



**Schola Europaea**  
**Ecole européenne de Bruxelles IV (Laeken)**

## **Gender identity**

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## 1. Foreword

Over the past twenty years, there has been an increase of testimonies and stories about trans people (transsexuals and transgender people), both adults and adolescents. They question our representations of identity, our social and cultural norms, which lead us to think in terms of gender rather than sex (a biological and/or genetic assignment). This media exposure indicates that the visibility of trans people has widened. The term transgender has indeed become popularised. It encompasses a wide variety of approaches and experiences: it includes people whose gender identity differs from the one they were assigned at birth, it also includes non-binary, genderqueer people. Some notions of transition are now known: coming-out and new identity in everyday life (first name, pronouns), passing, being misgendered. A transition is not necessarily linked to sexual orientation issues, it points to a discordance between a normative externality that is not well experienced, an appearance, and the feeling of a human being. Trans people show great perseverance, the difficulties encountered are in proportion to their hopes: to get better, to be well, to find an agreement between oneself and one's life, a concordance between oneself and others.

Some associations contribute to a better understanding of trans feelings and issues and support their rights: although there has been a positive evolution in recent years, we must also bear in mind the rejection and discrimination caused by personal and institutional obstructions, verbal and physical aggression, and the all too frequent acts of intolerance of which trans people face. These associations are not necessarily linked to the matter of sexuality, but they all promote a reflection on our societies, our cultures and binarity (closed categories of feminine and masculine). This consideration is certainly likely to favour a better living together, in the variety of gender identities. The family environment, friendship circles, self-help networks (formal associations, informal Internet users) and psycho-medical helpers play a fundamental role in a transition and highlight the crucial interest in daring to dialogue on these issues, and in keeping faith in communication and pedagogy.

It is clear that schools and the educational community have a duty to accompany and protect young trans people. Coming out as transgender person is a very personal and life-changing experience: it is important that students in this situation receive the necessary support, that they are listened and feel safe. When teenagers declare themselves trans, it marks their daily school life to an identity without which they feel they can't live without. Taking into account that a trans coming-out by a teenager requires informed caution, open and nuanced communication, but above all tolerance and respect.

This document is not intended to be a global LGBTQ+ policy, but to provide answers to questions that teaching staff legitimately ask when a student informs them of their wish to change their name. It is also intended to be a reliable source of information for trans students about their rights in a school context.



## 2. Principles of action

Gender identity builds throughout the life of each individual. In this process, it is possible to have a different gender identity than the sex assigned at birth, which is known as transgender identity.

This intervention protocol is a first reference document developed by EEB4 regarding the protection of the gender identity of students enrolled in our school. Its aim is to respect the legal regulations that protect the rights of transgender students, to raise awareness in the school community and to establish a minimum of guidelines for intervention.

The protocol recognises that transgender people are not a homogeneous group, it must therefore be flexible enough to adapt to each person and situation, provided that the following three principles are respected

1. Self-determination principle of gender identity : Students whose gender identity does not correspond to their assigned sex at birth will have the right to have their gender identity recognised in the school and to be treated according to that identity.
2. Principle of social integration: in order to ensure the respect for gender identity, the school will adapt the usual administrative documentation and ensure that, in interactions, the use of the name chosen by the pupil is respected, without prejudice to the fact that, in the official documents of the minor, the identity data on the birth certificate will be kept.
3. Principle of equality: the school will adopt appropriate measures to ensure equality and respect between students, regardless of their gender identity

## 3. Legal basis

**On an international level**, the right to non-discrimination is a fundamental principle of human rights (Universal Declaration of Human Rights, 1948<sup>1</sup>). The Yogyakarta Principles of 2007<sup>2</sup> determine how to apply the [International human rights law](#) in terms of [sexual orientation](#) and [sexual identity](#) to protect and to forbid any [discrimination](#) towards [LGBTI](#) people. In 2008, the UN Declaration on Sexual Orientation and Gender Identity<sup>3</sup> was the first text concerning the rights of LGBT persons to be addressed at the United Nations and affirms "*The equality and non-discrimination guarantee provided by international human rights law applies to all people, regardless of sex, sexual orientation and gender identity*" and " prohibits discrimination on the grounds of sexual orientation and gender identity"

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<sup>1</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

<sup>2</sup> <https://yogyakartaprinciples.org/>

<sup>3</sup> [https://www.ohchr.org/\\_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Publications/BornFreeAndEqualLowRes.pdf&action=default&DefaultItemOpen=1](https://www.ohchr.org/_layouts/15/WopiFrame.aspx?sourcedoc=/Documents/Publications/BornFreeAndEqualLowRes.pdf&action=default&DefaultItemOpen=1)



**On a European level**, the European Convention on Human Rights of 1950<sup>4</sup> aims to protect [human rights](#) and [fundamental rights](#) by allowing judicial review of the respect of these [individual](#) rights. The European Parliament Resolution of 1989<sup>5</sup> on the discrimination of transgender persons, determines that each person can decide the particularities of his or her identity as a human being. In March 2010, the Committee of Ministers of the Council of Europe adopted a recommendation on measures to fight discrimination based on sexual orientation and gender identity<sup>6</sup>. The European Parliament Resolution of 2012<sup>7</sup> on battling homophobia in Europe strongly condemns any discrimination based on sexual orientation or gender identity. Finally, the 2015 Resolution 2048 of the Parliamentary Assembly of the Council of Europe criminalises discrimination against transgender people<sup>8</sup>.

**In Belgium**, the situation of transgender people is governed by:

- The Law of June 25, 2017<sup>9</sup> which reforms the regimes relating to transgender persons with regard to the mention of a change in gender registration in civil status records and its effects.
- The law of May 10, 2007<sup>10</sup> which aims to fight discrimination between women and men, explicitly prohibits any form of discrimination (direct or indirect) based on gender.

However, on June 19 2019, the Constitutional Court partially annulled the Transgender Law<sup>11</sup> of June 25, 2017. While waiting for a new provision, it is still possible to apply for a change of gender registration at the civil registry according to the current procedure.

**Regarding the situation of minors**, the right to gender identity is also included in the Declaration of the Rights of the Child (1959)<sup>12</sup>, the United Nations Convention on the Rights of the Child (1989)<sup>13</sup>, the European Charter on the Rights of the Child (1992)<sup>14</sup> and the Charter of Fundamental Rights of the European Union (2000)<sup>15</sup>.

Many young people are bullied at school because of their sexual orientation or gender identity. The Council of Europe Recommendation on Education (2010)<sup>16</sup> urges member states to adopt the necessary measures to ensure the right to education without discrimination on grounds of sexual orientation or gender identity *“providing pupils and students with the necessary information, protection and support to enable them to live in accordance with their sexual orientation and gender*

<sup>4</sup> [https://www.echr.coe.int/Documents/Convention\\_ENG.pdf](https://www.echr.coe.int/Documents/Convention_ENG.pdf)

<sup>5</sup> <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=15151&lang=EN>

<sup>6</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805cf40a](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805cf40a)

<sup>7</sup> [https://www.europarl.europa.eu/doceo/document/TA-7-2012-0222\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-7-2012-0222_EN.html)

<sup>8</sup> <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21736&lang=en>

<sup>9</sup> [http://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg.pl?language=fr&la=F&cn=2017062503&table\\_name=loi](http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2017062503&table_name=loi)

<sup>10</sup> [https://www.ejustice.just.fgov.be/cgi\\_loi/change\\_lg\\_2.pl?language=fr&nm=2007002099&la=F](https://www.ejustice.just.fgov.be/cgi_loi/change_lg_2.pl?language=fr&nm=2007002099&la=F)

<sup>11</sup> <https://www.const-court.be/public/f/2019/2019-099f.pdf>

<sup>12</sup> <https://www.unicef.org/child-rights-convention/convention-text#>

<sup>13</sup> <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

<sup>14</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-child-rights-in-the-eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-child-rights-in-the-eu_en.pdf)

<sup>15</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012P/TXT&from=GA>

<sup>16</sup> <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016803034e3>



*identity*". This includes the provision of objective information, for example in school curricula and teaching materials, and the protection and support needed to enable them to live in accordance with their sexual orientation and gender identity.

#### **4. General framework at EEB4**

The school promotes diversity and protects each student, including the following initiatives:

KIVA is an anti-bullying programme which the school joined in 2019. The preventive part of the programme includes classroom sessions led by teachers to promote respect for others in all their differences. The other part provides for a strict procedure to be followed in the event of bullying.

Uplift is a space where students who wish to raise issues of gender or sexual identity can meet on a regular basis. They are supervised by volunteer teachers who provide a place to listen and share, and offer adult insight.

The Free-to-Be-Me Club is made up of student volunteers, two teachers and a member of the administrative team with a Master's degree in gender studies. Its aim is to support equality between men and women by proposing different activities or projects that promote the place of women in our society.

The gender working group is composed of representatives of the management, primary and secondary school teachers representing all language sections, a parent representative and a member of the administrative team with a Master's degree in gender studies. The aim of this working group is to identify gender bias in our school and to co-create and offer actions that can mitigate this bias and ensure a balanced environment where boys and girls feel equally valued and fulfilled.

In the future, the school will also ensure to adopt multilingual guidelines for a gender-neutral language.

#### **5. Administrative process**

##### **Communication and identification of the situation of transgender identity.**

1. A parent or legal representative of the minor shall communicate in writing to the Management that their child has a gender identity that does not match to the sex assigned at birth.
2. The Management will pass on this information to its pedagogical and psycho-pedagogical team, which will be responsible for determining the educational needs of the minor and adopting the necessary awareness and information measures to ensure respect for gender identity.



3. All cases shall be treated confidentially, guaranteeing the minor's right to privacy. The exchange of information shall only be possible with the written permission of the minor's family. If the minor wishes to maintain confidentiality, the management will act accordingly.
4. In the event that one of the minor's legal representatives objects to the adoption of the measures mentioned, the Management shall inform the social services of this objection.
5. The school will allow the minor to freely express his/her gender identity and will ensure that no discrimination occurs. The student shall have the right to wear the clothing of his/her choice, regardless of his/her legal status. Such clothing must, however, be suitable for the school environment.
6. In accordance with the plan for equality of men and women in education, the school will avoid gender-differentiated activities. If, exceptionally, differentiation is justified (e.g. in physical education classes), the teaching staff will take the gender of the pupil into consideration.
7. The school will ensure that gender-neutral toilets are available in the T-building. For changing rooms, the school will open a dialogue with the student concerned to define his/her wishes while respecting the comfort of the other students. For school trips, different options will be offered to trans and non-binary students: either a single room (for an additional fee) or a room with multiple beds (with the consent of the parents of all students concerned).

### **Management by the Educational Support Team**

The policy on educational support in the European Schools can be found below: <https://www.eursec.eu/en/European-Schools/studies/educational-support>. The family of a trans teenager can on the basis of psycho-medical documentation request integration into Intensive A Support. Integration into the Intensive A Support Programme is not systematic but is recommended in order to optimise the dialogue between the school and the family and the follow-up of the student. The family follows the protocol specified in the EEBIV local support policy (<https://eeb4.be/wp-content/uploads/2021/03/EEB4-Educational-Support-Policy-EN-v15-03-2021.pdf>).

The student will then be able to benefit from on-site support within the school. In the framework of the intensive A support, the trans person can have an adult referent (SEN assistant) associated with the coordination of the support and the Care Team (support, infirmary, school psychologist, management). The SEN assistant and the SEN coordinator will be in charge of collecting information from the teachers, observing social integration, transmitting the appropriate elements to favour and improve the well-being of the student during the transition, to the members of the school community. The communication of information will be subject to a written authorisation signed by the parents (for minor students). This matter will also be discussed with the pupil concerned.



Parents will attend a Support Advisory Group meeting at least once a year: management, psychologist, assistant, parents and support coordinators are invited. Support decisions will be explained, evaluated and discussed. The needs of the student are taken into account on the basis of psycho-medical documents and interviews with parents and the student. Parents will receive an Individual Learning Plan (ILP) twice a year, the objectives of which will be defined during the Support Advisory Group (SAG) meetings.

The support team will be involved in making the transition visible, for example :

- First name change: the support team will adopt the first name chosen by the student and will respect in informal communication to the pupil and parents the grammatical gender and pronoun(s) chosen by the student. However, official documents (ILP, SAG report) will have to bear both first names (e.g. Claude/Camille), in accordance with the guidelines followed by the management at EEB4.
- The application of transition in binary situations: the support team will ensure that the trans student has access to sanitary facilities, to the changing rooms corresponding to the gender of his/her choice, and will intervene to promote dialogue with teachers and students on this subject, if necessary.

### **Measures against possible discrimination and bullying at school**

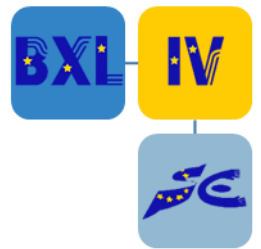
In order to avoid possible situations of rejection, discrimination or transphobia, EEB4 will promote spaces for reflection, guidance, accompaniment and support. Similarly, EEB4 will facilitate raising awareness and respect interventions in the minor's class (always with his/her consent) and will develop actions that will better respond to his/her needs and achieve full social integration.

It will be necessary to inform and train the educational community and to promote the learning and practice of values based on respect for differences and tolerance of social diversity.

In the event that the minor experiences difficulties due to a possible situation of transphobia, the school will adopt the appropriate measures and apply the appropriate protocol against bullying, namely

- For students: the anti-bullying policy <https://eeb4.be/wp-content/uploads/2021/02/Anti-Bullying-Policy-EN-layout-29-01-21.pdf>).

- For adults, the relevant Belgian legislation.



## Useful links :

- Change of first name and change of sex registration in the civil status - publication of the Federal Public Service Justice.  
[http://justice.belgium.be/sites/default/files/downloads/brochure\\_transgender\\_fr\\_2018-01.pdf](http://justice.belgium.be/sites/default/files/downloads/brochure_transgender_fr_2018-01.pdf)
- Campaign "Et toi, t'es casé-e?" by the Institute for the Equality of Women and Men, Unia, the General Delegate for the Rights of the Child, the Wallonia-Brussels Federation, the COCOF, the Walloon Region.  
<https://www.ettoitescase.be/>
- Family planning.  
<https://www.fcpcf.be/les-centres-de-planning-familial/>