



Commissioner for Children

Submissions on the Department of basic education's guidelines for the socio-educational inclusion of diverse sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) in schools.

Introduction

Child participation is at the centre of the Western Cape Commissioner for Children's (WCCC) mandate. Hereby, children participate and have a say in decisions that affect their lives.

Four child participation models exist within the office of the Western Cape Commissioner for Children. These models include the Child Government Monitor forum, Community Child Rights Workshops, engaging children in Topical Consultations and involving children in Government Budget Monitoring. Through these models, children are involved in opportunities to influence laws, policies and practices for children in addition to being educational and empowering. The SOGIESC engagement can be considered an example of a topical consultation.

This submission will detail the method of virtual engagement, provide key questions asked and analyse children's inputs to draw a conclusion.

Method of Virtual Engagement

Children's inputs were solicited from three organisations — Western Cape Commissioner for Children, Equal Education Law Centre, and Triangle Project. In consulting with the children for the SOGIESC inputs the Commissioner utilised the WhatsApp platform. On 27 May 2023 (during a SOGIESC workshop with 9 children), a new WhatsApp group was created to serve as a platform to make further inputs. A two-hour online session was scheduled on 3 July 2023 via the WhatsApp group named SOGIESC Consultation. The WhatsApp session intended to find the views of the children concerning the way queer learners are treated in schools. The session was facilitated by the Commissioner supported by a representative of Equal Education Law Centre and the Triangle Project. This submission is gleaned from the inputs of nine (9) children who attended the online session.



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Before commencing the online session, the children reflected on their knowledge gained from the LGBTQIA+ workshop conducted on 27 May 2023. It is important to note that some of the children identify as queer and some as allies and some as previously uninformed. Their inputs are therefore first-hand experiences or that of their friends and other queer learners in their schools.

The following ten (10) questions were asked during the online session.

1. How do you think schools should support learners with their mental health?
2. Which *people* at school make you feel safe to be who you are?
3. This question, we are particularly interested in the safety of queer learners. What do you see at your schools?
4. Which *places* at school make you feel safe to be who you are?
5. What makes you feel unsafe to be who you are at school?
6. What makes this person a safe person?
7. In a perfect world, which powerful people in the education system would be your protectors, especially protect queer learners?
8. How could codes of conduct be fairer and more inclusive?
9. What is the one thing that you never want to hear or be done, when you come out to your peers or educators?
10. What would make you (r) 'coming out' to your peers or educators or parents safe and affirming?

This submission will reflect the views of the children. The questions which guided the discussion have framed the identification of the following themes.

- Schools are not safe for queer learners
- Unprofessional behavior shown by teachers toward queer learners
- Fear of coming out due to rejection and discrimination
- Need for support for mental health counselling in schools
- The code of conduct must be fair and inclusive
- School management must lead in coming up with transformation plans for inclusivity



Discussion and Analysis

1. Schools are not safe for queer learners

In schools where discrimination and bullying are rampant, the safety of queer learners is compromised. The experiences of queer learners at certain schools suggest that they are not only subjected to discrimination, but also physical harm inflicted upon them by other students.

Inputs from the children paint a picture of a volatile and hateful school environment, an unsafe space, where bullying and discrimination against queer learners continue unchecked. This, the children say, is also further enabled by teachers who fail to act against those that are the perpetrators. The discrimination is in the form of insults being hurled at them, name-calling, and physical assaults. They feel as if they are targeted because of their sexual orientation. When asked what makes them feel unsafe to be who they are at school, the children shared:

"Name calling, picking on you, shoving you out of the way, tripping you while you walk to class. And they push your buttons just so they can say they had a reason to throw a punch" -Dorothy

Furthermore, when asked about the safety of queer learners at their schools, the children expressed the following:

"At ours there's is some of them that are safe with their friends and those who are scared to be themselves are not safe with anyone because they are queer peers that are getting bullied a lot at school and in their community."- Aisha

"Lots of discrimination and hate honestly. The bullies grow by the day."- Dorothy.

Certain spaces were designated as "safe" or "unsafe". The children identified toilets/bathrooms and classrooms as "safe spaces" within the school's perimeters. Some felt safe when with their friends or allies. However, this seems to be not the case for some queer learners who flagged the bathrooms as hubs of discrimination in schools. The children explained that classrooms were safe spaces, only when they are with "understanding" classmates. Allies are also a safe space for queer learners. The children feel safe when with them because these individuals offer support, do not judge, and treat them how they want and deserve. They embrace them for who they are. The safety of a space or place is dependent on whether allies are present.



2. Unprofessional behaviour by teachers toward queer learners

Despite being entrusted with the safety of all learners in schools, the children have flagged some of the teachers as enablers for the rampant discrimination and bullying of queer learners. Teachers' sometimes fail to punish the learners who bully and threaten queer learners. They allow children to make jokes about queer children, this is seen as encouraging of the bullies and as unwelcome behavior to the queer learners. The children concur that teachers are expected to maintain a certain decorum when at the school premises. They also recognise that teachers must be able to deal with diversity and show understanding and tolerance for diversity. However, the children expressed an environment in schools where some teachers were complicit in the bullying of queer learners.

Teachers are hampered from being allies and protectors of queer learners for several reasons. The children described some teachers as being "stuck on culture", judgmental, and not understanding of the queer learners. . The children also recognise that teachers are not allowed to judge or make negative comments about the sexual orientation of learners. But because teachers are from different backgrounds, religions, and beliefs they fail to remain objective and not vocalise what they think/how they feel. They said some teachers who were tasked with mental health counselling in other schools failed to maintain the learners' privacy and confidentiality. The general sentiment was that teachers do not create a safe place for queer learners. The children say teachers have the duty to create a safe and inclusive learning environment for all students, regardless of their sexual orientation, gender identity, or sex characteristics.

At some schools, some of these learners are assisted by the Learners Representative Council. Inputs from queer learners and their allies indicate that some suffered in silence with no assistance or support. When asked what makes them feel unsafe to be who they are at school, children shared:

"The fact that the teachers who are supposed to protect you are the people that promote the bullying by not stopping it when it happens" -Rose

"The fact that there is no protection against those that hurt you, even from the adults," -Dorothy

When asked whom they turn to when they feel unsafe or unwelcome at school, the children's responses did not show any confidence or trust in the teachers. They said:



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“Honestly sometimes or most times there’s no one to turn to because some teachers will tell you, “I’m not the person to talk to. Some teachers are definitely unapproachable. Some peers will judge you, there isn’t a professional close”- Rose

“Basically, no one,” -Vuyo

Despite this, some teachers, particularly those who identify as queer remain the primary source of safety for some of the queer learners. Queer learners feel safe with certain teachers, such as Life Orientation educators, and when they are with their friends who support them. This gives them the comfort that there are at least a few that accept and support them.

3. Queer learners fear coming out due to rejection and discrimination

The rampant discrimination and bullying directed at queer learners has led to others fearing coming out to their peers, teachers, and even their close family members. Queer learners who came “out of the closet”, according to the children, are mostly bearing the brunt of discrimination at schools. This is one of the reasons most would choose to not divulge their sexuality in fear of the stigma associated with being an LGBTQIA+ community member.

When asked about one thing they never want to hear or be done when they come out to their peers or educators, the children expressed fear of exclusion, rejection, and discrimination. This they say is synonymous with the life of a queer individual. There is also fear of being subjected to certain religious and cultural beliefs by parents, educators, and society which some queer individuals do not necessarily ascribe to. The children submitted:

“Being told I’m possessed by demons and like being judged, I don’t mind you not wanting to be a part of my life just don’t be a pain in my life allow me to live how I want to”- Kwanda

“Parents kick them out, sometimes even hit them. They get called names and told they are sinful and God wouldn’t want this. Some get sent to therapy or convention therapy”-Dorothy

After coming out to their parents, educators, and peers, queer children expect a level of acceptance and support. They said:

“Being accepted, and not being told that it’s a phase”- Kwanda

“Being told that you are accepted no matter what”-Dorothy



The children envision a society that is non-judgmental and accepts everyone and embraces them for who they are.

4. Need for support for mental health counselling in schools

Mental health remains a concerning challenge amongst children, particularly queer learners who find themselves under pressure from performing well academically while striving to co-exist in a hostile schooling environment. This is also compounded by socio-economic and personal issues which further exacerbate their depression and anxiety. The discrimination and bullying can have long-term negative effects on their mental and physical health, academic performance, and overall well-being.

The children's inputs indicate that mental health challenges are rife among the learners and that schools are failing to tackle this issue. In some schools, mental health has been left unattended or not given the attention it deserves. The children expressed that currently, in some schools, mental health counselling responsibility lies with the teachers, particularly those teaching the Life Orientation subject. With teachers also taking up the primary responsibility of learning and teaching, mental health is often not adequately attended to. The children recommend that each school must have an onsite professional (social worker) to deal with mental health counselling. They said:

"Having the department of education provide a social worker so that learners can be helped deal with their mental health, having The LO teacher talk about it" - Vuyo

Although some schools have an operating social worker/psychologist on site the children felt these professionals were unbeknown to learners.

They noted the need for meaningful changes in tackling the issue on the school premises. Asked how schools can support learners with their mental health, the children expressed the need for the provision of onsite support groups, provision of mental health counselling services in schools, offering of mental health education to learners, awareness programmes, and basic mental health training for teachers.

"Implement time and safe spaces in class for regular check-ins with students. Give teachers basic mental health training" - Nosipho

"They can create a safe space for them, some teachers can get involved, listen to them, take to help some them feel safe at school be LGBTQ+ positive at with their curriculum." - Aisha



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Children say mental health professionals would go a long way in supporting learners with their mental health and well-being and would enable teachers to identify learners who may be struggling with mental health issues and provide them with the necessary support and guidance. Children, however, are opposed to teachers being involved in mental health counselling. The children said:

"Provide them with a professional that works at the school, I feel like support groups could also be a healthy thing schools can create."- Dorothy

"Honestly schools should first stop raising awareness and start taking action first. If schools have someone professional based in the grounds always and someone trustable as well who can create a safe space for children to be able to talk and speak their feelings."-Rose

A school counsellor can provide a safe space for learners to talk about their mental health and get support. This can help them cope with stress, anxiety, depression, and other issues that may be affecting their academic performance and identity formation.

5. The school's code of conduct must be fair and inclusive

In developing the school's code of conduct, those responsible should be cognisant of the different genders that exist to ensure that it is fair and inclusive. The children recognise that schools need to come up with transformation plans for inclusivity. They say codes of conduct at schools must not limit learners to gender norms, particularly with school uniforms and hair policy.

Currently, the school's code of conduct on uniforms caters to boys and girls. The School Governing Bodies determine the choice of school uniforms in terms of guidelines by the Department of Education. The children submit that learners must be allowed to dress comfortably, provided that, they are in the school's uniform. Furthermore, they submit that the school's hair policy must not limit the learners from expressing themselves. The children say:

"Not limiting a student to the gender norms of a boy can't wear a skirt or girls attract allowed to wear pants ,also that girls skirts gotta be 1 cm above their knees to keep them safe,why isn't it that boys shouldn't keep their eyes to themselves"- Dorothy

A fair and inclusive code of conduct in schools; guarantees a safe and inclusive environment for all learners.



6. **School management must lead the way in coming up with transformation plans for inclusivity**

Those at the management levels in schools must be at the forefront of coming up with transformation plans for inclusivity in their schools. Children submit that principals (as school heads) should lead by example in protecting queer learners and ensuring that bullying cases are prioritised and that penalties are put in place against those who discriminate against queer learners. This would ensure that an individual takes responsibility for their involvement in any form of discrimination against the queer learners. The children shared:

"Since they are heads they should be leading by example"-Kwanda

Other children supported this by responding with a thumb-up emoji, saying:

"I also agree with this"-Aisha

They also submit that the Learner Representative Council, as the voice of the learners, be instrumental in representing the needs and interests of diverse learners to the school management.

The children submitted that teachers should create a safe space for all learners, be they queer or not.

Schools can promote a more inclusive and supportive community for all students by developing policies, offering education and resources, and aiding students who identify as LGBTQIA+ to reduce instances of discrimination and bullying.

Conclusion

Discrimination and violence based on identifying as queer are still prevalent in many parts of society including schools. Although levels of bullying and discrimination against queer learners vary at schools, it can be deduced that these learners face immense violence and harassment in all facets of society, whether this is done discreetly or heedlessly. This is unconstitutional in a country with a Bill of Rights that guarantees equal human rights for all. The children highlighted the importance of continuing to promote awareness and understanding of queer learners, especially in educational facilities, and working to create more inclusive and accepting societies. The children recommend that schools should expedite the process of coming up with transformation plans for inclusivity to ensure that they create a learning environment where everyone can co-exist, free from



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discrimination and violence based on their sexual orientation, gender identity, expression, or sex characteristics.

Attendees (pseudonyms)

1. Dorothy
2. Kwanda
3. Rose
4. Vuyo
5. Delmaine
6. Nosipho
7. Aisha
8. Lerato
9. Emmy