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Submission from Human Rights Watch to the Committee on the Rights of the Child for its Day of General Discussion September 28, 2001

Violence Against Children in Schools

I. SUMMARY

Many children around the world experience violence as a regular part of their school experience. Instead of facilitating the healthy development of children, schools are too often the source of violence and abuse that undermine children's opportunities to learn, cause children to drop out of school all together, or cause psychological trauma, physical injury, disability, and even death.

In the past two years, Human Rights Watch has conducted three investigations into violence against children in schools, examining the use of corporal punishment in Kenya, harassment and violence against gay, lesbian, bisexual, and transgender students in the United States, and sexual violence against schoolgirls in South Africa.

In Kenya, we found that schoolchildren were routinely subject to caning, slapping and whipping by their teachers, sometimes on a daily basis. Such school "discipline" regularly results in bruises, cuts and humiliation, and in some cases serious injury or death. Although recently banned in Kenya, corporal punishment is still allowed by law in many other countries around the world and is practiced contrary to law in others.

School violence against children is often intertwined with discrimination. Children may be targeted because of their gender, race, ethnicity, religion, nationality, sexual orientation, social group, or other status. In the United States, we found that children are often victimized because of their sexual orientation or gender identity. Lesbian, gay, bisexual, and transgender youth who attend public schools are relentlessly harassed and sometimes physically attacked. They have been beaten, kicked, spit on, cut with knives, strangled, thrown against lockers, and dragged down flights of stairs.

Girls are at particular risk. In South African schools, rape, assault, and sexual harassment of girls is widespread and committed by both teachers and male students. Girls have been raped in school toilets, in empty classrooms and hallways, and in hostels and dormitories. They are frequently fondled, subjected to aggressive sexual advances, and verbally degraded.

In some states, girls may also be subject to virginity exams. Such exams were recently re-instituted for girls studying in government medical high schools in Turkey. A July 2001 decree allowed tests on girls "known to be having sex or engaging in prostitution." Those girls who fail the virginity exams will be expelled from school. The exams, which had been banned in 1999, involve intimidation and pain and violate girls' right to bodily integrity. In the past, girls have attempted suicide rather than submit to this abusive examination.

In addition to the specific acts of violence that they endure, children are also victimized by the routine failure of teachers and school authorities to act to effectively prevent violence and abuse or to respond adequately when it occurs. Rather than punish perpetrators, school authorities frequently choose inaction or compound the problem by encouraging the victim to move to another school.

The results of school violence can be devastating. Children may become depressed and anxious and have difficulty concentrating on their studies. They may use alcohol or other drugs or engage in risky sexual behavior as a way of dealing with stress. Many skip classes while others change schools or drop out altogether. Some commit suicide.

Violence and abuse in schools violate the rights of children to protection from all forms of violence, injury or abuse (Convention on the Rights of the Child, article 19) and cruel, inhuman or degrading treatment of children (article 37). It can impair children's enjoyment of the right to education (article 28) by hindering their learning or leading them to drop out of school. It can also undermine the purposes of children's education (article 29), including the development of respect for human rights and fundamental freedoms, and preparation for responsible life in a free society, in the spirit of understanding, peace and tolerance. Sexual violence in the schools violates the rights of children to protection from sexual abuse (article 34).

Human Rights Watch welcomes the recommendations made by the Committee on the Rights of the Child following its September 22, 2000, Day of General Discussion on State Violence Against Children, including those at the international level as well as those directed to individual states.

At the international level, Human Rights Watch encourages the Committee to reiterate two of its previous recommendations:

- That the Secretary-General be requested, though the General Assembly, to conduct an in-depth international study on the issue of violence against children, as thorough and influential as the "Impact of Armed Conflict on Children: report of the expert of the Secretary-General, Mrs. Graça Machel."
- That the Office of the High Commissioner for Human Rights be encouraged to organize a special workshop for all relevant treaty bodies, special procedures, and UN bodies and agencies to examine violence against children and ways in which existing UN human rights mechanisms can more effectively address this issue.

Human Rights Watch also urges the Committee to consider the following additional recommendations at the international level:

- Urge UN agencies to undertake a major campaign against violence against children. The United Nations Children's Fund should act as the lead agency in such a campaign, supported actively by the World Health Organization, United Nations High Commissioner on Refugees, the International Labor Organization and other relevant organizations.
- Urge the Commission on Human Rights to consider the appointment of a special rapporteur on violence against children, in order to bring needed international attention to the pervasive violence against children, monitor adherence to the standards that protect children, investigate abuses, and present recommendations to better protection children from violence and abuse.
- Request that UNESCO increase awareness of the Convention against Discrimination in Education, 1960, and take steps to implement it.

- Urge the Special Rapporteur on the Right to Education to make special efforts to examine harassment, violence, and discrimination in schools and their effect on children's right to education, as set forth in articles 28 and 29 of the Convention on the Rights of the Child and the Convention against Discrimination in Education.
- Urge other relevant special rapporteurs, including the Special Rapporteur on the Question of Torture and the Special Rapporteur on Violence Against Women, to prioritize violence against children during their investigations, and to include their findings in subsequent reports.
- Urge UN agencies such as UNICEF and UNESCO to fund and conduct workshops to train teachers on ways to promote human rights in the classroom, discourage sexual violence and harassment, and utilize non-physically abusive methods of classroom management.

II. CORPORAL PUNISHMENT

In at least sixty-five countries, corporal punishment is permitted as a method of school discipline.[1] Children may be spanked, slapped, caned, belted, or beaten by teachers as a result of misbehavior, poor academic performance, or sometimes for no reason at all.

This submission presents findings of a 1999 Human Rights Watch investigation on the use of corporal punishment in Kenyan schools, which included visits to twenty different schools and interviews with more than 200 children. We found that the use of corporal punishment was widespread, arbitrary and often brutal.[2]

Kenyan children were commonly hit with a wooden cane, though they were also subject to flogging with whips made of rubber, slapping, kicking, or pinching. Boys were commonly hit on the buttocks, while girls were hit on the palms of their hands. Children have also been beaten on the back, the arms, the legs, the soles of the feet, and even the face and head.

Children in Kenyan schools received anywhere from two to twenty or more cane strokes at one time. At some schools, caning happened only once or twice a week, while in others, children reported that they and others were caned on and off throughout the day, nearly every day, routinely receiving five or more strokes each time. A twelve-year-old girl from Central Province reported that "If you are a bad child, you can be caned even the whole day. If you are a good child, you may be caned only twice, or thrice, or even not at all."[3] A boy from Coast Province told Human Rights Watch investigators that "We were being punished all the time . . . we were caned every day, by all the teachers, as a lesson, so that we would always show respect."[4]

[1] Based on surveys conducted by EPOCH (End Physical Punishment of Children) Worldwide.
[2] *See* Human Rights Watch, *Spare the Child: Corporal Punishment in Kenyan Schools* (New York: Human Rights Watch, 1999).
[3] Ibid., p. 28.
[4] Ibid, p. 27.

Corporal punishment has been used against Kenyan students for a wide range of disciplinary infractions, some serious, others extraordinarily minor. Children have received corporal punishment for coming to school late, missing school without permission (even for unanticipated illnesses), having a dirty or torn school uniform, rudeness, graffiti, fighting, stealing, drug use, and any form of disruptive classroom behavior (writing notes to other students, fidgeting, talking to another student, "noise making," and so on).

Corporal punishment has been widely used to punish unsatisfactory academic performance. In classes, for example, it was not uncommon for teachers to strike children for giving the wrong answer to a problem or for not completing their homework, regardless of whether the child had the necessary books or materials.

Group punishments were widely reported: if a school did not perform well on national exams, for instance, an entire class might be caned regardless of the individual performance of each student. Similarly, if graffiti was found in a classroom, the whole class might be caned if the culprit could not be identified.

Children have also been caned by numerous teachers at once. One child reported:

> The worst time I was punished was when some girls wrote bad things in the latrine. I don't even know who. Then the teachers visited the latrines and saw the writings. Then, all the girls from Standards Six to Eight were called outside the staff room, and we were all seriously punished. All the teachers at once were beating us. I think I received about twenty strokes, and it was very painful, for they were beating us not only on the hands, but also on the toes, the legs, the head. . . .[5]

Children have also been caned for not being able to afford school fees. One child who dropped out of school because he could not afford schools fees said, "If you couldn't pay fees, you would be caned six times, and sent home to bring the money from your parents. You would go home, and there is no money, and then you would go back to school because you still want to learn, and you would be caned again."[6]

Bruises, swelling, and cuts have been regular byproducts of school punishment. More serious injuries, including broken bones, temporary or permanent hearing loss, knocked-out teeth, or internal injuries were not infrequent.

One girl reported to Human Rights Watch:

> In one of my classes one girl was slapped so hard that two of her teeth came out. The teacher was very angry because some of the girls failed a test, and so the teacher gave these girls a choice: three slaps from his hand or ten strokes with his

[5] Ibid., p. 29.
[6] Ibid.

> cane. This girl chose the three slaps and so he hit her on her face three times, very hard, and her mouth was bloody and her two teeth came out. And the other girls cried to the teacher, saying, "Look, you have taken out her teeth!," and then the teacher was so angry that he caned everyone again.[7]

In the most extreme cases, children have died as a result of corporal punishment; several such deaths have been reported in the Kenyan press over the past several years. In the few cases that led to prosecutions, the teachers were acquitted because they had not known that the child suffered from a preexisting medical condition which made the child particularly vulnerable to injury. Post mortem results for one child, who died in 1996 after being caned by three teachers, showed that the child had a heart condition. This condition—rather than the beating—was found to be the cause of death, and the case against the teachers involved was dismissed.

When children have been injured by corporal punishment, schools—or individual teachers—at times have provided or paid for medical assistance for the child, but teachers who injure children have rarely been disciplined, let alone dismissed or prosecuted. Most continue to have children in their care, teaching in the same schools in which they have previously abused children.

Many severe beatings have never been reported to authorities, as children and parents fear retaliation from teachers and headteachers. Human Rights Watch received numerous reports of serious retaliation against people who challenged severe corporal punishment. According to many interviewees, complaints from parents about excessive punishment could lead to more severe punishments in the future for the child, or punishment of the child's siblings or cousins.

Some children told of being forced to change schools to escape from vengeful teachers, and several headteachers told Human Rights Watch that when parents came in to complain that their children had been caned, they told the parents to remove their children from the school if they were unhappy about the caning.

In addition to inflicting corporal punishment, teachers in Kenyan schools have also used other punishments, which in some cases constitute cruel, inhuman, or degrading treatment. These punishments include hard physical labor such as uprooting tree stumps, slashing long grass with a stick, and digging pits, physically exhausting punishments such as running for long distances, humiliating practices such as forcing children who misbehave to kneel in front of the classroom for lengthy periods, and requiring work that can be both demeaning and a health risk like forcing children to clean pit latrines that are covered with urine and feces, without providing protective gloves, cleaning materials, or running water.

In April 2001, the Minister of Education formally banned capital punishment in the schools as a matter of policy and proposed to Parliament the elimination of the sections of Education Act of 1968 that provided for corporal punishment and its implementation.

[7] Ibid., pp. 35-36.

Human Rights Watch welcomes these positive developments but remains concerned that the official notice did not provide penalties for teachers who continue to carry out corporal punishment and that there has been no plan to provide teachers with training in alternative methods of discipline. Many teachers continue to express strong disagreement with the ban, illustrating the need for widespread in-service training and education for teachers on the harmful effects of corporal punishment, and effective alternative methods for maintaining classroom discipline.[8]

Suggested Committee Recommendations to States

- Adopt or amend legislation as necessary to abolish the use of corporal punishment in the schools, both public and private.
- Support programs that educate parents, teachers, and society at large about the harm of corporal punishment and the existence of effective alternatives.
- Ensure that all teachers are trained in methods of disciplining students that are not physically abusive.
- Ensure that teacher's training colleges include instruction on classroom management techniques and the harm of corporal punishment. Make instruction on alternatives to physical means of discipline a mandatory and significant part of the curriculum.
- Establish an independent complaints board charged with investigating individual complaints and press and other reports of corporal punishment. Create an ombudsperson to facilitate the lodging of such claims by parents and children.
- Investigate thoroughly every incident of corporal punishment reported by parents, children, teachers, the media or other sources, and take appropriate and immediate disciplinary action against accused teachers found to have physically abused students, including counseling, probation, suspension, and termination.

III. SEXUAL VIOLENCE

Girls constitute nearly two-thirds of the 130 million children not attending school in the developing world, according to estimates by the United Nations Children's Fund in 1998. Discrimination against girls perpetuates this educational gender gap; a particularly serious and pernicious form of discrimination is the tolerance of gender-based violence against girls in schools. While much attention has been directed to barriers girls face in getting to school, the obstacles girls encounter at school also merit serious consideration—gender-based violence chief among them. Girls are disproportionately the victims of physical and sexual abuse at schools. Girls are raped, sexually assaulted, abused, and sexually harassed by their male classmates and even by their teachers.

Human Rights Watch believes that educational institutions cannot fulfill their basic mission when the bodily integrity of female students is not respected. Tolerance of gender-based violence in schools is a serious form of discriminatory treatment that compromises the learning environment and educational opportunities for girls.

[8] *See* David Aduda, "Minister Outlaws Caning in Schools," *The Nation* (Nairobi), April 11, 2001.

This submission presents the results of Human Rights Watch's 2000 investigation of the phenomenon of gender-based violence in the schools of South Africa. Based on interviews with dozens of students, teachers, and government officials, Human Rights Watch found that on a daily basis, South African schoolgirls of every race and economic group encounter sexual violence and harassment that impedes their access to education. Many girls interrupt their schooling or leave school altogether because they feel unsafe in such a violent environment. Most girls, however, remain at school and suffer in silence, having learned the lesson that sexual violence at school is inevitable and inescapable. This is a lesson that is reinforced by school officials when they fail to respond promptly and effectively to girls' complaints of sexual violence and harassment.

Human Rights Watch found that sexual violence in schools has a profoundly destabilizing effect on the education of girl children. Interviews with girls subjected to sexual attacks, their parents, teachers, and social workers showed that these girls were not performing up to full potential, were losing interest in outside activities, and were failing their higher education matriculation exams. Although girls in South Africa have better access to school than many of their counterparts in sub-Saharan African states, they are confronted with levels of sexual violence that impede their access to education on equal terms with male students.

A seventeen-year-old pupil from Durban told Human Rights Watch that she feared becoming a victim of sexual violence at her school—again. She said she was afraid of her male classmates; especially the two who attempted to rape her behind the school building between classes. "I am afraid," she said. "I feel like leaving this school, I cry. I am thinking how am I going to face these guys. We attend classes together. How am I going to be myself like before? How am I going to be the same again? I would leave this school if I could."[9]

A thirteen-year-old girl in Johannesburg did leave school, not because she wanted to abandon her education but because she was gang raped by male classmates and felt unsafe at school while the boys remained there. "I left school because I was raped," she said, "My mom asked me if I wanted to go back to school. I said no."[10]

Human Rights Watch discovered that too often, school authorities have concealed sexual violence and delayed disciplinary action against perpetrators of violence. Schools respond with hostility and indifference to girls who complain about sexual violence and harassment. Girls described a persistent response pattern whereby schools discounted, or failed to take seriously, their reports of sexual violence and harassment. Girls were discouraged from reporting abuse to school officials for a variety of reasons, not the least being the hostile and indifferent responses they received from their school communities. Sometimes school officials appear to have failed to respond adequately because they simply did not know what to do; other times they have ignored the problem; still other

[9] *See* Human Rights Watch, *Scared at School: Sexual Violence Against Girls in South African Schools* (New York: Human Rights Watch, 2001), p. 64.
[10] Ibid., p. 48.

times they appear to have been afraid to assist. In many instances, schools actively discouraged victims of school-based sexual violence from alerting anyone outside the school or accessing the justice system. In the worst cases, school officials concealed the existence of violence at their schools and failed to cooperate fully with authorities outside the school system.

Another fifteen-year-old girl spent several days away from school because she was scared of the teacher who had sexually assaulted her. She said, "I didn't go back to school for one month after... everything reminds me of what happened. I have dreams. He is in my dreams. He is in the classroom laughing at me. I can hear him laughing at me in my dreams."[11] The trauma associated with the assault that caused the girl to miss so much school has cost her academically: "My grades are horrible," she told Human Rights Watch.[12]

Acts of sexual violence and violence against girls at school that remain unchallenged by school officials exact a terrible cost to educational quality and equality in South Africa in addition to violating girls' rights to bodily integrity. A school environment where sexual violence and harassment is tolerated compromises the right of girl children to enjoy education on equal terms with boys—a lesson that is damaging to all children.

One seventeen-year-old girl who had been sexually assaulted at school told Human Rights Watch: "I don't think they [the school administration] really know how it affects us. Maybe to them it is just a big joke—but to me—it is not to me. I was not laughing or playing. It's not a joke or game—it really bothers me."[13]

While the South African government has publicly recognized the problems of its criminal justice system in prosecuting violence against women and girls, Human Rights Watch found that coordination between the education and justice systems on investigating cases of sexual violence is often ineffective, ill-conceived, or nonexistent.

Human Rights Watch found a great deal of confusion over responsibility for resolving problems and repeatedly encountered breaks in the chain of communication between school officials, police, and prosecutors, with all actors shifting responsibility and sexually abused girls getting lost in the shuffle.

At several South African schools, school administrators not only failed to take disciplinary or legal action against perpetrators, they even refused to cooperate with official investigators. A prosecutor told Human Rights Watch that in her experience schools could not be relied upon to assist with investigations, particularly where a school employee was the accused perpetrator.

[11] Ibid., p. 4.
[12] Ibid., p. 61.
[13] Ibid., p. 71.

Quality education is based on all students being able to participate in education safely and without fear.[14] The response of the education system to the issue of sexual violence and harassment goes to the heart of how a society responds to the challenge of creating gender equality.

The South African government has made significant efforts to address issues surrounding violence against women and girls; however, the patterns of abuse girls described to Human Rights Watch indicate that more government action is needed, in particular at the level of schools.

Suggested Committee Recommendations to Member States

- Prohibit sexual violence, harassment, and other sexual misconduct in schools.
- Take appropriate legal action against teachers who sexually assault or rape students, and ensure that individuals who have been convicted of sexual assault or rape are not permitted to teach in the school system
- Provide for compulsory education and training for pupils, teachers, and principals on issues related to sexual violence and harassment and gender discrimination, including methods for the early identification of, and intervention to prevent, abusive behavior.
- Provide that pupils facing allegations of sexual assault or rape receive guidance and counselling and face disciplinary action if the allegations are sustained. Disciplinary action should have rehabilitation as a central aim and should ensure that children are dealt with in a manner that is appropriate to their well-being, proportionate both to their circumstances and the offence, and consistent with their right to education. Appropriate disciplinary action may take a variety of forms, including reprimand and warning, supervision within the school, transfer to a different classroom, and the use of home or alternative schooling. Suspension or expulsion should be a measure of last resort when another pupil is in serious physical danger.

IV. HARASSMENT AND DISCRIMINATION AGAINST LESBIAN, GAY, BISEXUAL, AND TRANSGENDER YOUTH

A 2001 Human Rights Watch report found that lesbian, gay, bisexual, and transgender youth in many U.S. schools are subjected to unrelenting harassment from their peers. Despite the pervasiveness of the abuse, few school officials intervene to stop the harassment or to hold the abusive students accountable. Over time, verbal harassment may escalate into sexual harassment and other forms of physical violence. These violations are compounded by the failure of federal, state, and local governments to enact

[14] As recognized by the World Education Forum and incorporated into the "Dakar Framework for Action, Education For All: Meeting our Collective Commitments" at Dakar, Senegal 26-28 April 2000. See, for instance, paragraph 8: "the World Education Forum pledge ourselves to . . . (vii) create safe, healthy, inclusive and equitably resourced educational environments conducive to excellence in learning . . . ."

laws that would provide students with express protection from discrimination based on their actual or perceived sexual orientation or gender identity.[15]

Such abuses are not limited to the United States. Researchers studying lesbian, gay, bisexual, and transgender youth in Australia, Canada, France, New Zealand, and the United Kingdom, among other countries, have reached similar conclusions about the pervasiveness of antigay violence in schools.[16] The Europe Region of the International Lesbian and Gay Association concludes that teachers and other adults are "more likely to reject than than support" gay and lesbian youth.[17] Amnesty International reports that gay youth around the world suffer torture and ill-treatment because of their sexual orientation or gender identity.[18]

Harassment and violence against lesbian, gay, bisexual, and transgender youth takes many forms, including taunts, obscene notes or graffiti, the destruction of personal property, unwelcome sexual advances, mock rapes, and brutal physical attacks.

"It was small pranks at first, like thumbtacks on my chair. Or people would steal my equipment," a Texas student told Human Rights Watch. "Then things elevated. I'd hear 'faggot' and people would throw things at me. They'd yell at me a lot. One time when the teacher was out of the room, they got in a group and started strangling me with a drafting line. That's about the same consistency as a fishing line. It was so bad that I started to get blood red around my neck, and it cut me." Later in the school year, his classmates also cut him with knives. On another occasion, he reports, "I was dragged down a flight of stairs by my feet."[19]

Lesbian, gay, and bisexual youth were nearly three times as likely as their peers to have been involved in at least one physical fight at school, three times as likely to have been

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[15] Human Rights Watch, *Hatred in the Hallways: Violence and Discrimination Against Lesbian, Gay, Bisexual, and Transgender Students in U.S. Schools* (New York: Human Rights Watch, 2001). One's *sexual orientation* is one's attraction to the same sex, the opposite sex, or both sexes. The distinct concept of *gender identity* refers to a person's internal, deeply felt sense of being male or female (or something other than male or female). The term *transgender* refers to individuals whose identity or behavior falls outside of stereotypical gender norms, including transsexuals, cross-dressers, and intersex persons. For a glossary of other terms relating to this subject, see *Hatred in the Hallways*, pp. xiii-xvi.

[16] *See* Michel Dorais, *Mort ou fif: La face cachée du suicide chez les garçons* (Montréal: VLB Editeur, 2000) (gay youth in Québec); "L'Ecole, lieu de déni et de souffrance pour les jeunes 'pédés,'" *Le Monde*, June 23, 2001 (gay youth in France); John J. Fenaughty, "Life on the Seesaw: An Assessment of Suicide Risk and Resiliency for Bisexual and Gay Male Youth in Aoetearoa/New Zealand" (Master's Thesis, Department of Psychology, University of Auckland, 2000) (gay youth in New Zealand); David Plummer, *One of the Boys: Masculinity, Homphobia, and Modern Manhood* (New York: Harrington Park Press, 1999) (gay youth in Australia); Ian Rivers, "Social Exclusion, Absenteeism and Sexual Minority Youth," *Support for Learning: British Journal of Learning Support*, vol. 15 (2000), p. 13 (gay youth in the United Kingdom).

[17] ILGA-Europe, *Equality for Lesbians and Gay Men* (Brussels: ILGA-Europe, 1998), p. 16. *See also* ILGA-Europe, *Equality for Lesbians and Gay Men: A Relevant Issue in the EU Accession Process* (Brussels: ILGA-Europe, 2001).

[18] Amnesty International, *Crimes of Hate, Conspiracy of Silence: Torture and Ill-Treatment Based on Sexual Identity* (London: Amnesty International, 2001), pp. 45-46.

[19] *Hatred in the Hallways*, p. 42.

threatened or injured with a weapon at school, and nearly four times as likely to skip school because they felt unsafe, according to a 1999 survey of youth risk behaviors administered to Massachusetts students.[20]

And discrimination, harassment, and violence hamper students' ability to get an education and take a tremendous toll on their emotional well-being. Perhaps because so many lesbian, gay, bisexual, and transgender youth experience abuses on a daily basis, these youth are more likely than their heterosexual peers to use alcohol or other drugs, engage in risky sexual behaviors, or run away from home. A disproportionate number of lesbian, gay, bisexual, and transgender youth attempt or consider suicide—youth who report attractions to or relationships with persons of the same sex were more than twice as likely as their heterosexual counterparts to attempt suicide, a 1998 study found.[21]

The abuse of lesbian, gay, bisexual, and transgender youth is frequently predicated on the belief that girls and boys must adhere strictly to rigid rules of conduct, dress, and appearances based on their sex. That is, homophobia is linked to stereotypical gender roles. Boys are expected to be athletic, strong, dominant vis-à-vis girls, and stoic. Girls are expected to be attentive to and flirtatious with boys and to accept a subordinate status to boys. Regardless of their sexual orientation or gender identity, youth who violate these rules run the risk of punishment at the hands of their peers and at times by adults. Transgender youth are the most vulnerable to violence by peers and harassment by adults.[22]

Discussions of antigay violence in schools often focus on the youthful perpetrators of these acts and fail to consider the responsibility of teachers and other school officials to maintain a safe learning environment for all youth.

The most common response to harassment, according to the students Human Rights Watch interviewed, is no response at all. "I reported it," one Georgia student said of the harassment he was experiencing. "I took a folder, wrote down dates and times every time I was harassed. I took it down to the principal. He said, 'Son, you have too much time on your hands to worry about these folks. I have more important things to do than to worry about what happened two weeks ago.' I told him, 'I wanted to give you an idea of what goes on, the day-to-day harassment.' He took the folder away from me and threw it in the trash. That was my freshman year, first semester. After that I realized [the school] wasn't going to do anything."[23]

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[20] *See* Massachusetts Department of Education, *1999 Massachusetts Youth Risk Behavior Survey* (Boston: Massachusetts Department of Education, 2000), www.doe.mass.edu/lss/yrbs99/ (accessed on April 3, 2001).

[21] *Hatred in the Hallways*, pp. 68-76.

[22] The rigidity of stereotyped roles for men and women and their contribution to gender-based discrimination is recognized in article 5(a) of the Convention on the Elimination of All Forms of Discrimination against Women, which requires states to "take all appropriate measures . . . [t]o modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women."

[23] *Hatred in the Hallways*, p. 81.

Human Rights Watch also heard numerous accounts of teachers and administrators who refused to act to protect students out of the belief that they get what they deserve. The director of a Houston group for lesbian, gay, bisexual, and transgender youth described a case involving a boy who openly identifies as gay at school. "The harassment began to get physical," she told us. "The assistant principal told him that if he didn't walk around telling people he's gay, there wouldn't be any problems."[24]

And even more disturbing were the accounts we heard of teachers and administrators who actually took part in acts of harassment. "It's one thing to talk about being gay in a negative sense," a Massachusetts girl stated. "It's another thing to see an adult, a person you respect, talking negatively. Once you see a role model degrading you, it tears you apart."[25]

Even teachers who are themselves lesbian, gay, bisexual, or transgender admitted that they did not always stand up for students who were being harassed. In every one of the seven U.S. states that Human Rights Watch visited, teachers were reluctant to be open about their sexual orientation at school because they feared losing their jobs.

Nevertheless, the help of teachers and other adults is critical in ensuring that students are safe in their schools and able to enjoy their right to an education. In virtually every case where lesbian, gay, bisexual, and transgender youth reported to Human Rights Watch that their school experience has been positive, they attributed that fact to the presence of supportive teachers.

Schools also play an important role in securing the rights of youth to free association and expression, particularly the freedom to seek, receive, and impart information. This right includes the right to have access to information about sexual orientation and gender identity.

Many lesbian, gay, bisexual, transgender, and heterosexual students in the United States have formed school clubs, often known as gay-straight alliances, to provide each other with peer support, seek information about issues related to sexual orientation and gender identity, and ensure that schools respect their rights. Despite the benefits of such student groups, many of the youth we interviewed had to overcome opposition from school administrators, their local school boards, and their communities before they could start gay-straight alliances at their schools.

Failing to protect gay youth ultimately harms all youth. When adults fail to teach respect for all youth, and indeed for all human beings, they send a message that it is acceptable to demean, attack, and discriminate against others because they are different or are perceived to be different. This is a message that can only hurt its recipients.

[24] Ibid., p. 83.
[25] Ibid., p. 87.

Human Rights Watch calls on state authorities to end intentional and de facto discrimination based on sexual orientation and gender identity, to compel school officials to protect all students from harassment and violence, to create models for intervention to stop harassment and its devastating impact on students, and to monitor schools throughout the country to ensure compliance with the principle of nondiscrimination. In addition, Human Rights Watch calls for teaching respect for all students and ensuring that teachers and other school officials have the skills to communicate that no form of identity-based harassment or discrimination is acceptable.

Suggested Committee Recommendations to Member States

- Enact legislation to protect students from harassment and discrimination on the basis of sexual orientation and gender identity.
- Ensure that schools comply with the principle of nondiscrimination and include sexual orientation and gender identity in any data collection tools measuring discrimination in education.
- Ensure that teacher education programs include mandatory training on working with students of diverse backgrounds, including those who are lesbian, gay, bisexual, and transgender and those who are questioning their sexual orientation or gender identity.
- Enact legislation to protect administrators, teachers, and other school staff, and all other employees from discrimination on the basis of sexual orientation or gender identity.
- Ensure that schools provide students with access to information about sexual orientation and gender identity by including such information in health education classes and other parts of the curriculum, by making information available in school libraries, and by providing students with information about outside support groups.