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IZIQUATHO

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(*Ushicilelo olutsha lufumaneka kwiGumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Mtherho, 7 Wale Street, eKapa 8001.)

Provincial Notice

Provinsiale Kennisgewing

ISaziso sePhondo

The following draft guidelines are published for comment:

Die volgende konsepriglyne word vir kommentaar gepubliseer:

Esi sikhokelo siyidrafti silandelayo sipapashelwa ukuba uluntu luvakalise izimvo zalo:

26 Draft Guidelines on Gender Identity and Sexual Orientation in Public Schools of the Western Cape Education Department 2

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Any person or organisation who wishes to comment on these draft guidelines is requested to submit the comments, in writing, before or on 11 May 2020,

Enige persoon of organisasie wat graag kommentaar oor hierdie konsepriglyne wil lewer, word versoek om die kommentaar skriftelik vóór of op 11 Mei 2020 voor te lê,

Nawuphi na umntu okanye umbutho onqwenela ukuvakalisa izimvo ngesi sikhokelo siyidrafti, uyacelwa ukuba afake izimvo zakhe ngencwadi ebhaliweyo, phambi okanye ngomhla we-11 Meyi 2020,

(a) by posting the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town
8000; or

(a) deur die kommentaar te pos aan:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaap Onderwysdepartement
Privaatsak X9114
Kaapstad
8000; of

(a) ngokuzithumela ngeposi kulo:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
Private Bag X9114
Cape Town
8000; okanye

(b) by delivering the comments to:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
18th Floor
Golden Acre Building
Adderley Street
Cape Town
8000; or

(b) deur die kommentaar af te lewer by:
Adv. Lynn Coleridge-Zils
Direkteur
Wes-Kaap Onderwysdepartement
18de Verdieping
Goue Akkergebou
Adderleystraat
Kaapstad
8000; of

(b) ngokuzizisa ngesandla kulo:
Adv. Lynn Coleridge-Zils
Director
Western Cape Education Department
18th Floor
Golden Acre Building
Adderley Street
Cape Town
8000; okanye

(c) by emailing the comments to:
Lynn.Coleridge-Zils@westerncape.gov.za.

(c) deur die kommentaar per e-pos te stuur aan:
Lynn.Coleridge-Zils@westerncape.gov.za.

(c) ngokuzithumela nge-imeyili apha:
Lynn.Coleridge-Zils@westerncape.gov.za.

PROVINCIAL NOTICE

The following Provincial Notice is published for comment.

MR H.C. MALILA,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWING

Die volgende Provinsiale Kennisgewing word vir kommentaar gepubliseer.

MNR H.C. MALILA,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

ISAZISO SEPHONDO

Esi saziso silandelayo sipapashelwe ukunika izimvo.

MNU H.C. MALILA,
MLAWULI-JIKELELE

ISakhiwo sePhondo,
Wale Street,
eKapa.

PROVINCIAL NOTICE

P.N. 26/2020

23 March 2020

**DRAFT GUIDELINES ON GENDER IDENTITY AND
SEXUAL ORIENTATION IN PUBLIC SCHOOLS OF THE
WESTERN CAPE EDUCATION DEPARTMENT**

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1. Definitions

In this guideline, any word or expression to which a meaning has been assigned, shall bear that meaning assigned to it hereunder, unless the context indicates otherwise—

“bisexual” means a person who is sexually attracted to both men and women;

“gender characteristics” mean the way in which a person expresses his or her social identity as a member of a particular sex by using style of dressing, the wearing of prostheses or other means;

“gender expression” means the way in which a person expresses his or her gender identity typically through his or her appearance, dress and behaviour;

“gender identity” means a person’s perception and internal sense of their gender, which may or may not correspond to the sex they were assigned at birth;

“gender reassignment” or **“gender affirming actions”** means a process which is undertaken for the purpose of reassigning a person’s sex by changing physiological or other sexual characteristics, and include any part of such a process, or steps taken by a lesbian, gay, bisexual, transgender, queer or questioning, intersex (LGBTQI+) person to affirm their gender identity, including social transition, gender affirming hormone treatment and gender affirming surgeries;

“hermaphrodite” or **“intersex”** means a person having both male and female sex organs;

“homophobia” means a fear or dislike of homosexual people;

“homosexual” means a lesbian or gay person who is sexually attracted to people of the same sex and not to people of the opposite sex;

“lesbian” means a woman who is sexually attracted to other women;

“LGBTQI+” means lesbian, gay, bisexual, transgender, queer or questioning, intersex, and includes other sexual identities such as pansexual, asexual and omnisexual;

“parent” means—

- (a) the biological or adoptive parent or legal guardian of a learner;
- (b) the person legally entitled to custody of a learner; or
- (c) the person who undertakes to fulfil the obligations of a person referred to in paragraphs (a) and (b) towards the learner’s education at school;

“queer” is an umbrella term for lesbian, gay, bisexual, transgender and intersex persons;

“sexual orientation” means a person’s sexual identity in relation to the gender to which they are attracted to, the fact of being heterosexual, homosexual, bisexual or any other sexual orientation;

“transgender” means a person whose sense of personal identity and gender does not correspond to their birth sex;

“transphobia” means a fear or dislike of transgender people.

2. Legislative framework

2.1 The legislative framework for this guideline is:

- (a) Alteration of Sex Description and Sex Status Act, 2003 (Act 49 of 2003);
- (b) Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- (c) Children's Act, 2005 (Act 38 of 2005);
- (d) Constitution of the Republic of South Africa, 1996;
- (e) National Education Policy Act, 1996 (Act 27 of 1996);
- (f) National Health Act, 2003 (Act 61 of 2003);
- (g) Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000);
- (h) Protection of Personal Information Act, 2013 (Act 4 of 2013);
- (i) South African Schools Act, 1996 (Act 84 of 1996);
- (j) Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

3. Purpose

3.1 The purpose of this guideline is to—

- (a) create an educational environment that does not discriminate directly or indirectly against anyone on one or more grounds, including gender, sex, sexual orientation, conscience, belief, culture and birth, among others;
- (b) create an educational environment that is free from stigma and discrimination for all learners in all public schools; and
- (c) promote gender identity and gender expression.

4. Scope

This guideline is applicable to all public schools.

5. Gender identity

5.1 When a learner discloses his or her gender identity and/or sexual orientation to the principal, educator or a fellow learner, the matter must be treated with great sensitivity and confidentiality.

5.1.1 It is encouraged that the learner be referred to a social worker, psychologist or any other organisation which deals with matters of this nature in order to facilitate counselling and assistance.

5.1.2 The principal may manage and coordinate this process.

5.1.3 In order to maintain confidentiality, the principal may report to the governing body that a learner is LGBTQI+, without necessarily divulging the learner's name or gender identity.

5.1.4 With the consent of the learner, the principal may convene a meeting with the learner and his or her parent(s) to—

- (a) gain an understanding of the perceptions and expectations of the learner and his or her parent(s) in dealing with the matter;
- (b) supply them with comprehensive information concerning all the appropriate guidance services available in the community and the services available at the school;
- (c) clearly state that parents may request or can apply for an exception to the school's code of conduct where reasonable or practicable;
- (d) take any further decisions, for example, about—
 - (i) whether the matter must be handled confidentially;
 - (ii) self-expression and conduct on the part of the learner;
 - (iii) allowing for freedom of participation, where reasonable and practicable, in the school's extracurricular activities and the use of other school facilities.

6. Gender expression

- 6.1 A LGBTQI+ learner has the right to choose the first name by which he or she wants to be known to educators, school staff and fellow learners, irrespective of his or her gender characteristics or assigned sex at birth.
- 6.2 The LGBTQI+ learner will maintain his or her sex description on the Central Education Management Information System (CEMIS) as it appears on his or her birth certificate or where he or she has altered his or her sex description on his or her birth register at the Department of Home Affairs.

7. Dress code and physical appearance

- 7.1 Schools are encouraged to accommodate the dress code preferences of LGBTQI+ learners in their respective codes of conduct and may introduce gender neutral uniforms. The same rules which are applicable to girls, may apply to boys and vice versa, where reasonable and practicable.
- 7.2 Schools are also encouraged to allow for deviations from the school's uniform policy on cultural, medical and gender diversity grounds. A letter of application signed by the parents may be submitted to the principal.
- 7.3 It is recommended that neatness and cleanliness be the underlying principles of the school's dress code and the onus be on parents and learners to ensure that they remain presentable at all times.
- 7.4 The exception contemplated in paragraph 7.1 does not mean that "anything goes".

8. Participation in sports

- 8.1 Learners of all sexual orientations and gender identities may be encouraged to participate in school sports, free from bullying, harassment and discrimination. LGBTQI+ learners can participate in any sports code of their choice. It is recommended that schools inform LGBTQI+ learners that when they progress to obtaining national or provincial colours, they will have to adhere to the rules and regulations applicable to the national and provincial sporting federations.

- 8.2 Ensure that all learners have the opportunity to be physically active and that they are able to express their sporting abilities and interests.

9. Use of toilet and changing room facilities

- 9.1 Having considered the safety measures and inherent risks, a school may allow a LGBTQI+ learner to use the toilets and changing room facilities which he or she feels most comfortable with, but it is recommended that the sensitivity of other learners also be taken into account.
- 9.2 A school may also make provision for a unisex toilet, if reasonably practicable, depending on their available financial resources and infrastructure.

10. School excursions and hostels

- 10.1 Careful consideration and preparation is needed where a LGBTQI+ learner is a resident in a school hostel and when a LGBTQI+ learner goes on a school excursion, to ensure that a LGBTQI+ learner is not excluded in any way.
- 10.2 It is recommended that sleeping arrangements be considered very carefully before the excursion takes place, and thorough risk assessments be carried out prior to the excursion so that reasonable adjustments can be made to allow the LGBTQI+ learner to participate.
- 10.3 Similarly, sleeping arrangements will have to be considered very carefully before placing a LGBTQI+ learner in a hostel, and while it may be best suited for the LGBTQI+ learner, it is recommended that the sensitivity of the other learners also be taken into account.

11. School functions and the matric dance

- 11.1 It is encouraged that learners be allowed to have dress code preferences of their choice.
- 11.2 Ensure that all learners feel free to bring a partner of their choice to the matric dance, regardless of sexual orientation and gender identity.

12. Single gender schools

- 12.1 The admission policy of a public school is determined by the governing body of such school.
- 12.2 The governing body of a single gender school may admit LGBTQI+ learners and may make provision for their enrolment in its admissions policy.
- 12.3 It is recommended that the school engage in consultation sessions with the parents and learners of the school community to ensure that the decision of the school to include the admission of LGBTQI+ learners reflects the wishes of the majority of the parents and learners.

12.4 It is recommended that schools be fair and objective in this instance and not be swayed by the subjective wishes of a particular group.

12.5 Schools may engage in suitable education campaigns with the parents and learners of the school community to ensure that the decision of the school to include the admission of LGBTQI+ learners is understood by the parents and learners.

13. Safe space

13.1 It is recommended that schools strive to create an environment where LGBTQI+ learners get affirmation that, whatever their sexual orientation and gender identity are, they are respected, valued and deemed part of the normal spectrum of sexual orientations and gender identities.

13.2 We recommend that schools support and acknowledge the establishment of social diversity associations where the celebration of diversity is embraced.

14. Curriculum inclusiveness

14.1 The school environment, curriculum and assemblies can all be used to explore issues of sex, gender, gender identity, homophobia and transphobia, and it is recommended that these topics be explored in subjects such as Life Orientation.

14.2 It is recommended that gender inclusion be integrated in the curriculum, by—

- (a) using lesson plans that will help learners to see, appreciate and understand one another as individuals;
- (b) using lesson plans that will help learners to identify gender stereotyping;
- (c) discussing and practicing ways in which learners can stop gender stereotyping and disparagement in school;
- (d) teaching learners ways to be an ally and to stand up for one another;
- (e) integrating gender topics into the curriculum through story problems, writing prompts, readings, art assignments or music.

14.3 It is important to provide learners with the knowledge, skills, attitudes and values about sexual orientation and gender diversity, and help them to have a clear understanding that sexual orientation and gender diversity are two completely different things. The accompanying social responsibilities in especially the learning area such as Life Orientation, cannot be overemphasised.

15. Training of schools by the Western Cape Education Department to raise awareness

15.1 The Western Cape Education Department (WCED) will provide training to education districts, principals, governing bodies, educators and learners on creating awareness about gender diversity as a key focus area to promote positive attitudes to gender diversity and to include LGBTQI+ learners without discriminating against them.

- 15.2 There will be ongoing professional development to build the skills of staff members to prevent, identify and respond to bullying, harassment and discrimination.
- 15.3 Schools can also enable parents and guardians to play an active role in the sexual education of their children by presenting parent involvement and educational support programmes.
- 15.4 It is important that the school leadership, i.e. the principal, school management team and the Representative Council of Learners, makes an effort to educate the school community about sexual orientation and gender identity rights.

16. Review

This guideline must be reviewed when the need arises or in the case of changed circumstances, such as pronouncements by legislation and/or regulations and budgetary constraints.

Note: *Mphela v Manamela and others* (2016), case no 1/2016, Seshego Magistrates Court, (Equality Court)

In a landmark judgment handed down in March 2017, the Equality Court for the District of Seshego in Limpopo Province, the South African Human Rights Commission instituted proceedings on behalf of a transgender secondary school learner. The case arose from allegations of humiliation and harassment based on the gender identity of the learner that created a hostile and intimidating environment at the school. The learner testified that he identified himself to be a girl, dressed accordingly and used the girls' toilet facilities. He did not complete matric and he further testified that he felt that the school system failed him in acknowledging his personal situation and providing a safe and comfortable environment. The Court held that the principal of the school and the Limpopo Provincial Department of Education were and still are tasked to create a safe, protective, stress-free environment for learners. They are tasked to look after the well-being of the learners and they failed.

The Western Cape Education Department has developed this guideline to sensitise all public schools and school communities to assist in creating an educational environment that does not discriminate directly or indirectly against anyone on one or more grounds, including, gender, sex, sexual orientation, conscience, belief, culture and birth, among others.

PROVINSIALE KENNISGEWING

P.K. 26/2020

23 Maart 2020

**KONSEPRIGLYNE OOR GENDERIDENTITEIT EN
SEKSUELE ORIËNTASIE IN OPENBARE SKOLE VAN DIE
WES-KAAP ONDERWYSDEPARTEMENT**

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1. Woordomskrywings

In hierdie riglyn, het 'n woord of uitdrukking waaraan daar 'n betekenis geheg is, die betekenis wat daaraan geheg is en, tensy dit uit die samehang anders blyk, beteken—

“biseksueel” 'n persoon wat seksueel aangetrokke voel tot mans sowel as vrouens;

“genderieenskappe” die manier waarop 'n persoon sy of haar sosiale identiteit uitdruk as 'n lid van 'n spesifieke geslag deur die gebruik van kleredrag, die dra van prothesis of ander middele;

“genderidentiteit” 'n persoon se siening van en interne gevoel oor hulle gender, wat mag of nie mag ooreenstem met die geslag wat by geboorte aan hulle toegeken is;

“geslagshertoewysing” of **“geslagsbevestigende optredes”** 'n proses wat aangegaan word met die doel om 'n persoon se geslag opnuut aan te wys deur fisiologiese of ander seksuele eienskappe te verander, en wat enige deel van sodanige proses insluit, of stappe gedoen deur 'n lesbiese, gay, biseksuele, transgender, queer of “questioning”, interseksuele (LGBTQI+) persoon om hulle genderidentiteit te bevestig, ingeslote sosiale oorgang, geslagsbevestigende hormoonbehandeling en geslagsbevestigende operasies;

“hermafrodiet” of **“interseksueel”** 'n persoon wat manlike sowel as vroulike seksuele organe het;

“homofobie” 'n vrees vir of afkeer van homoseksuele mense;

“homoseksueel” 'n lesbiër of gay persoon wat seksueel aangetrokke voel tot mense van dieselfde geslag en nie mense van die teenoorgestelde geslag nie;

“lesbiër” 'n vrou wat seksueel aangetrokke voel tot ander vrouens;

“LGBTQI+” lesbies, gay, biseksueel, transgender, queer of “questioning”, interseksueel en sluit ander seksuele identiteite soos panseksueel, aseksueel en omniseksueel in;

“ouer”—

(a) die biologiese of aanneemouer of wettige voog van 'n leerder;

(b) die persoon wat wetlik geregtig is op toesig van 'n leerder; of

(c) die persoon wat onderneem om die verpligtinge van 'n persoon waarna in paragrafe (a) en (b) verwys word teenoor die leerder se onderwys by die skool na te kom;

“queer” 'n oorkoepelende benaming vir lesbiese, gay, biseksuele, transgender en interseksuele persone;

“seksuele oriëntasie” 'n persoon se seksuele identiteit met betrekking tot die gender waartoe hulle aangetrokke voel, die feit dat hulle heteroseksueel, homoseksueel, biseksueel of van enige ander seksuele oriëntasie is;

“transfobie” 'n vrees vir of afkeer van transgenderpersone;

“transgender” 'n persoon wie se siening van persoonlike identiteit en gender nie ooreenstem met hulle geslag by geboorte nie;

“uitdrukking van gender” die manier waarop 'n persoon sy of haar genderidentiteit kenmerkend deur sy of haar voorkoms, kleredrag of gedrag uitdruk.

2. Wetgewende raamwerk

2.1 Die wetgewende raamwerk vir hierdie riglyn is:

- (a) Wet op Verandering van Geslagsbeskrywing en Geslagstatus, 2003 (Wet 49 van 2003);
- (b) Wet op Registrasie van Geboortes en Sterftes, 1992 (Wet 51 van 1992);
- (c) Kinderwet, 2005 (Wet 38 van 2005);

- (d) Grondwet van die Republiek van Suid-Afrika, 1996;
- (e) Wet op Nasionale Onderwysbeleid, 1996 (Wet 27 van 1996);
- (f) Nasionale Gesondheidswet, 2003 (Wet 61 van 2003);
- (g) Wet op Bevordering van Gelykheid en Voorkoming van Onbillike Diskriminasie, 2000 (Wet 4 van 2000);
- (h) Wet op Beskerming van Persoonlike Inligting, 2013 (Wet 4 van 2013)
- (i) Suid-Afrikaanse Skolewet, 1996 (Wet 84 van 1996);
- (j) Wes-Kaapse Provinsiale Wet op Skoolonderwys, 1997 (Wet 12 van 1997).

3. Doel

3.1 Die doel van hierdie riglyn is om—

- (a) 'n opvoedkundige omgewing te skep wat nie direk of indirek teenoor enigiemand op een of meer gronde, ingeslote gender, geslag, seksuele oriëntasie, gewete, geloof, kultuur en geboorte, onder meer, diskrimineer nie;
- (b) 'n opvoedkundige omgewing wat vry van stigma en diskriminasie vir alle leerders in alle openbare skole is, te skep; en
- (c) genderidentiteit en uitdrukking van gender te bevorder.

4. Omvang

Hierdie riglyn is van toepassing op alle openbare skole.

5. Genderidentiteit

5.1 Wanneer 'n leerder sy of haar genderidentiteit en/of seksuele oriëntasie aan die prinsipaal, opvoeder of 'n medeleerder bekend maak, moet die aangeleentheid met groot sensitiwiteit en vertroulikheid hanteer word.

5.1.1 Dit word aanbeveel dat die leerder na 'n maatskaplike werker, sielkundige of enige ander organisasie wat aangeleenthede van hierdie aard hanteer, verwys word om berading en hulp te fasiliteer.

5.1.2 Die prinsipaal mag hierdie proses bestuur en koördineer.

5.1.3 Om vertroulikheid te handhaaf, mag die prinsipaal aan die beheerliggaam verslag doen dat 'n leerder LGBTQI+ is, sonder om noodwendig die leerder se naam of genderidentiteit bekend te maak.

5.1.4 Met die toestemming van die leerder mag die prinsipaal 'n vergadering met die leerder en sy of haar ouer(s) byeenroep om—

- (a) 'n begrip te vorm van die persepsies en verwagtinge van die leerder en sy of haar ouer(s) oor die hantering van die aangeleentheid;
- (b) hulle te voorsien van omvattende inligting oor alle toepaslike dienste wat leiding hieroor gee en wat in die gemeenskap beskikbaar is, en die dienste wat by die skool beskikbaar is;
- (c) duidelik te meld dat ouers 'n versoek mag rig of aansoek mag doen om 'n uitsondering te maak wat die skool se gedragskode betref, waar dit redelik of prakties uitvoerbaar is;

- (d) enige verdere besluite te neem oor, byvoorbeeld—
 - (i) of die aangeleentheid op vertroulike wyse hanteer moet word;
 - (ii) selfuiting en gedrag van die leerder;
 - (iii) die vergunning om vrylik deel te neem aan die skool se buitemuurse aktiwiteite en die gebruik van ander skoolgeriewe, waar dit redelik en prakties uitvoerbaar is.

6. Uitdrukking van gender

- 6.1 'n LGBTQI+-leerder het die reg om die voornaam waarmee hy bekend wil staan by opvoeders, skoolpersoneel en medeleerders te kies, ongeag sy of haar genereienskappe of toegewysde geslag by geboorte.
- 6.2 Die LGBTQI+-leerder sal sy of haar geslagsbeskrywing op die Sentrale Onderwysbestuursinligtingstelsel (SOBIS) behou soos dit op sy of haar geboortesertifikaat verskyn, of waar hy of sy, sy of haar geslagsbeskrywing op sy of haar geboorteregister by die Departement van Binnelandse Sake verander het.

7. Kleredragkode en fisieke voorkoms

- 7.1 Skole word aangemoedig om die kleredragvoorkeure van LGBTQI+-leerders in hulle onderskeie gedragkodes tegemoet te kom en mag genderneutrale skoolklere in gebruik neem. Dieselfde reëls vir dogters mag ook op seuns van toepassing wees, en omgekeerd, waar dit redelik en prakties uitvoerbaar is.
- 7.2 Skole word ook aangemoedig om afwykings van die skool se kleredragbeleid toe te laat op grond van kultuur, mediese en genderdiversiteit. 'n Aansoekbrief wat deur die ouers geteken is, mag by die prinsipaal ingedien word.
- 7.3 Daar word aanbeveel dat netheid en higiëne die onderliggende beginsels van die skool se kleredragkode is en die onus is op ouers en leerders om te verseker dat hulle te alle tye fatsoenlik voorkom.
- 7.4 Die uitsondering in paragraaf 7.1 beoog, beteken nie dat “alles geoorloof” word nie.

8. Deelname aan sport

- 8.1 Leerders van alle seksuele oriëntasies en genderidentiteite mag aangemoedig word om aan skoolsport deel te neem, sonder om afgeknou en geteister te word en sonder diskriminasie. LGBTQI+-leerders mag deelneem aan enige sportkode van hulle keuse. Daar word aanbeveel dat skole LGBTQI+-leerders inlig dat wanneer hulle vordering maak en nasionale of provinsiale kleure verwerf, hulle sal moet voldoen aan die reëls en regulasies wat van toepassing is op die nasionale en provinsiale sportfederasies.
- 8.2 Maak seker dat alle leerders die geleentheid het om fisiek aktief te wees en dat hulle hulle vermoëns en belangstellings in sport kan uitleef.

9. Gebruik van toilet en kleedkamergeriewe

- 9.1 Na oorweging van die veiligheidsmaatreëls en gepaardgaande risiko's mag 'n skool toelaat dat 'n LGBTQI+-leerder die toilette en kleedkamergeriewe waarmee hy of sy die gemaklikste voel, gebruik, maar daar word aanbeveel dat die ander leerders se gevoelens ook in ag geneem word.
- 9.2 'n Skool mag ook voorsiening maak vir 'n unisekstoilet, indien dit redelik en prakties uitvoerbaar is, afhange van hulle beskikbare finansiële hulpbronne en infrastruktuur.

10. Skooluitstappies en koshuise

- 10.1 Omsigtige oorweging en voorbereiding is nodig as 'n LGBTQI+-leerder 'n inwoner van 'n skoolkoshuis is en as 'n LGBTQI+-leerder op 'n skooluitstappie gaan, om te verseker dat 'n LGBTQI+-leerder in geen opsig uitgesluit word nie.
- 10.2 Daar word aanbeveel dat slaapreëlings baie versigtig oorweeg word voordat die uitstappie plaasvind en deeglike risiko-assesserings uitgevoer word vóór die uitstappie sodat redelike aanpassings gemaak kan word om die LGBTQI+-leerder toe te laat om deel te neem.
- 10.3 Op dieselfde wyse sal slaapreëlings baie versigtig oorweeg moet word voordat 'n LGBTQI+-leerder in 'n koshuis geplaas word, en alhoewel dit die beste aan die LGBTQI+-leerder se behoeftes mag voldoen, word daar aanbeveel dat die gevoelens van die ander leerders ook in ag geneem word.

11. Skoolfunksies en die matriekafskeid

- 11.1 Daar word aangemoedig dat leerders toegelaat word om hulle kleredrag volgens voorkeur te kies.
- 11.2 Maak seker dat alle leerders vry is om 'n metgesel van hulle keuse na die matriekafskeid te bring, ongeag seksuele oriëntasie en genderidentiteit.

12. Enkelgeslagskole

- 12.1 Die toelatingsbeleid van 'n openbare skool word deur die beheerliggaam van sodanige skool bepaal.
- 12.2 Die beheerliggaam van 'n enkelgeslagskool mag LGBTQI+-leerders toelaat en mag voorsiening in hulle toelatingsbeleid vir hulle inskrywing maak.
- 12.3 Daar word aanbeveel dat die skool oorlegplegingsessies met die ouers en leerders van die skoolgemeenskap hou om seker te maak dat die besluit van die skool om LGBTQI+-leerders by toelating in te sluit die wense van die meerderheid van die ouers en leerders weerspieël.
- 12.4 Daar word aanbeveel dat skole in hierdie geval regverdig en objektief is en nie deur die subjektiewe wense van 'n besondere groep oorreed word nie.

- 12.5 Skole mag aan toepaslike onderwysveldtogte saam met die ouers en leerders van die skoolgemeenskap deelneem om seker te maak dat die besluit van die skool om LGBTQI+-leerders by toelating in te sluit deur ouers en leerders verstaan word.

13. Veilige hawe

- 13.1 Daar word aanbeveel dat skole daarna strewende om 'n omgewing te skep waar LGBTQI+-leerders versekering kry dat, ongeag hulle seksuele oriëntasie en genderidentiteit, hulle gerespekteer, waardeer en beskou word as deel van die normale spektrum van seksuele oriëntasies en genderidentiteite.
- 13.2 Ons beveel aan dat skole die stigting van sosiale diversiteitsverenigings waar die viering van diversiteit aanvaar word, ondersteun en erken.

14. Kurrikuluminklusiwiteit

- 14.1 Die skoolomgewing, kurrikulum en skoolsaal kan alles gebruik word om kwessies oor geslag, gender, genderidentiteit, homofobie en transfobie te bestudeer, en daar word aanbeveel dat hierdie onderwerp in 'n vak soos Lewensoriëntering bestudeer word.
- 14.2 Daar word aanbeveel dat genderinsluiting by die kurrikulum ingeskakel word deur—
- (a) lesplanne te gebruik wat leerders sal help om mekaar as individue te beskou, waardeer en verstaan;
 - (b) lesplanne te gebruik wat leerders sal help om genderstereotipering te identifiseer;
 - (c) gesprekvoering en beoefening van maniere waarop leerders genderstereotipering en verkleinerings op skool kan staak;
 - (d) leerders te leer hoe hulle bondgenote kan wees en mekaar kan ondersteun;
 - (e) onderwerpe oor gender in die kurrikulum te integreer deur middel van stories wat probleme aanraak, die skryf van aansporings, lektuur, kunstake of musiek.
- 14.3 Dit is belangrik om leerders van die kennis, vaardighede, gesindhede en waardes oor seksuele oriëntasie en genderdiversiteit te voorsien, en hulle te help om goed te verstaan dat seksuele oriëntasie en genderdiversiteit twee heeltemal verskillende dinge is. Die meegaande sosiale verantwoordelikhede in die leerarea soos Lewensoriëntering in die besonder kan nie genoeg beklemtoon word nie.

15. Opleiding van skole deur die Wes-Kaap Onderwysdepartement om bewustheid te kweek

- 15.1 Die Wes-Kaap Onderwysdepartement (WKOD) sal opleiding aan onderwysdistrikte, prinsipale, beheerliggame, opvoeders en leerders voorsien om bewustheid oor genderdiversiteit te kweek as 'n hooffokusarea vir die bevordering van positiewe gesindhede tot genderdiversiteit en die insluiting van LGBTQI+-leerders sonder diskriminasie.

- 15.2 Voortgesette professionele ontwikkeling sal voorsien word om die vaardighede van personeellede op te bou om afknouery, teistering en diskriminasie te voorkom, identifiseer en daarop te reageer.
- 15.3 Skole kan ouers en voogde ook in staat stel om 'n daadwerklike rol in die seksvoorligting van hulle kinders te speel deur ouerbetrokkenheids- en onderrigondersteuningsprogramme aan te bied.
- 15.4 Dit is belangrik dat die leierskap van die skool, d.w.s. die prinsipaal, skoolbestuurspanne en die Verteenwoordigende Raad van Leerders, 'n poging aanwend om die skoolgemeenskap oor seksuele oriëntasie en genderidentiteitsregte op te voed.

16. Oorsig

Hierdie riglyn moet hersien word wanneer nodig of in die geval van veranderde omstandighede, soos verklaar deur wetgewing en/of regulasies en begrotingsbeperkings.

Aantekening: *Mphela v Manamela and others* (2016), saakno. 1/2016, Landdroshof Seshego, (Gelykheidshof)

In 'n mylpaalbeslissing wat in Maart 2017, Distrik Seshego se Gelykheidshof in die Limpopoprovinsie gelewer is, het die Suid-Afrikaanse Menseregtekommissie 'n geding aangegaan ten behoeve van 'n transgender hoërskoolleerder. Die saak het voortgespruit uit aantygings van vernedering en teistering gebaseer op die genderidentiteit van die leerder wat 'n vyandige en intimiderende omgewing by die skool geskep het. Die leerder het getuig dat hy homself as 'n meisie geïdentifiseer het, sodanig aangetrek het en die meisies se toilet gebruik het. Hy het nie matriek klaargemaak nie en het voorts getuig dat hy van mening is dat die skoolstelsel in gebreke gebly het om sy persoonlike omstandighede te erken en 'n veilige en aangename omgewing te voorsien. Die Hof het beslis dat dit die taak van die prinsipaal van die skool en Limpopo se Onderwysdepartement was en steeds is om 'n veilige, beskermde, stresvrye omgewing vir leerders te skep. Hulle taak is om na die welsyn van die leerders om te sien en hulle het hierin misluk.

Die Wes-Kaap Onderwysdepartement het hierdie riglyn ontwikkel om alle openbare skole en skoolgemeenskappe te sensitiseer om te help om 'n onderwysomgewing te skep wat nie direk of indirek teen enigiemand op een of meer gronde, ingeslote gender, geslag, seksuele oriëntasie, gewetensake, geloof, kultuur en geboorte, onder meer, diskrimineer nie.

ISAZISO SEPHONDO

I.S. 26/2020

23 kweyoKwindla 2020

**ISIKHOKELO ESIYIDRAFTI ESIMALUNGA NOKUZAZI
NOKUZICHAZA NGOKWESINI, NOKUZAZI
NOKUBANOMDLA WOKWABELANA NGESONDO NESINI
ESITHILE KWIZIKOLO ZIKARHULUMENTE ZESEBE
LEMFUNDO LENTSHONA KOLONI**

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1. **Iingcaciso-magama**

Kwesi sikhokelo naliphi na igama okanye ibinzana-magama (*expression*) elinikwe intsingiselo, liya kuba naloo ntsingiselo liyinikeziweyo apha ngezantsi, ngaphandle kokuba umxholo walatha okunye —

“ukubanezini ezibini” kuthetha umntu onomdla ngokwezesondo kumadododa nakubafazi;

“iimpawu zesini” kuthetha indlela umntu azibonakalisa ngayo ukuba usesiphi na isini okanye ukuzichaza kwakhe ekuhlaleni njengelungu lesini esithile ngokusebenzisa udidi lwesinxibo esithile, ngokunxiba into ethile ebonisa okuthile okanye enenye intsingiselo;

“ukuzibonakalisa isini osiso” kuthetha indlela umntu azibonakalisa ngayo ukuba uzazi esesiphi na isini ngokwesiqhelo ngendlela abonakala ngayo, indlela yokunxiba, nesimo sokuziphatha;

“ukuzazi nokuzichaza ngokwesini” kuthetha uluvo lomntu nemvakalelo yakhe yangaphakathi ngesini sakhe, nenako ukungqinelana okanye ukungangqinelani nesini asiso ngokokuzalwa;

“ukutshintshwa kwesini (*gender reassignment*)” okanye **“izenzo zokuqinisekisa isini”** kuthetha inkqubo eyenziwa ngenjongo yokutshintsha isini somntu ngokutshintsha iimpawu zomzimba okanye ezesini zomntu (*physiological or other sexual characteristics*), yaye oko kuquka nayiphi na inxenye yenkqubo elolu hlobo, amanyathelo athathwayo ngamabhinqa athandana namanye amabhinqa, amadoda athandana namanye amadoda, abantu abanazo zozibini izini, abantu abazazi nabazichaza ngokwesini sabo esingangqinelaniyo neso bazelwe besiso, abantu abangaqhelekanga okanye ababuzisa imibuzo ngesini abasiso, abasini singenakuchazwa ngokuthi bangamabhinqa okanye bangamadoda. (*lesbian, gay, bisexual, transgender, queer or questioning, intersex (LGBTQI)*) abazicacisayo ngokwesini kuquka notshintsho ngokwasentlalweni (*social transition*), unyango lokukhuthaza ukuveliswa kwehomoni zesini esithile ngumzimba (*gender affirming hormone treatment*) neendidi zotyando oluchaphazela ezesini (*gender affirming surgeries*);

“italasi” okanye **“abasini singenakuchazwa ngokuba bangamabhinqa okanye bangamadoda *“intersex”*** kuthethwa umntu onawo amabini amalungu angasese esini obudoda nawobubhinqa (*male and female sex organs*);

“ihomofobhiya” uloyiko okanye intiyo yabantu abathandana nesini esifana nesabo;

“umntu othandana nesini esifana nesakhe (*homosexual*)” kuthetha umntu obhinqileyo okanye oyindoda onomdla kubantu abasini sifana nesakhe nangenawo kubantu abasini sichasene nesabo;

“umntu oyilezibhiyeni (*lesbian*)” kuthetha olibhinqa onomdla ngokwezesondo namanye amabhinqa;

“I-LGBTQI+” kuthetha: *lesbian, gay, bisexual, transgender, queer or questioning, and intersex*; yaye kubandakanywa nezinye iindidi ezimalunga nokuzichaza ngokwesini nokwabelana ngesondo (*sexual identities*) ezifana nabantu abanomdla nabakhetha ukwabelana ngesondo naso nasiphi na isini (*pansexual*), abanomdla kwesinye isini kodwa bengenawo owokwabelana ngesondo nabo (*asexual*) nabantu abanomdla wokwabelana ngezondo nazo zonke izini (*omnisexual*);

“umzali” kuthetha —

- (a) umzali womfundi ngokuzalwa okanye umzali othathela kuye umntwana okanye umgcini osemthethweni womfundi;
- (b) umntu onelungelo lomfundi ngokomthetho okanye
- (c) umntu othathela kuye uxanduva lokuzalisekisa imisebenzi eyimfanelo yomntu ekubhekiswa kuye kwimihlathi (a) no-(b) ngokubhekiselele kwimfundo yomfundi osesikolweni;

“abangaqhelekanga (*queer*)” ligama elibhekisa kubantu abazi-*lesbian, gay, bisexual, transgender and intersex persons*;

“ukuzazi nokubanomdla wokwabelana ngesondo nesini esithile” kuthetha ukuzichaza komntu ngokwesini ngokumalunga nokubanomdla kwisini esithile, nokuba umntu engothandana nomntu wesini esahlukileyo, nothandana nomntu wesini esifana nesakhe, abathandana nezini zozibini okanye nabuphi na ubume bokubanomdla wokwabelana ngesondo nesini esithile;

“iitransjenda (*transgender*)” kuthetha abantu abazazi nabazichaza ngokwesini sabo esingangqinelaniyo neso bazelwe besiso

“iitransfobhiya” kuthetha uloyiko okanye intiyo ngakubantu abazazi nabazichaza ngokwesini sabo esingangqinelanisiyo neso bazelwe besiso;

2. Isikhokelo semithetho esebenzayo

2.1 Kusetyenziswe le mithetho ilandelayo kwesi sikhokelo:

- (a) UMthetho i-*Alteration of Sex Description and Sex Status Act, 2003 (Act 49 of 2003)*
- (b) UMthetho i-*Births and Deaths Registration Act, 1992 (Act 51 of 1992)*;
- (c) UMthetho i-*Children’s Act, 2005 (Act 38 of 2005)*
- (d) UMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996;
- (e) UMthetho woMgaqo-nkqubo weMfundo kaZwelonke, 1966 (uMthetho 27 ka-1996)
- (f) UMthetho i-*National Health Act, 2003 (Act 61 of 2003)*;
- (g) *UMthetho i-The Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000; (Act 4 of 2000)*;
- (h) *UMthetho i-Protection of Personal Information Act, 2013 (Act 4 of 2013)*;
- (i) Umthetho weZikolo zaseMzantsi Afrika, 1996 (uMthetho 84 ka-1996) (*South African Schools Act, 1996 (Act 84 of 1996)*),
- (j) UMthetho weMfundo weZikolo zePhondo leNtshona Koloni, 1997, (uMthetho 12 1997)

3. Injongo

3.1 Injongo yesi sikhokelo—

- (a) kukudala indawo engqonde ukufunda engenalo ubandlululo ngokuthe ngqo nangokungathanga ngqo ngakuye nabani na ngenxa yesizathu esithile okanye izizathu ezininzi, kuqukwa isini, ezesondo, nokuzazi nokuba nomdla wokwabelana ngesondo nesini esithile, isazela, inkolelo, inkcubeko nokuzalwa, phakathi kwezinye izinto;
- (b) ukudala indawo engqonge ukufunda ekungabekwana bala nekungekho lubandlululo kuyo ukwenzela bonke abafundi abakwizikolo zikarhulumente eziqhelekileyo, kunye
- (c) nokukhuthaza ukuzazi nokuzichaza ngokwesini nendlela yokuzibonakalisa ukuba uzazi usesiphi na isini

4. Umhlaba oza kufikelelwa

Esi sikhokelo sisebenza kuzo zonke izikolo zikarhulumente

5. Ukuzazi nokuzichaza ngokwesini

- 5.1 Xa umfundi echaza ukuzazi nokuzichaza ngokwesini kunye/okanye nokuzazi nokubanomdla wokwabelana ngesondo nesini esithile, kutitshala okanye komnye umfundi, lo mbandela mawuphathwe ngovakalelo ngokuyimfihlo ngokugqithisileyo.
- 5.1.1 Kukhuthazwa ukuba umfundi agqithiselwe kunontlalontle, kwisayikholoji, okanye kulo naliphi na iziko elijongene nemibandela elolu hlobo ukwenzela ukuba liququzelele ukuba anikwe iingcebiso noncedo umfundi.
- 5.1.2 Inqununu inokuyisingatha yaye iyiququzelele le nkqubo.
- 5.1.3 Ukwenzela ukuwugcina uyimfihlo lo mbandela, inqununu inokunika ingxelo kwibhunga lolawulo lesikolo ngokuba umfundi uyi-LGBTQI+, kungakhange kubhengezwe elubala igama lomfundi okanye ukuzazi kwakhe isini sakhe.
- 5.1.4 Ngemvume yomfundi, inqununu inokubiza intlanganiso nomfundi kunye nomzali (nabazali bakhe) wakhe —
- (a) ukuqonda ngeembono nezinto ezilindelwe ngumfundi nomzali wakhe (nabazali bakhe) xa kusingethwe lo mbandela;
 - (b) ukubanika ingcaciso eneenkcukacha ezininzi ngokumalunga neenkonzo zeengcebiso ezifanelekileyo ezifumanekayo kubahlali neenkonzo ezifumanekayo esikolweni;
 - (c) necacisa gca ukuba abazali banokucela okanye bafake isicelo sokuba benzelwe umnyinyiva kumgaqo wokuziphatha wesikolo apho kukho izizathu ezivakalayo okanye kunokwenzeka oku;
 - (d) ukuthathwa kwezigqibo ezizezinye, umzekelo malunga—
 - (i) nokuba ngaba umbandela mawuqwalaselwe ngokuyimfihlo;
 - (ii) nokuzibonakalisa kwakhe siqu nokuziphatha kwakhe ngokunjalo umfundi;
 - (iii) nokuvumela inkululeko yokuthatha inxaxheba, apho kukho izizathu ezivakalayo yaye kunako ukwenzeka oku, kwimisebenzi yesikolo eyenziwa emva kweyokufunda nokusetyenziswa kwezinye iifasilithi zesikolo.

6. Indlela osibonakalisa ngayo isini ozazi usiso

- 6.1 Umfundi oyi-LGBTQI+ unelungelo lokukhetha igama lokuqala afuna ukwaziwa ngalo kootitshala, kubasebenzi besikolo nakubafundi abangabahlobo, kungajongwanga iimpawu zesini sakhe okanye isini asinikwe ekuzalweni kwakhe.
- 6.2 Umfundi oyi-LGBTQI+ uya kuhlala naloo nkcazo ingesini sakhe (*sex description*) ikwi-Central Education Management Information System (CEMIS) njengoko ivelayo kwisatifikethi sokuzalwa sakhe okanye apho athe wayitshintsha inkcazo yesini sakhe kwirejista yokuzalwa kwakhe kwiSebe leMicimbi yezeKhaya (*Department of Home Affairs*).

7. Indlela yokunxiba nembonakalo yomzimba

- 7.1 Kukhuthazwa izikolo zenze amalungiselelo eendlela zezinxibo ezinokukhethwa ngabafundi abazii-*LGBTQI+* ngokumalunga neendlela zokuziphatha yaye izikolo zinokuqalisa iiyunifom ezilungiselela zonke iindidi zesini (*gender neutral uniforms*). Imigaqo efanayo esebenza kumantombazana, inokusebenza nakumakhwenkwe ngokutshintshanayo (vice versa), apho kukho izizathu ezivakalayo nalapho kunako ukwenzeka oku.
- 7.2 Kukhuthazwa izikolo ukuba zikuvumele ukutenxa kumgaqo-nkqubo weyunifom yesikolo ngenxa yezizathu zeyantlukwano ngokwenkcubeko, ngokwezonyango nangokwesini. Ileta yesicelo esayinwe ngabazali inokungeniswa kwinqununu.
- 7.3 Kucetyiswa ukuba ukubukeka nococeko makube yimigqaliselo esisiseko yendlela yokunxiba yesikolo yaye luxanduva lwabazali nabafundi ukuqinisekisa ukuba abafundi bahlala befanelekile yaye bebukeka ngawo onke amaxesha.
- 7.4 Ukutenxa okuchatshazelwe kumhlathi 7.1 akuthethi kuthi “makwenziwe nantoni na”.

8. Ukuthatha inxaxheba kwezemidlalo

- 8.1 Abafundi abazaziyo ukuba banomdla wokwabelana ngesondo nesini esithile banokukhuthazwa bathathe inxaxheba kwimidlalo yesikolo, apho abafundi bangaxhatshazwayo (*bullying*), bahlukunyezwe okanye babandlulululwe. Abafundi abazii-*LGBTQI+* banako ukuthatha inxaxheba kuzo naziphi na iindidi zemidlalo abazikhethayo. Kucetyiswa ukuba izikolo zibazise abafundi abazii-*LGBTQI+* ukuba bathe bagqithela ekubeni bafumane imibala yephondo okanye kazwelonke (*national or provincial colours*), kuya kufuneka bayilandele mbo imigaqo nemimiselo esebenzayo kwiimanyano zezemidlalo.
- 8.2 Makuqinisekiswa ukuba bonke abafundi banethuba lokwenza imithambo yaye banako ukuveza izakhono zabo kwezemidlalo nakwizinto abanomdla kuzo.

9. Ukusetyenziswa kweethoyilethi neefasilithi ezingamagumbi okutshintshela

- 9.1 Kuthathelwe ingqalelo imiqathango yokhuseleko nemingcipheko emalunga noko, isikolo sinako ukumvumela umfundi oyi-*LGBTQI+* asebenzise iithoyilethi neefasilithi zamagumbi okutshintshela amenza azive ekhululekile ubukhulu becala, kodwa kucetyiswa ukuba zithathelwe ingqalelo iimvakalelo zabanye abafundi.
- 9.2 Isikolo sinako ukwenza amalungiselelo eethoyilethi ezilungele zonke izini (*unisex toilet*), ukuba kunokwenzeka ngezizathu ezamkelekileyo, ngokuxhomekeke ekufumanekeni kwezibonelelo zezemali neziseko zophuhliso.

10. Iihambo zesikolo zokufunda neehostele

- 10.1 Kuyimfuneko ukuba kuthathelwe ingqalelo yaye kwenziwe amalungiselelo oko apho kukho umfundi oyi-*LGBTQI+* ohlala kwihostele othatha uhambo lwesikolo lokufunda, ukuqinisekisa ukuba umfundi oyi-*LGBTQI+* akakhutshelwa ngaphandle nangayiphi na indlela.
- 10.2 Kucetyiswa ukuba amalungiselelo endawo yokulala athathelwe ingqalelo ngobulumko phambi kokuba kuqhubeka uhambo lwesikolo lokufunda, yaye makuvavanywe imingcipheko yoku phambi kohambo lwesikolo lokufunda ukwenzela ukuba kwenziwe utshintsho olwamkelekileyo ukuvumela umfundi oyi-*LGBTQI+* athathe inxaxheba.
- 10.3 Ngokufanayo, amalungiselelo okulala kuya kufuneka athathelwe ingqalelo ngobulumko phambi kokufaka umfundi oyi-*LGBTQI+* ehostele, yaye lo gama oku kunokumlungela umfundi, iimvakelelo zabanye abafundi nazo mazithathelwe ingqalelo.

11. Amatheko esikolo netheko lomdaniso wematriki

- 11.1 Kukhuthazwa ukuba abafundi bavunyelwe ukuba bazikhethetele iindidi zezinxibo abazithandayo.
- 11.2 Makuqinisekiswa bonke abafundi baziva bekhululekile ukuba beze namaqabane abawakhethileyo kumdaniso wematriki, kungajongwanga ukuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesinye isini.

12. Izikolo zesini esinye

- 12.1 Umgaqo-nkqubo wokwamkelwa kwabafundi kwisikolo sikarhulumente umiselwa libhunga lolawulo lesikolo.
- 12.2 Ibhunga lolawulo lesikolo sesini esinye (*single gender school*) linokubamkela abafundi abazii-*LGBTQI+* yaye kwenziwe amalungiselelo okubhaliswa kwabo kumgaqo-nkqubo wokwamkelwa kwabafundi.
- 12.3 Kucetyiswa ukuba isikolo siqhube iiseshoni zothetha-thethwano nabazali nabafundi abasesikolweni ukuqinisekisa ukuba isigqibo sesikolo sokubandakanya ukwamkelwa kwabafundi abazii-*LGBTQI+* sibonisa iminqweno yabazali nabafundi abaninzi.
- 12.4 Kucetyiswa ukuba izikolo zibe nobulungisa yaye zingathathi cala kule meko yaye azinakukelela ekufezekiseni iminqweno yeqela elithile.
- 12.5 Isikolo simele ukuqhuba amaphulo ezemfundo afanelekileyo nabazali nabafundi abasesikolweni ukuqinisekisa ukuba isigqibo sesikolo sokubandakanya ukwamkelwa kwabafundi abazii-*LGBTQI+* siyaqondwa ngabazali abaninzi.

13. Indawo ekhuselekileyo

- 13.1 Kucetyiswa ukuba izikolo mazizondelele ukudala indawo engqonge ukufunda apho abafundi abazii-*LGBTQI+* bafumana ingqinisekiso yokuba, nokuba yeyiphi na imeko yokuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesinye isini, bayahlonitshwa, banexabiso yaye bathathwa njengabantu abaqhelekileyo kwimeko yokuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesinye isini.
- 13.2 Sicebisa ukuba izikolo zikunike inkxaso yaye zikwamkele ukusekwa kwe-*Diversity Social Associations* apho kwamkelekileyo ukubhiyozelwa kweyantlukwano.

14. Ukubandakanyeka kwabo bonke abafundi kwikharithulam

- 14.1 Indawo engqonge isikolo, ikharithulam neendibano zabafundi zinokusetyenziswa ekuphononogeni imiba yokwabelana ngezesondo, imeko yokuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesinye isini, intiyo yesini esichasene nesakho (*homophobia*) nentiyo yabantu abaziva besisini esichasene nesabo (*transphobia*), yaye kucetyiswa ukuba ezi zihloko maziphononongwe kwizifundo soLwazi ngezoBom (*Life Orientation*).
- 14.2 Kucetyiswa ukuba ukubandakanywa kwazo zonke izini makuhlanganiswe kwikharithulam—
- (a) ngokusebenzisa izicwangciso zezifundo eziya kunceda abafundi babone, bancome yaye baqondane omnye nomnye njengabantu abangabodwa;
 - (b) ngokusebenzisa izicwangciso zezifundo eziya kunceda abafundi baqaphele iimbono ezisoloko zisetyenziswa njalo ukukhethela bucala nokunyelisa abanye kwezesini;
 - (c) ngokuxoxa nokuziqhelanisa neendlela apho abafundi abanako ukuphelisa ezo mbono zisoloko zisetyenziswa njalo kwezesini ukukhethela bucala nokunyelisa abanye.
 - (d) ngokufundisa abafundi iindlela zokuncedisana nokusekelana omnye nomnye;
 - (e) ngokuhlanganisa izihloko zezesini kwikharithulam ngamabali eengxaki ezithile (*story problems*), izinto ezikhuthaza ukuba kubhalwe, izinto emazifundwe, ii-asayimenti zobugcisa okanye umculo.
- 14.3 Kubalulekile ukubonelela abafundi ngolwazi, izakhono, iindlela zokucinga neemfundiso ezisisiseko malunga nobume beyantlukwano yokuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesini esithile, nokubanceda baqonde ngokucacileyo ukuba imeko yokuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesini esithile, zizinto ezimbini ezahlukileyo ngokupheleleyo. Imele ukugxininiswa ngokungaphezulu imisebenzi eluxanduva ekuhlaleni ehamba noku ngakumbi kwiinkalo zokufunda ezifana neSifundo soLwazi ngezoBomi (*Life Orientation*).

15. Ukuqeqeshwa kwezikolo liSebe leMfundo leNtshona Koloni ukukhuthaza ukubanolwazi

- 15.1 ISebe leMfundo leNtshona Koloni (*WCED*) liya kubonelela ngoqeqesho kwizithili zemfundo, kwiinqununu, kumabhunga olawulo, kootitshala nakubafundi olungokukhuthaza ukubanolwazi ngeyantlukwano malunga nokuzichaza nokuzazi ngokwesini njengeenkalo emakugxilwe kuzo ukukhuthaza iindlela zokucinga ezinika ithemba malunga neyantlukwano kwezesini nokubandakanya abafundi abazii-*LGBTQI+* yaye bengakhange bachaswe ngokucalulwa.
- 15.2 Kuya kubakho uphuhliso lootitshala oluqhubeka okoko ukuphucula izakhono zabasebenzi ukuthintela, ukuqaphela nokuza nezisombululo zokuphelisa ukuxhatshazwa, ukhlukunyezwa nokubandlululwa kwabafundi.
- 15.3 Izikolo zinokwenza abazali nabagcini babafundi badlale indima ebonakalayo kwimfundo ngezesini nokwabelana ngesondo kubantwana babo ngokuqhuba iiprogram ezinika inkxaso zemfundo apho abazali baya kuthi bazibandakanye kuzo.
- 15.4 Kubalulekile ukuba iinkokheli zesikolo oko kukuthi iinqununu, iikomiti zolawulo zesikolo nebhunga elimele abafundi, benze iinzame zokufundisa abahlali besikolo ngamalungelo okuzazi nokuzichaza kwabo ngokwesini, nokuzazi nokubanomdla wokwabelana ngesondo nesini esithile.

16. Ukujongiswa kwesikhokelo

Esi sikhokelo masijongiswe xa kukho imfuneko yoko okanye xa zitshintshile iimeko ezifana notshintsho kwimithetho kunye/okanye kwimimiselo nakwizithintelo zebhajethi.

Makuqatshelwe: *UMphela v Manamela nabanye (2016), ityala 1/2016, kwiNkundla kaMantyi eSeshego, (Equality Court)*

Kwisigwebo esawiswa ngoMatshi 2017 kwiNkundla i-Equality Court yeSithili saseSeshego kwiPhondo laseLimpopo, i-South African Human Rights Commission yaqalisa ukuxoxwa kwetyala egameni lomfundi wasesekondari ozazi nozichaza ngokwesini sakhe esingangqinelaniyo neso azelwe esiso. . Eli tyala libangelwe zizityholo zokunyeliswa nokuhlukunyezwa okususelwa ekuzazini nasekuzichazeni isini sakhe umfundi okubangele indawo engqonge ukufunda kuye ibe yenentiyo nezoyikiso. Umfundi wanika ubungqina bokuba uzichaza yena ngokwakhe njengentombazana, anxibe ngokufanelekileyo yaye usebenzisa iifasilithi ezizithoyilethi zamantombazana. Akazange ayigqibe imatriki yaye wanika ubungqina obungaphezulu bokuba waqonda ukuba inkqubo yesikolo isilele yaye ayikwazanga ukuyamkela imeko yobume bakhe yaye imbonelele ngendawo ekhuselekileyo nemphatha kakuhle esikolweni. Inkundla yabanoluvo lokuba inqununu yesikolo neSebe leMfundo lePhondo laseLimpopo lalinawo, linawo yaye yaye lisaya kubanawo umsebenzi wokudala indawo ekhusekileyo nengenaluxinzelelo kubafundi. Umsebenzi wabo abawunikiweyo kukunonophela impilo qete yabafundi kodwa basilele ababinako ukwenza oko.

ISebe leMfundo leNtshona Koloni liqulunqe esi sikhokelo ukuzazisa nokuzikhuthaza zonke izikolo zikarhulumente nabahlali bezikolo bancedise ekudaleni indawo engqonge ukufunda engenalucalulo ngokuthe ngqo nangokungathanga ngqo ngakuye nabani na okanye ngenxa yesizathu okanye yezizathu ezingaphezulu, kuqukwa phakathi kwezinye izinto isini, ukwabelana ngesondo, ukuzazi nokubanomdla wokwabelana ngesondo nesini esithile, isazela, inkolelo, inkcubeko nokuzalwa.