. Bullying involves an imbalance of power.⁴⁹ When the bullying directed at the target is based on a protected class, that behavior is then defined as harassment. Protected classes include race, color, religion, sex, age, disability, national origin, gender identity or expression, etc.⁵⁰

Cisgender/cis: people whose sense of their own gender is aligned with the sex that they were assigned at birth. Some people identify as agender and/or reject the idea of a fixed gender identity.⁵¹

Coming out: one's acknowledgment and public disclosure of a sexual orientation or gender identity that does not conform to socially defined norms.⁵²

Gay: Individual who is physically, romantically and/or emotionally attracted to individuals of the same sex. Used especially of men.⁵³

Gender Expression: the way in which we express our gender through actions and appearance, including dress, speech and mannerisms. Gender expression can be any combination of masculine, feminine and androgynous. For a lot of people, their gender expression goes along with the ideas that our societies deem to be appropriate for their gender. For other people it does not.

People whose gender expression does not fit into society's norms and expectations, such as men perceived as "feminine" and women perceived as "masculine" often face harsh sanctions, including physical, sexual and psychological violence and bullying. A person's gender expression is not always linked to the person's biological sex, gender identity or sexual orientation.⁵⁴

Gender Identity: a deeply felt and experienced sense of one's own gender. Most people have a gender identity, which is part of their overall identity. A person's gender identity may or may not be aligned with the sex assigned to them at birth.⁵⁵

Harassment: Words, conduct or action (usually repeated or persistent) that, being directed at a specific person, annoys, alarms or causes substantial emotional distress in that person and serves no legitimate purpose.⁵⁶

Homophobia: an irrational fear of, hatred or aversion towards lesbian, gay or bisexual people.⁵⁷

Intersex: people who are born with physical sex characteristics that do not fit the normative definitions for male or female bodies. For some intersex people, these are apparent at birth, while for others they emerge later in life, often at puberty. Intersex persons may have any sexual orientation and gender identity.⁵⁸

Internalized Homophobia/Transphobia: the process by which a member of the LGBT community comes to accept and live out inaccurate, disparaging myths and stereotypes about LGBT persons.⁵⁹

Lesbian: a woman who is attracted to women.⁶⁰

⁴⁸ OHCHR, "Born Free and Equal – Sexual Orientation, Gender Identity and Sex Characteristics in International Human Rights Law", Booklet, Second edition, 2019, pp. 5 and 6, available at www.ohchr.org/Documents/Publications/Born_Free_and_Equal_WEB.pdf.

⁴⁹ UN Terminology Database, available at unterm.un.org/unterm/portal/welcome.

⁵⁰ National Bullying Prevention Center, available at www.pacer.org/bullying/info/questions-answered/bullying-harassment.asp.

⁵¹ OHCHR, "Born Free and Equal".

⁵² UN Terminology Database, available at unterm.un.org/unterm/portal/welcome.

⁵³ Ibid.

⁵⁴ United Nations Free & Equal (UNFE) campaign website, available at www.unfe.org/definitions/.

⁵⁵ OHCHR, "Born Free and Equal".

⁵⁶ UN Terminology Database, available at unterm.un.org/unterm/portal/welcome.

⁵⁷ United Nations Free & Equal (UNFE) campaign website, available at www.unfe.org/definitions/.

⁵⁸ OHCHR, "Born Free and Equal".

⁵⁹ Chatterjee Subhrajit, "Problems Faced by LGBT People in the Mainstream Society: Some Recommendations", International Journal of Interdisciplinary and Multidisciplinary Studies, 2014, vol. 1, No.5, pp. 317-331. 330, p 330, available at www.ijims.com.

⁶⁰ UN Terminology Database, available at unterm.un.org/unterm/portal/welcome.



LGBT/LGBTI: LGBT stands for “lesbian, gay, bisexual and transgender”. LGBTI stands for “lesbian, gay, bisexual, transgender and intersex”. While these terms have increasing resonance, different cultures use different terms to describe people who have same-sex relationships or who exhibit non-binary gender identities (such as hijra, meti, lala, skesana, motsoalle, mithli, kuchu, kawein, travesty, muxé, fa’afafine, fakaleiti, hamjensgara and two-spirit).⁶¹

Marginalization: the process whereby something or someone is pushed to the edge of a group and accorded lesser importance. This is predominantly a social phenomenon by which a minority or sub-group is excluded, and their needs or desires ignored. Marginalization can be defined as the process in which groups of people are excluded (marginalized) by the wider society. Marginalization is often used in an economic or political sense to refer to the rendering of an individual, an ethnic or national group, or a nation-state powerless by a more powerful individual.⁶²

Queer: used as an adjective with regard to gender, sexual orientation, and/or gender presentation; an umbrella term for a gender and/or sexual identity not covered by the dominant heterosexual, heteronormative and/or cisgender categories. When used as a noun, it is widely considered to be derogatory and should be avoided.⁶³

Questioning: people who are unsure of, exploring or discovering their sexual orientation or gender identity.⁶⁴

Sex characteristics: each person’s physical features relating to sex, including chromosomes, gonads, sex hormones, genitals and secondary physical features emerging from puberty.⁶⁵

Sexual Orientation or identity: a person’s physical, romantic and/or emotional attraction towards other people.⁶⁶ May be towards the same sex (homosexual), the other sex (heterosexual), or both sexes (bisexual).

Social Exclusion: a process whereby certain individuals are pushed to the edge of society and prevented from participating fully by virtue of their poverty, or lack of basic competencies and lifelong learning opportunities, or as a result of discrimination. This distances them from job, income and education and training opportunities as well as social and community networks and activities. They have little access to power and decision-making bodies and thus often feel powerless and unable to take control over the decisions that affect their day to day lives.⁶⁷

Transgender/trans: an umbrella term used to describe a wide range of identities whose appearance and characteristics are perceived as gender atypical—including transsexual people, cross-dressers (sometimes referred to as “transvestites”), and people who identify as third gender. Transwomen identify as women but were classified as males when they were born, transmen identify as men but were classified female when they were born, while other trans people do not identify with the gender-binary at all. Some transgender people seek surgery or take hormones to bring their body into alignment with their gender identity; others do not.⁶⁸

Transphobia: an irrational fear, hatred or aversion towards transgender people.⁶⁹

⁶¹ United Nations Free & Equal (UNFE) campaign website, available at www.unfe.org/definitions/.

⁶² Subhrajit, “Problems Faced by LGBT People in the Mainstream Society: Some Recommendations”.

⁶³ UN Terminology Database, available at unterm.un.org/unterm/portal/welcome.

⁶⁴ Subhrajit, “Problems Faced by LGBT People in the Mainstream Society: Some Recommendations”.

⁶⁵ OHCHR, “Born Free and Equal”.

⁶⁶ United Nations Free & Equal (UNFE) campaign website, available at www.unfe.org/definitions/.

⁶⁷ Subhrajit, “Problems Faced by LGBT People in the Mainstream Society: Some Recommendations”.

⁶⁸ United Nations Free & Equal (UNFE) campaign website, available at www.unfe.org/definitions/.

⁶⁹ Ibid.



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