School's Out (SOT)

National Report – Portugal

Gathering data of good practices in Europe on LGBTI teacher training and inclusive school policies; country policies, good practices and recommendations

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Methodology

The present report was elaborated as part of the implementation of the European Project School's Out (SOT), which aims to increase knowledge of teachers on how to include LGBTI topics in classes and how to react to LGBTI+ bullying in school. This project also aims to provide a more systematic and evidenced approach on how schools can achieve an LGBTI+ inclusive school environment by developing the inclusive school cycle with a school inclusion scan. Ultimately, this project aims for safer and more inclusive LGBTI+ schools where LGBTI+ students are more open to report harassment and bullying.

The report presents an overview of the national context of Portugal, regarding the topics of bullying, cyberbullying, and discrimination against LGBTI+ students, within the educational context. The report is divided into two main parts: a desk-research and an interview analysis.

The research phase was conducted in January, based on primary and secondary sources, with the goal of gathering all relevant information about the national context, covering relevant institutions and organizations, the structure of the school system, legislation and policies, case law and good practices already in place.

After the desk-research, and highly based on the findings deriving from it, we have conducted a total of 5 in depth-interviews with education professionals, teachers, representatives of parents, and psychologists during the month of March 2021. The list of entities/professionals who were invited to participate was discussed previously within the Consortium of the Project, so that the results between the different partner countries can be compared. 3 of the respondents were contacted directly based on previous professional connections and the other 2 were contacted through general contact information of the institutions they represent.

Due to the current circumstances resulting from the COVID-19 pandemic, all interviews were conducted in an online format, via the platform Hangouts Meet. All participants signed the consent form previously and authorized the recording of the interviews, which were later transcribed for better analysis. The interview model was translated to Portuguese and was adapted to the particularities of

the national context and of each of the entities/professionals interviewed. As such, not all questions were answered by all the stakeholders. The model consisted of the following transversal points: a) legislation; b) training needs; c) good practices.

All data was stored and processed for the purpose of analysis using the highest available standards of data protection and the anonymity of participants will be ensured by the usage of codes to identify interviews in the report[1].

2. Desk Research

2.1 School System

Education in Portugal is organised according to the democratic principles established by the Constitution of the Republic, particularly the freedom to teach and learn (Art. no. 43), as well as citizens' rights and duties of the state in this area (Art. no. 73-77). These same principles were the foundation of the Education Act (1986), which defines educational objectives, structures, and forms of organization.

Approved by Law no. 46/86, 14th October[2] (last amended by Law no. 85/2009, 27th August[3]), the Education Act establishes the general framework of the Portuguese education system, comprising all the means used to provide the right to education, the guarantee of continuous training that fosters the overall development of personality, social progress, and the democratisation of society.

According to this Law, the education system operates via different structures and actions that are the responsibility of different public, private and cooperative institutions, and organizations.

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[1] Prior to the commencement of the interview, the interviewer got the informed consent from the interviewee, after explaining the research in terms of the Information Sheet translated in each language of the project. Stakeholders have freely agreed to take part in the research. Anyhow, to ensure anonymity and confidentiality of data, the transcript/records/factsheets of the interviews are safely stored by each partner; their outputs have been processed, analysed and treated by associating a code to each intervened stakeholder.

[2] Law no. 46/86 of 14th October. *Diário da República no 237/1986 – I Série.* Available at: https://dre.pt/application/file/a/222361

[3] Law no. 85/2009 of 27th August. *Diário da República no 166/2009 – I Série.* Available at: https://dre.pt/application/dir/pdf1s/2009/08/16600/0563505636.pdf

It covers all of Portugal, both the mainland and Autonomous Regions of the Azores and Madeira, where the regional governments are responsible for defining national education policy in terms of a regional plan and managing human, material, and financial resources, via the respective Regional Secretariats for Education.

The Ministry of Education is responsible for coordinating policy in basic and upper secondary education, while the Ministry of Science, Technology and Higher Education oversees higher education.

Compulsory education lasts twelve years, between the age of six and eighteen, or until the conclusion of upper secondary education (ISCED 3). Public education is free and universal from the age of four, including the final years of pre-school.

The Portuguese education system is divided into different, essentially sequential levels of education. It begins with pre-school education, an optional cycle for children from three to six years old, followed by basic education, which comprises three sequential cycles: the first cycle of four years (expected attendance ages: from six to ten years old); the second cycle of two years (expected attendance ages: from ten to 12 years old), corresponding to ISCED 1; the third cycle of three years (expected attendance ages: from 12 to 15 years old), corresponding to ISCED 2 (lower secondary education). Upper secondary education is a three-year cycle (expected attendance ages: from 15 to 18 years old) (corresponding to ISCED 3). ISCED 4 corresponds to post-secondary non-higher education, while ISCED 5 corresponds to short cycle higher education programmes. Higher education is structured according to the principles of the Bologna Process and is designed for students who have successfully completed a upper secondary education course or obtained a legally equivalent qualification.

Regarding private education, Law no. 9/79, 19th March[4] established its basis, placing it on an equal footing with public education. The Statute (Decree-Law no. 152/2013, 4th November[5]) is based on the structural principles that, in recent years, have been the subject of debate and negotiation with the

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[4] Law no 9/79 of 19th March. *Diário da República no 65/1979 – I Série.* Available at: https://www.dgae.mec.pt/?wpfb_dl=3340

[5] Decree-Law no 152/2013 of 4th November. *Diário da República no 213/2013 – I Série.* Available at: https://dre.pt/web/guest/pesquisa/-/search/504756/details/normal?q=decreto-lei+152%2F2013

sector's representative bodies, and corrects existing anachronisms, especially regarding the relations between private schools and governing authorities. This aspiration is focused on five main structural areas. These are, primarily, the freedom to teach and the inherent freedom to establish private schools. The state is also committed to monitoring and supervising them, according to the typology of existing contracts and the new nomenclature, which has since been consolidated in legal terms. The aim is to extend the principle of integration within the public education network, coordinating the entire education network so it meets student needs better, optimizing public investment and taking advantage of existing capacity, as building school facilities in areas where provision already exists is not a priority for the state. The state recognizes the freedom to learn and teach, including the right of parents to choose and guide their children's educational process. Educational freedom can only be restricted based on public interest constitutionally protected and regulated by law, embodied in the general aims of education policy. As part of family support policy, it is the state's duty to provide financial support to cover family expenses related to their children's education. When it comes to their educational project, private and cooperative schools enjoy pedagogical, administrative, and financial autonomy. Pedagogical autonomy consists of recognizing the right of schools to make their own decisions in the fields of pedagogical organization and operation, in terms of educational provision, curriculum management, study programs and educational activities, assessment, guidance and counselling of students, class organization, management of school facilities and instruction times and the management of teaching staff. As part of their autonomy, and notwithstanding full compliance with total instruction time officially established for each year, cycle, level and type of education and training, private and cooperative schools can adopt flexible curriculum management. This is undertaken according to the terms set by ordinance by the government member responsible for education, under the same conditions as public schools with autonomy contracts.

The Portuguese education system boasts different types of teaching to ensure completion of compulsory schooling, as well as allowing basic and upper secondary students who are prevented from attending school to pursue their studies (e.g., home schooling and individual tuition). Home schooling and individual tuition are intended for families who, for reasons of professional mobility or other personal circumstances, wish to take on greater responsibility for their children's education, choosing

to teach them outside of school. Home schooling and individual tuition are regulated by Ordinance no. 69/2019, 26th February[6] that defines the rules and procedures regarding enrolment and attendance, as well as the monitoring and certification of the learning process.[7]

2.2 Legislation

Article 13 of the Constitution of the Portuguese Republic states that "no one can be privileged, favored, prejudiced, deprived of any right or exempted from any duty on the basis of (...) sexual orientation".

The Law on Sex Education in school context[8] sets out the framework for basic and secondary education both in public and private establishments. Its art. 2(f) and 2(l)) sets as two of its main goals "the respect for the differences between people and for different sexual orientations" and "the elimination of sex discrimination or sex violence attitudes on grounds of sex or sexual orientation". Although gender identity, gender expression and sex characteristics are not included in the law on sex education, it has become included in other curricula, namely civic and human rights education. The Directorate-General for Education's website[9] includes several resources and guidelines, focusing especially on sexually transmitted diseases or infections (IST) or on reproductive health, with no specific reference to SOGIESC issues. According to the 2019 Report on the Implementation of the Law 60/2009[10], schools

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[6] Ordinance no 69/2019 of 26th February. *Diário da República no 40/2019 – I Série*. Available at: https://dre.pt/application/conteudo/120272926

[7] *Organização do Sistema Educativo e da sua Estrutura*. (2017). Eurydice – European Commission. Available at: https://eacea.ec.europa.eu/national-policies/eurydice/content/organisation-education-system-and-its-structure-60_pt

[8] Law no 60/2009 of 6th August. *Diário da República no 151/2009 – I Série*. Available at: https://dre.pt/pesquisa/-search/494016/details/maximized

[9] Direção-Geral da Educação (DGE). (n.d.). *Direção-Geral da Educação*. https://www.dge.mec.pt/

[10] Direção-Geral da Educação (DGE), & Direção de Serviços de Projetos Educativos. (2019). *Relatório – Acompanhamento e Avaliação da Implementação da Lei n.o 60/2009 de 6 de agosto*. Available at: https://www.dge.mec.pt/sites/default/files/Noticias_Imagens/relatorio_lei60_ed_sexual_versao20agosto2019.pdf

rarely report discrimination on grounds of sexual orientation and partnerships with LGBTI+ NGOs are rarely mentioned. There's no other evidence that SOGIESC issues are being addressed.

The Law on the Status of the Student and School Ethics[11], on the other hand, establishes that discrimination on grounds of sexual orientation and gender identity is prohibited (Art. 1(a)) and states as one of the duties of the student (Art. 10(d)) to "treat with respect and righteousness any member of the school community, avoiding discrimination on grounds of (...) sexual orientation (and) gender identity".

A National Strategy for Equality and Non-Discrimination was adopted in 2018, and it includes, for the first time, a National Plan on Combating Discrimination on the grounds of Sexual Orientation, Gender Identity, Gender Expression and Sexual Characteristics. The action plan, in force until 2021, lists as one of its specific goals the promotion of deconstruction of homophobic, transphobic and interphobic stereotypes, namely in the field of education. The measures related to this goal are the inclusion of sexual orientation, gender identity and sexual characteristics in the National Strategy for Education for Citizenship and in educational and curricula materials, as well as in programs at the university level; the training of school staff; the promotion of measures to prevent and combat homophobia, transphobia and inter-phobia; the integration of LGBTI students for basic, secondary and professional education; and the promotion of awareness campaigns on LGBTI people and their rights.

On the other hand, the National Strategy for Citizenship Education[12] (ENEC), which was launched in the 2017/18 academic year, ranges from pre-school to the end of compulsory schooling and aims to ensure active and enlightened citizenship, within the framework of the UN's Sustainable Development

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[11] Law no. 51/2012 of 5th September. *Diário da República no 172/2012 – I Série.* Available at: https://dre.pt/pesquisa/-/search/174840/details/maximized

[12] Grupo de Trabalho de Educação para a Cidadania (GTEC). (2017). *Estratégia Nacional de Educação para a Cidadania.* Available at: https://www.dge.mec.pt/sites/default/files/Projetos_Curriculares/Aprendizagens_Essenciais/estrategia_cidada nia_original.pdf

Goals (SDGs). The main goal is to build a solid humanistic training of students, so that they assume their citizenship guaranteeing respect for basic democratic values and human rights, both individually and socially, constituting education as a vital tool. The ENEC was built to help students develop and actively participate in projects that promote fairer and more inclusive societies within the context of democracy, respect for diversity and the defense of human rights. ENEC proposes various forms of operationalization in schools, such as the introduction of the subject *Citizenship* and development as part of the national curriculum, adhering to a "whole school approach" paradigm, involving the whole school and forming partnerships with the community. *Citizenship* is an optional subject within the basic education program. It includes a general guideline to address LGBT issues on the topic Education for Gender Equality. The DGE provides some resources on the subject "Gender and Citizenship" that include several references to sexual orientation and gender identity in an affirming way, to be used in different levels throughout basic education.[13]

After the approval of the Law no. 38/2018[14], that establishes the right to self-determination of gender identity and gender expression, and protection of sex characteristics, a Dispatch[15] was published to enforce the principles of the Law on education. The document states that administrative measures must be taken by schools to prevent, identify, and protect trans and intersex students against discrimination on grounds of gender identity, gender expression and sex characteristics. Schools must ensure the respect for the student's right to self-determination, social name, and the use of facilities according to their gender identity. Another document published by the Ministry of Science, Technology and Higher Education released a set of recommendations for the implementation of said Law in universities and other higher education settings[16].

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[13] More information on the subject *Citizenship* can be found here: Direção-Geral da Educação (DGE). (n.d.). *Educação para a Cidadania.* Direção-Geral da Educação. Available at: https://cidadania.dge.mec.pt/

[14] Law no 38/2018 of 7th August. *Diário da República no 151/2018 – I Série.* Available at: https://dre.pt/pesquisa/-/search/115933863/details/maximized

[15] Dispatch no. 7247/2019 of 16th August. *Diário da República no 156/2019 – II Série.* Available at: https://dre.pt/home/-/dre/123962165/details/maximized

[16] Gabinete do Secretário de Estado da Ciência, Tecnologia e Ensino Superior, Ministério da Ciência, Tecnologia e Ensino Superior (2019, July). *Recomendações às Instituições de Ensino Superior no âmbito da Lei nº 38/2018, de 7 de agosto*. Unpublished recommendations

Bullying is not considered a crime and there is no specific framework to work with, however, legal experts have consistently referred[17] to the Law on the Status of the Student and School Ethics to frame "school violence".

2.3 Case Law and Good Practices

No cases of bullying or discrimination in the school system were brought to Court.

However, two cases are worthy of mention, as they have caught the media's attention.

In 2016 there was a journalistic piece[18] exposing the long-term discriminatory practices of exclusion, prohibition of affections and possible expulsions and transfers of LGB students at the Military College. After the widespread news and reports (also from victims) the Minister of Defense publicly condoned discrimination on the grounds of sexual orientation and dismissed the Chief of the General Staff of the Army and other high-ranking officials in the Military College.

In 2017 a lesbian couple kissed in public in a secondary school in Vagos (town in the north of Portugal).[19] The school Board and other school staff reprimanded the students for "not being respectful in public" despite public statements mentioning that the situation had nothing to do with the students' sexual orientation. In response to this case, a group of dozens of students from the school organised a peaceful demonstration in the school and it became viral in social media. Their reaction originated the movement #EscolaSemHomofobia (#SchoolWithoutHomophobia), enabling similar protests in other schools in Portugal.

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[17]Saleiro, T. (2015, May). O bullying e a lei. *educare.pt.* Available at: https://www.educare.pt/opiniao/artigo/ver/?id=37843

[18] Rodrigues, C. M. (2016, April). A vida no Colégio Militar: "Parece um Big Brother". *Observador*. Available at: https://observador.pt/especiais/vida-no-colegio-militar-parece-um-big-brother/

[19] Luís, C., & Costa, Z. (2017, May). Alunos protestam contra "homofobia" em escola de Vagos. *Jornal de Notícias*. Available at: https://www.jn.pt/local/noticias/aveiro/vagos/alunos-protestam-contra-homofobia-em-escola-de-vagos-8504204.html

Regarding good practices, between January 2017 and February 2019, ILGA Portugal implemented an education project in the North, which intended to create Alliances of Diversity[20] (similar to Gay Straight Alliances) and which was funded by the Portugal2020 grants. The main goal was to intervene in the school context for the prevention of homophobic and transphobic bullying and the inclusion of young lesbians, gay, bisexual trans and intersex, by supporting the creation of youth groups. The Alliances' mission was the promotion of civic participation, raise awareness for the combat on discrimination and prejudice, and supporting LGBTI colleagues, thereby preventing forms of homophobic and transphobic bullying.

In relation to the project, in 2018 the National School Climate Survey was launched, and participants completed an online survey about their experiences in school during the 2016-2017 school year, including hearing biased remarks, feeling safe, being harassed, and feeling comfortable at school. They were also asked about their academic experiences, attitudes about school, involvement in school, and availability of supportive school resources. Youth were eligible to participate in the survey if they were between the ages of 14 and 20, attended a primary or secondary school in Portugal during the 2016-2017 school year, and identified as lesbian, gay, bisexual, or a sexual orientation other than heterosexual (e.g., pansexual, questioning) or described themselves as transgender or as having another gender identity does not match sex/gender they were assigned at birth).

The data seems to indicate that in many situations' schools are not truly safe spaces, and where negative attitudes and comments, insults, and experiences of harassment and even violence occur all too often. On the other hand, there seems to be a relationship between effective support or meaning on the part of the school community (through attitudes towards discrimination, language, resources, and educational policies), and experiences of discrimination, belonging and absenteeism of LGBTI students. In general, the experiences shared by 663 young people who identify themselves as LGBTI indicate that the more inclusive and open the school is to diversity, the less it seems to be the

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[20] Associação ILGA Portugal – Intervenção Lésbica, Gay, Bissexual, Trans e Intersexo (ILGA). (n.d.). *ADD: Aliança da Diversidade*. ILGA Portugal. Available at: http://add.ilga-portugal.pt/

prevalence of discrimination and its impact, which seems to need to invest in more resources, more specialized training, more sensitization and more training of young people and teaching and non-teaching staff against discrimination based on sexual orientation, gender identity or expression and sexual characteristics.[21]

In October 2019, AMPLOS – Association of mothers and fathers for the freedom of sexual orientation and gender identity, launched two guides with the help of the Institute of Support for Children (IAC). Each guide contains recommendations on the diversity of gender expressions in childhood and how to deal with these issues. One guide targets professionals in the field of education[22] and the other families[23].

In February 2020, NGO Plano i launched[24] an online survey on bullying, asking victims and witnesses to share their experiences.

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[21] Pizmony-Levy, O., Freeman, C., Moleiro, C., Nunes, D., Gato, J., & Leal, D. (2019) *Estudo nacional sobre o ambiente escolar: jovens LGBTI+ 2016/2017*. ILGA Portugal. Available at: https://ilga-portugal.pt/ficheiros/pdfs/ILGA_ENAE_2016-2017.pdf

[22] Espelho Eu, Associação de Mães e Pais pela Liberdade de Orientação Sexual e Identidade de Género (AMPLOS), Instituto de Apoio à Criança (IAC), & Comissão para a Cidadania e Igualdade de Género (CIG). (n.d.). Guia para Profissionais de Educação sobre Diversidade de Expressões de Género na Infância. Available at: https://drive.google.com/file/d/0B8jz2WgQ10yXSXJvOGNfcjBDazYxY1BPa0c4TlJOVDlDMjgw/view?fbclid=IwAR0F-lNvRalcLtoeTHBnB61q2zI1WIiXK4je_su1SUPqkDrPCkkAXofcCkg

[23] Espelho Eu, Associação de Mães e Pais pela Liberdade de Orientação Sexual e Identidade de Género (AMPLOS), Instituto de Apoio à Criança (IAC), & Comissão para a Cidadania e Igualdade de Género (CIG). (n.d.). Guia para Famílias de Crianças com Papéis e Comportamentos de Género Diverso. Available at: https://drive.google.com/file/d/0B8jz2WgQ10yXY2J5d21pNFFTcm02bmFMX3R0bmhmZXUyZ0RR/view?fbclid=IwAR1OgLG6qYC2gq2SSDabGxADWJRE0E5upKmR2iXgNBeHGUet6agoVErfNic

[24] Neves, S., Allen, P., Abreu, A. L., Ferreira, M., Queirós, S., Vieira, I., & Magalhães, M. (n.d.) *Observatório Nacional do Bullying*. Available at: https://docs.google.com/forms/d/e/1FAIpQLScQEAqWiR4z6zTfmSlqXOqse1L7lCTyCJzYkJ7scij6Zf5Otw/viewform

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A research institute from Lisbon (ISCTE) published the results from an online survey held between March and May of 2020, focusing on Cyberbullying during the pandemic. It revealed that gay and lesbian students were among the most affected.[25]

In November 2020, It Gets Better Portugal launched an e-book for teachers called "Come to the Rainbow School: Guidance for Inclusive Teachers"[26], which aims to provide tips and tools for teachers to address topics of sexual education and affection.

Last December, the LGBTI+ youth organization rede ex aequo published the results of their 2019 Education Project[27], finding that 79% of young people had witnessed incidents of anti-LGBT bullying and that 86% thought that schools should better address LGBTI+ topics. The organization gathered responses during the 162 awareness raising sessions they held in schools.

An Erasmus+ Project, which started in December 2020 and has a two-year implementation period, is being run in Portugal (in charge of the coordination), Spain, Italy, Greece, Bulgaria, and Serbia.[28] The project aims to create a new Inclusion Vocabulary to foster acceptance of LGBTI issues among teachers and students in high school.

Relevant to note is that the first State-sponsored campaign on LGBTI rights, launched in 2013, was commissioned by the Secretary of State for Citizenship and Gender Equality and focused on homophobic bullying.[29]

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[25] Communication Office of ISCTE. (2020, 15 September). Maioria dos estudantes foi vítima de cyberbullying durante a pandemia. *ISCTE.* Available at: https://www.iscte-iul.pt/noticias/1706/maioria-estudantes-vitima-de-cyberbullying-durante-pandemia

[26] Leal, D., & Castro, T. (2020). *Come to the Rainbow School: Guia para Professor@s Inclusiv@s*. It Gets Better Portugal. Available at: https://itgetsbetter.pt/come-to-the-rainbow-school

[27] Rocha, A., Rodrigues, I., Matos, J. C. G., & Carmona, R. (2020) *Relatório do Projeto Educação LGBTI 2019*. Rede ex aequo. Available at: https://www.rea.pt/arquivo/relatorio-pe-2019.pdf

[28] *Creating a new Inclusion Vocabulary to foster acceptance of sexual orientation among teachers and students in high schools*. (2020). Erasmus+. Available at: https://ec.europa.eu/programmes/erasmus-plus/projects/eplus-project-details/#project/2020-1-PT01-KA201-078604

[29] Comissão para a Cidadania e a Igualdade de Género (CIG). (2013) *Campanha dislike bullying homofóbico.* CIG. Available at: https://www.cig.gov.pt/acoes-no-terreno/campanhas/campanha-dislike-bullying-homofobico/

3. Qualitative interviews and analysis of collected data

3.1 Introduction

In order to complete this research and include a more practical approach, we have conducted semi-structured interviews with education professionals, teachers, representatives of parents, and psychologists during the month of March. The list of entities/professionals who were invited to participate was discussed previously within the Consortium of the Project, so that the results between the different partner countries can be compared. A request for collaboration was sent out to 9 professionals/entities, resulting in a total of 5 interviews.

Due to the current circumstances resulting from the pandemic, all interviews were conducted in an online format, via the platform Hangouts Meet. All participants authorized the recording of the interviews, which were later transcribed for better analysis. The average duration of the interviews was 40 minutes. The interview model - although it was, of course, adapted to the particularities of each of the entities interviewed - consisted of the following transversal points: a) legislation; b) training needs; c) good practices.

Of the 9 professionals/entities invited to participate in this interview process, 3 did not respond (the Secretary of State for Education's Office, a Student's Association and a school professional), and one indicated that the interview model did not seem to fit within the scope of their work, so decided not to participate (the Directorate-General for Education).

The total of interviews carried out corresponds to a psychologist and Head of the Psychology and Guidance Office at a Union of Schools; two members of the Board a Federation of Teachers; a teacher and representative of the CPCJ – National Commission for the Promotion of Rights and the Protection of Children and Young People; two members of an NGO; a member of a parents' association.

This approach allowed us to have a better understating of how the people involved within the school system look at the topics of LGBTI+ bullying, cyberbullying, and discrimination. The participation of such professionals was crucial to complete the first part of this research. As such, all interviews were of relevance to the project. It is important to note that all participants pointed out the importance of implementing a project in this specific area, as well as the importance of the activities foreseen

throughout its implementation. The fact that we did not get an answer for the Secretary of State for Education to participate in the interview process, and that the Directorate-General for Education decided not to participate, reinforces its importance.

3.2 Analysis of perspectives and knowledge of professionals regarding legislation and policy

The stakeholders involved in the qualitative research gave us very different answers, which is why we will present each perspective individually. However, according to their perspectives it is possible to identify a major issue, which is the lack of awareness about legislation and policies addressing bullying or cyberbullying within the education system. Most answers were vague and based essentially on general principles of non-discrimination.

Regarding countrywide level, a respondent told us their first contact with the topic was a matter of need, after identifying LGBTI+ students in the school struggling, and having to find a way to help them, which then led to the creation of an ADD[30] in the school. The interviewee mentioned being aware of the existence of legislation regarding discrimination against LGBTI+ people within the school system but is unable of listing the names and numbers of the Laws and Decrees, and that the little information they can find does not come from the School Board nor the Ministry of Education.

On the other hand, regarding bullying and cyberbullying, their knowledge was higher, as the School Board distributes amongst the school staff several guidelines from the Ministry of Education, and the school receives lectures from the Public Safety Police's Project Escola Segura (Safe School)[31] about the topics. They wanted to point out that when it comes to the Ministry's guidelines, there is usually nothing on SOGIESC issues, meaning the legal framework is not as visible or accessible to school staff as it should be.

In what concerns the organizational level, the same respondent told us that on one hand there isn't any written formal protocol to make the school LGBTI+-inclusive. However, there have been situations in previous years where trans students chose the changing room they felt more comfortable in. This

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[30] Supra note 18

[31] Polícia Segurança Pública (PSP). (n.d.) *Escola Segura*. Polícia Segurança Pública. Available at: https://www.psp.pt/Pages/atividades/programa-escola-segura.aspx

means procedures are adopted as needed, as the situations happen. According to the respondent, this could be done in a much more inclusive manner, and it always depends on the students and staff's own prejudice and mentality. Regarding situations of bullying there are specific guidelines from the School Board. The protocol in place states that any student, parent, or teacher can flag a situation of bullying and initiate the process that involves gathering witnesses and collecting testimonies. Based on the assessment of each situation, the outcome may change but the respondent used the example of a group of bullies who had to engage in a kind of community service, where they went to the Police to gather information on the Law, met with psychologists who accompanied victims of bullying to understand the long-term impact these situations have on the victims, and made a presentation about their findings to the entire school. The interviewee stated that this was a groundbreaking procedure that had a tremendous effect on those students, who completely changed their behavior after all this research. Other measures to combat situations of bullying may include changing classes or even changing schools, depending on the seriousness of the situation. On the contrary, regarding cyberbullying there is nothing. There is this notion that cyberbullying is something that happens outside the school's jurisdiction, as it happens online and usual not during school hours, so it is not seen as a school problem. There have been flagged situations in the past and each case was dealt *ad hoc*, for example through counseling or the intervention of Escola Segura.

Another respondent, also part of a school staff, has a different perspective on the matter of legislation. Even without being able to name the Law, they told us that, in the beginning of each school year, the teachers have access to information and new legislation, especially since the implementation of the subject Education for Citizenship[32], mentioned earlier, which encompasses several topics, including gender equality. In the respondent's opinion this is crucial to guide the teachers to be able to teach such topics. When asked if such documents mentioned SOGIESC, the respondent referred to the National Strategy for Equality and Non-Discrimination[33].

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[32] Supra note 12

[33] Council of Ministers Resolution no 61/2018 of 21st May. *Diário da República no 97/2018 – I Série*. Available at: https://dre.pt/home/-/dre/115360036/details/maximized

There are LGBTI+ students in the school so there is a need to create an LGBTI-inclusive environment. For the subject Education for Citizenship, the guidelines come from the Ministry of Education, but there is a team in the school, with a Coordinator, that establishes through semi-structured scripts, how to approach the SOGIESC topics. All the teachers who are habilitated to teach this subject have regular meetings to discuss cases and update their own knowledge. In addition, there is the Team PES (Project of Education for Health), who is entrusted to work on bullying prevention, for example. The participant admitted, however, that not all teachers and students are sensitive to these matters.

Regarding situations of bullying and cyberbullying, the school has psychologists who can intervene before the situation escalates, not only with the victim, but also with the perpetrator. However, some acts are considered criminal offenses, so when this happens on school grounds, depending on the seriousness of the situation, sometimes the school's intervention is not enough, and the case needs to be reported to the competent authorities. There have been cases in the past where there was a need for this further intervention, for example the implication of the Directorate-General for School Establishments, the Escola Segura, the CPCJ, or even the Public Prosecutor.

Other two respondents had different levels of knowledge regarding legislation and policies. They told us that it was recently decided to create a working group on diversity, where LGBTI matters will take place, but it is still an embryonic idea, in the phase of collected data, both general and specifically applied in the context of education. In addition, one of the interviewees, mentioned the general prohibition of discrimination existent in the Constitution. Regarding the topics of bullying and cyberbullying, they also mentioned the work done by Escola Segura[34] on this topic, admitting the existence of legislation but being unaware of its specificities.

Another respondent referred to the already mentioned Laws on Sex Education[35] and on the Status of the Student and School Ethics[36]. Regarding bullying and cyberbullying, it was pointed out that there is

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[34] Supre note 31
[35] Supra note 7
[36] Supra note 10

no specific legislation of the topics, but some actions in these contexts, once, and if, reported, may be considered a criminal act.

Another interview mentioned that, despite not having specific knowledge on laws on discrimination and bullying, especially targeting LGBTI students, Portugal might have one of the best legal frameworks there is. However, it is necessary to separate the law itself from its implementation and execution. Behind the application of a law there are human beings with different levels of sensibility or even prejudice, which also means when we ask this kind of questions, we must bear in mind that the answer may differ inside the same country, from city to city, from school to school, depending on who is reading and interpreting the Law. In his opinion, in general, both teachers and parents are tremendously unprepared legal wise in these matters and often do not even know what rights they have.

3.3. Concrete Cases and Internal Procedures

One respondent part of a school staff could not estimate the number of cases of bullying in a year but could identify two cases of bullying on the grounds of SOGIES that happened in the last years. When the ADD was created in the school, even though the Project was extremely successful, the students who were part of the Alliance started to be called "the faggot group" and feeling a little marginalized. There was also a case of a lesbian couple that reported verbal offences, but without being able to identify the perpetrators, as the offences always happened during breaks' "rush hours". Since there was no one to blame in particular and the situation kept on happening, it was decided by the school to lecture all classes, from the 7th until the 12nd school year, on the topic of bullying and SOGIESC.

According to another respondent also part of a school staff, last year two cases of bullying were reported to other authorities outside the school system. There were other cases but less serious because the school intervened very early. As for the existence of cases of bullying related to SOGIESC, in this school there was also the presence of an ADD and the reason for contact was precisely to intervene in a situation that was happening at the time.

It was explained to us that schools work in collaboration with CPCJ – the National Commission for the Promotion of Rights and the Protection of Children, and representatives are what they call first-line respondents. The Commission's work has two goals: prevention and combat. When it comes to prevention, the idea is to help the school to identify cases and best practices, which translates in several meetings during the school year between the CPCJ's representatives and the Ministry of Education's representative inside the CPCJ. When it comes to combating, there are people amongst the staff prepared to deal with the students when the situation is of high risk. The work is done both with victims and perpetrators because the perpetrator might also be in a high-risk situation, for example, at home, and it is necessary to understand and scrutinize the behavior. Some of these investigations reveal problems within the household and in limit-cases the child can be removed from the toxic environment and placed into CPCJ's custody.

Two other respondents mentioned they have dealt with cases of homophobic bullying during their visits to the schools, and one of the participants specifically mentioned the lack of reaction the teacher had during one particular situation. It was obvious the teacher did not know what to do, how to help the victim, how to address the issue with the perpetrators or the rest of the class, which highlights the great need for training. Another situation involved a trans student and a teacher refusing to use the social name and another one involved a school psychologist who outed a student, thinking this would be helpful.

In the two respondent's understanding it is necessary to have internal procedures on how to deal with bullying situations. The first step is to understand the two phases of bullying and identify mechanisms for both. The first phase is prevention, before it happens, where it is important to raise awareness amongst the students, talk to them, deconstruct concepts, build work dynamics, and do the same with teachers, in a train-the-trainer logic, so they learn how to talk to students, without being discriminatory themselves. The second phase is control, supervision, being alert to signs of bullying, not undermining certain aggressions that might look less serious – for example verbal abuse or situations of social exclusion and have an effective response when the case is flagged. For the case to be correctly flagged, there must be complaint mechanisms in place, which is, in the opinion of both respondents, the biggest

gap, as it is not in place in most schools, which makes it harder for the victim to know who to talk to, making the process unnecessarily long before getting to the actual person in charge, sometimes with the loss of crucial information. When it is clear that the situation is in fact bullying – because not always a case fits the requirements – there is a specific methodology to deal with cases, that passes by gathering all people involved in the bullying – perpetrators and merely observers – and make them fill in the victim shoes and brainstorm for integration solutions, all this with a previously trained teacher in the room.

3.4 Identified Good Practices

When it comes to projects, all the interviewees listed the Public Safety Police's Project Escola Segura[37] as a good practice, given their work on preventing and combating bullying and cyberbullying and their interventions directly on schools and their members (such as students, teachers, and other staff).

ILGA's Portugal ADD Project was also mentioned several times, as a good practice that should still be running, due to the tremendous success it had during its implementation and in the following years, specifically when it comes to raising awareness for sexual orientation, gender identity, gender expression and sexual characteristics.

The work the Association No-bully Portugal conducts in the training of teachers was also referred to as a good practice. One interviewee referred to the Education Project of Association rede ex aequo, that provides training for students on SOGIESC topics.

Regarding schools, there was the mention of a school in the country that has been implementing no-gender changing-rooms, and the mention of a public basic level school in the north of Portugal that does not follow the traditional educational model but instead the Modern School model. The school is organized following a project and team logic, structured based on the interactions between its members. The main idea is that students can learn from each other while practicing citizenship. Parents

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[37] Supra note 31

are strongly implicated in the student's learning process and are part of the School's Consultative Council and Pedagogical Council. Every week there is a student's assembly where students decide on which topics they should focus next and it is during these assemblies that students themselves create mechanisms to protect their own rights, for example, in situations of bullying. There are no adults at these meetings and the resolutions are transmitted to them after. When compared to other public schools during national exams, the success rate of Escola da Ponte is enormous. On the same line of thought, a public secondary level school in the area of Lisbon was also mentioned because it also has this concept of a weekly student's assembly.

The subject Education for Citizenship, mentioned several times throughout this report, is perceived by all participants as a good practice, given that it consists of a specific place where students can put their doubts, questions and/or comments on these particular topics.

According to one participant, some municipalities have specific gender equality projects with the goal to work with parents, professors, and other relevant professionals.

3.5 Understanding current expertise and training needs

During the initial training to become a teacher, the topics of bullying and discrimination are not yet part of the curricula. It was even mentioned by one of the respondents that teachers often only come across these realities when they are already working and must somehow learn quickly, which also depends on the needs and the interest of each professional. The initial training is still far from what happens and is needed in the reality of the everyday work a teacher does.

When asked if the staff of the school is prepared to deal with situations of bullying or cyberbullying, one respondent said that there is no expertise among school staff when it comes to cyberbullying. It ends up being a new topic and not all staff is digital literate and to some people this is a very far away reality that only happens in an unreal place, the online space. Regarding bullying, although it is what we can call a "hot topic" that everyone talks about, it does not mean that the staff knows how to

recognize it or how to handle it, and there is a huge lack of training in these specific matters, who are only approached during training very superficially. As for LGBTI bullying, the respondent considers the need for training much more important to help deconstruct the school's staff's own prejudice. The training offer in these fields is very short, even if teachers try to look on their own on training centers, for example. Those who teach Sexual Education have some knowledge but clearly not enough when compared to all the information out there that could be necessary to help a student in distress.

It is worthy of note that the respondent mentioned the communication inside the school and between teachers and parents is not at all inclusive, believing this is also of extreme importance to create a safe environment and mitigate cases of discrimination.

On the other hand, another respondent part of a school's staff told us that there are plenty of options for training at the school and participating is mandatory. However, it is the teachers who chose the training based on preferred topics, meaning there is nothing specifically mandatory for all school staff, indicating how much more there is to be done in this matter. There are people amongst the school staff who are sensitive enough to understand they need training in this area and seek it, especially to be able to handle situations in a preventive way but, unfortunately, they are a minority. We can never forget the possibility that the bullying or the discrimination comes from school staff rather than from peers.

Two respondents admitted there is a lot of resistance from the teachers to deal and be trained on SOGIESC topics, and that is why there was the need to start building a specific working work for inclusion and non-discrimination. Until very recently, the term inclusion meant special education only, i.e., students with special education needs. When broadening the scope of the concept, it was realized that minority groups, such as LGBTI students, also fit under the umbrella. When bringing these topics up, some teachers tend to laugh or make jokes, even in an all-adult environment, emphasizing the fact that the homophobic bullying is the type of bullying with the biggest expression in the country, and the homophobic joke is the most accepted, precisely indicating there is an urgent need to train these professionals to be able to talk about the topic with their students.

As for who provides the training that does exist, four respondents told us something similar. If a need for training in a specific matter is identified (either from a single teacher or from a team that specifically conducts a needs assessment), a proposal can be made to the training center for teachers of the municipality, that then awaits approval from the pedagogical council. This also depends if the training center has training offers in these matters or not. In the training centers there are a variety of trainers from different fields, from psychologists to academics, depending on the training needed. There is also the possibility to contact a civil society association to provide training in a specific field. However, there is no structure, these are very *ad hoc* situations.

All four interviewees considered of great importance to have a specific training for teachers on these topics. They went even further and stated that there should not be only one training, because these topics should be a source of permanent deconstruction, but there should be ongoing training about it. The more knowledge the school staff has, the easier it is to help students and to fight these situations. One of the respondents said that it is easier for a student to say, "I suffer from bullying because I have glasses" than say "I suffer from bullying because I am gay". It is very important to work on these topics with students. Working LGBTI topics is working diversity, acceptance, empathy, and these are all essential concepts when forming a human being.

It is also important to note that these situations not only happen in school, but also inside the household, so it is also very necessary to open the school's doors for parents to also receive training.

Two of the respondents work precisely on training. The main goal is to train people, especially adults (teachers, parents, operational assistants, psychologists – anyone related to the educational system) on how to deal with cases of bullying. In most cases, the main problem is in the adults – whether because they ignore or because they end up encouraging negative behaviors, even indirectly. Students learn discriminatory practices with other adults, so training adults on the topic is crucial to break this cycle. They offer trainers to a group of school staff who volunteers for this role. After the training each

person of the group must know how to identify cases and how to deal with them. One person is chosen to be the contact person and build the bridge with the Association. The idea is that the schools become autonomous.

They also organize workshops for parents and are about to launch a project where parents can sign up their children, especially those who are being victims of social exclusion.

One of the respondents from this Association, is working specifically with cases of LGBTI bullying and preparing the training around this topic. The respondent stated that it is still seen as a taboo topic, which is why it is so important to talk about it. There is a lack of information and a lot of disinformation contributing to the persistence of the taboo, and, once again, this usual comes from adults rather than from students.

To the parent's association representative, we asked if parents have any kind of training regarding discrimination or bullying against LGBTI students. The respondent confessed that this gap is now recognized as being huge. Parents and legal guardians are part of the school system and should be integrated in such training. The problem is, once again, the fact that this is still considered a taboo topic. The interview admitted thinking there is an obvious lack of courage from the public entities – namely schools, municipalities, parents' associations – to bring up these subjects and prevent them from remaining a taboo.

3.6 List (up to 3) main strategies/activities/programmes/recommendations that could be relevant to next project activities

Type (e.g. Program, Strategy)	Title	Organiser (NGO, Government…)	Target Group	Terms of usefulness

Activity	Specialized training	NGO	School Staff and Parents	All those involved in the school environment should know how to address situations of homophobic and transphobic bullying
Tool	Report mechanism for situations of bullying	Schools, NGO	School Staff, Parents, Students	It can be difficult to report a bullying situation in terms of logistic – not knowing where to go and who to talk to and a structured report mechanism could help

Tool	Structured procedure when dealing with perpetrators of bullying	Schools, Government	Students	Having a standardized procedure - like the one mentioned by one of the respondents - instead of handling situations differently each time might also help create some structure and work closely with perpetrators, preventing them from taking similar actions in the future

Conclusion and Recommendations

We believe the lack of knowledge about legislation regarding bullying, cyberbullying and discrimination, especially related to vulnerable groups, such as LGBTI students, demonstrated by all respondents in general, is problematic. It is true that legislation, among other important purposes, serves to give a social impulse and that the real agents of change are all citizens. However, the fact that all these people working inside the educational system have little to no knowledge about legislation on these matters is, in our opinion, very important to note. It seems clear that these topics are often overlooked in the guidelines from the Ministry or the Directorate-General of Education, or even from the School Board.

In one way or another, all interviewees stated that this is still considered a taboo topic, and some went even further and said it is frowned upon by the educational community, which might explain the resistance in taking training or engaging in practices and activities that target these matters. This is obviously the biggest reason why training is so important to create more inclusive schools. In fact, some respondents struggled with the acronym LGBTI, the correct concepts or definitions or even the use of the correct pronouns when speaking of a trans person, for instance.

In all interviews, we have had the opportunity to ask how the subject of Education for Citizenship works in practice. We have been told that although there is a curricula for the subject, it does not follow a mandatory structure, the idea being that it is the students that chose what is talked about during classes, meaning some important issues might be left out if none of the students asks for it to be debated; supposedly, teachers are chosen to lecture this subject based on their specific profile and expertise but, in reality, many times they are chosen based on work distribution or based on the lowest negative impact logic; none of these teachers have adequate or structured training to lecture this subject, other that the Manual they receive and the very vague guidelines (that are, once again, optional) that can be found on the website, which ends up defeating the purpose of the subject being exploratory for the students. We can agree that the idea of this subject is indeed a good practice, but we do not believe it is being implemented accordingly.

On a last important note, we are talking about creating an LGBTI inclusive environment in schools. We cannot forget that the schools are composed not only by students but by teachers, operational assistants and even parents. Any of these people can be a victim of discrimination based on their sexual orientation, gender identity, gender expression or sexual characteristics.

As for recommendations, based both in the conclusions we drew from the interviews and recommendations mentioned by the interviewees themselves:

- Public and private schools should adopt comprehensive and inclusive codes of conduct;
- The Ministry of Education should include LGBTI-inclusive books in the National Reading Plan;
- The subject of Education for Citizenship should be more structured and transparent, both when it comes to curricula and in the training of the teachers who are chosen to lecture it;
- The legislation about bullying, cyberbullying and discrimination against LGBTI people should be delivered in a comprehensive manner to educational professionals working in the field, as well as parents and legal guardians;
- All those involved in the school system should have structured and continuous trainings on the topics;
- Good Practices should be widespread and replicated across the whole territory.

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Annex 1
Interview Analysis

Name of the stakeholder	Name of the organization	Place of the organization	Service provided	No. of people working or studying in the organisation	Role of the person interviewed	Reported cases of discrimination based on SOGI (Y/N)	Reported good practices (Y/N and type
PO	Union of Schools	North of Portugal	Counceling; raising awareness	Students – 1258 Staff – 171 teachers, 3 technicians, 30 operational assistants	Psychologist and Head of the Psychology and Guidance Office	Y	Y Referred the Public Safety Police's Programm Escola Segura and their work on the topic of bullying Mentioned schools who are putting into practice no-gender policies in the changing rooms;

							Referred Association No-bully Portugal and their teacher trainings as a good practice
AS; AP	Federation of Teachers	National level	Federation	There are 7 Teachers' Unions in Portugal – north, center, Lisbon, south, the island of Azores, the island of Madeira and teachers who work outside Portugal	Member of the National Secretary; Member of the National Council	NA	N

				This amounts into 75 thousand people members of the Federation			
AP	Union of Schools	North of Portugal	Teacher	There are 1800 students in the Union of Schools and 300 educational staff (amongst teachers and operation assistants)	Teacher and representative of CPCJ	y	Referred the Public Safety Police's Programm Escola Segura and their work on the topic of bullying
IA; RA	NGO	National level	Trainings; raising awareness		Members of the Board	y	Y ILGA's Project ADD;

							It gets better guide
JG	Parents' Associations	National level	Support for parents' associations	2000 associations	Member of the Executive Commission	NA	Y Escola da Ponte – school who works with the educational model Modern School Escola Secundária de Carcavelos – a school that also has student's only assemblies Parents' Associations' Projects that transformed into IPSS

Annex 2

Identification of Best Practices

The present table combines all the good practices mentioned throughout this report, whether in the research phase or during the interviews, referred to by the respondents. Although being widely recognized as good practices, some of them are only in practice in some parts of the country. Whether or not they could be transposed into other countries is something that, inevitably, depends on each national context and the willingness of its public entities.

Organization	Description of the good practice	What are the results of the practice?
ILGA Portugal	Alliances of Diversity (ADD) The Alliances' mission was the promotion of civic participation, raise awareness for the combat on discrimination and prejudice, and supporting LGBTI colleagues, thereby preventing forms of homophobic and transphobic bullying.	In general, the results indicate that the more inclusive and open the school is to diversity, the less it seems to be the prevalence of discrimination and its impact, which seems to need to invest in more resources, more specialized training, more sensitization, and more training of young people and teaching and non-teaching staff against discrimination based on sexual orientation, gender identity or expression and sexual characteristics.
rede ex aequo	Education Project Provides trainings in schools and publishes annually the results of the Project.	The last report indicates that 79% of young people had witnessed incidents of anti-LGBT bullying and that 86% thought that schools should better address LGBTI+ topics. The organization gathered responses during the 162 awareness raising sessions they held in schools. Booklets, and other informative material help teachers to include these topics in their lessons.

It gets better Portugal	"Come to the Rainbow School: Guidance for Inclusive Teachers" An e-book for teachers which aims to provide tips and tools for teachers to address topics of sexual education and affection.	Guides and booklets with information for teachers on how to address these topics in their classes is of extreme importance.
AMPLOS	Launch of two guides on the diversity of gender expressions in childhood and how to deal with these issues. One guide targets professionals in the field of education and the other families	Providing information for families is also of extreme importance, as parents and legal guardians are necessarily a part of the educational system.
Plano i	Launched an online survey on bullying, asking victims and witnesses to share their experiences	Surveys on personal experiences are helpful for statistical purposes. Statistics determines the need to adopt public policies
ISCTE	Published the results from an online survey held between March and May of 2020, focusing on Cyberbullying during the pandemic.	The study revealed that gay and lesbian students were among the most affected. Surveys on personal experiences are helpful for statistical purposes. Statistics determines the need to adopt public policies
Eramus +	The project started in December 2020, has a two-year implementation period and is being run in Portugal (coord.), Spain, Italy, Greece, Bulgaria and Serbia. The project aims to create a new Inclusion Vocabulary to foster acceptance of LGBTI	The concern about Integration of foreigner students in exchange programs is very interested and necessary.

	issues among teachers and students in high school.	
Secretary of State for Citizenship and Gender Equality	The first State-sponsored campaign on LGBTI rights, launched in 2013 focused on homophobic bullying.	Having a national entity involved and focused on LGBTI bullying brings more attention to it.
Subject Education for Citizenship	A special subject for topics of gender equality, non-discrimination, diversity, human's rights	As we concluded, the subject is not quite structured and it is different from school to school.
No-bully Portugal	Training	Training available for school staff has been identified as a need for all respondents.
Public Safety Police	Projet Escola Segura - training, lectures	Training available for school staff has been identified as a need for all respondents