

Collective of Women, Queer Groups Suggests Measures to Strengthen Draft Education Policy

The collective suggested recommendations after looking at the policy from the lens of gender and sexuality, especially for marginalised communities.

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New Delhi: Special incentives for girls to study sciences and mathematics at the senior secondary level, reservations for transgender persons and provisions for children with learning disabilities are among some of the recommendations made by a collective of groups to the draft National Education policy released by the Centre.

The collective, which includes women's groups, queer groups, NGOs, students and academics working in the field of gender, sexuality and education, has drafted several recommendations that it hopes will be incorporated by the Centre.

Signatories of the recommendations include executives from organisations such as SAATHII, The YP Foundation, TARSHI, Nazariya; research fellows from VIDHI Centre for Legal Policy and students from Pune University and Delhi University.

The draft policy has been commended by the collective for addressing the issue of early childhood education, especially the timely recommendation of making years 3 to 8 as a foundational stage. "This becomes critical as early education and experiences are the most formative in a child's life, and a holistic pre-school education continues well beyond traditional schooling years," the collective said.

The policy has also been praised for upholding the Supreme Court's 2014 directives around transgender inclusion in education.

They added:

“The policy has taken cognizance of many children who continue to dropout at different levels, and the even more serious problem of enrolled children not attending school regularly.”

Looking at the policy from the lens of gender and sexuality, especially for the most marginalised communities, the collective suggested recommendations to strengthen it. “We feel that gender and sexuality related rights could only be ensured if there is a larger enabling environment, in which diversity of thought and practices are respected,” it said.

The full list of recommendations has been reproduced below.

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We, a collective of women’s groups, queer groups, NGOs, students, and academics working in the field of gender, sexuality and education, across India strongly recommend and reiterate that for all the recommendations given here, the policy and thereafter, the Government of India and State Governments must ensure that there is a proactive strengthening of democracy within educational institutions. The right to expression, liberty, equality and diversity are rights enshrined in the Constitution of India. We welcome that the DNEP 2019 as it states that it will promote constitutional values in education. However, for the implementation of this objective, changes in the content of the curriculum will not suffice. Constitutional values must be protected in the processes and institutional structures of schools and higher education bodies.

We commend the policy for introducing the following provisions:

DNEP 2019 addresses the issue of early childhood education, especially the timely recommendation of making Years 3 to 8 as a foundational stage. This becomes critical as early education and experiences are the most formative in a child’s life, and a holistic pre-school education continues well beyond traditional schooling years.

It is the first policy to uphold the Honourable Supreme Court’s 2014 directives around transgender inclusion in education.

The policy has taken cognizance of many children who continue to dropout at different levels, and the even more serious problem of enrolled children not attending school regularly.

It seeks to strengthen departments/ centres of education at universities.

Having said this, the subsequent list of recommendations is laid down to strengthen the DNEP 2019 from the lens of gender and sexuality, especially for the most marginalised communities. We feel that gender and sexuality related rights could only be ensured if there is a larger enabling environment, in which diversity of thought and practices are respected. These, we feel, would be critical in developing a robust educational policy for the country, which would address the fundamental intersectionalities that individuals and communities face in their lives.

At the outset, we would like to lay down our understanding of several pertinent terms being used throughout the policy document, based on our collective experiences in the field of gender and sexualit

1) Gender:

World Health Organisation in 2002 (WHO) gave the definition of gender as “[...] the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed. While most people are born either male or female, they are taught appropriate norms and behaviours’ – including how they should interact with others of the same or opposite sex within households, communities and work places. When individuals or groups do not “fit” established gender norms they often face stigma, discriminatory practices or social exclusion [...]. It is important to be sensitive to different identities that do not necessarily fit into binary male or female sex categories.”

Gender as a cross-cutting concept: As we see from the WHO definition above, gender is an all-pervasive intersectional experience, which every adult and child goes through. However, DNEP 2019 does include gender-related themes and provisions across teaching learning curriculum, foundational literacy and

numeracy, teacher' trainings, teacher' recruitments et cetera; a closer look at the policy doesn't provide gender as a cross-cutting concept. The policy has to recognize that gender is not just a women and girls' issue, it also pertains to boys, men, Lesbian Gay Bisexual communities, transgender communities, those with intersex variations, and those living with disabilities.

Thus, we recommend that gender be integrated, especially in the following aspects:

a) Gender and Girls

DNEP 2019 Chapter 4 – Curriculum and Pedagogy in School, P.4.6.1 recognizes the need to build scientific temper and evidence-based thinking throughout the curriculum. We know historically, that there is gap between genders and the low numbers of women in Science, Technology, Engineering and Mathematics (STEM) research and higher education. UNESCO corroborates this when it says that globally, less than 30% of the world researchers' are women. NITI 2016-17 also mentions that in the year 2015-16, only 9.3% female students enrolled in Engineering and Technology for an under graduate degree, as compared to 15.9% male students. The encouragement to pursue science and maths is mostly for the boys, and the discrimination begins at the secondary level.

As schools tend to become the sites of gender-power relations, and a site where labelling and discrimination take place against girls in general, along with those who belong to categories such as scheduled caste girls, rural girls, tribal girls and girls with physical or mental disabilities, further marginalisation occurs within schools.

Thus, special incentives for girls to study Sciences and Mathematics at the senior secondary level are required. These subjects must be made available in girls' schools; along with infrastructural facilities like laboratories and other resources, especially where girls from marginalized communities (for example: Tribals, Dalits, religious minorities or those with disabilities) study.

With reference to DNEP 2019, Addendum 1- Financing, A1.4.4 there is a need for enhanced budgetary provisions and planning to augment the level of physical education, health education, and sports facilities for girls across socio-political categories.

With reference to DNEP 2019 Chapter 6, Equitable and Inclusive Education, all teachers and educational administrators need to adhere to the constitutional mandate of non-discrimination. Any violation of this in practice has to lead to action – either through administrative channels, or through the justice system. Sexual abuse of boys and girls inside schools, verbal abuse using caste/community slurs; physical abuse in the form of corporal punishment; exclusion from touching water sources or during meal times, and other such, need to be brought into a code that is prominently displayed in all schools / colleges / universities. Phone numbers should accompany this public display of a code / address for complaints, and students should be provided the opportunity to register complaints in confidence.

The impetus on digital literacy is crucial in the current times. However, just like other public spaces, online and digital spaces should be seen from a gender perspective, where these spaces remain inaccessible and unsafe when accessed by girls from marginalised and vulnerable communities. They are also designed without cognisance of gendered vulnerabilities for women and gender and sexually non-conforming persons (including LGBT*QIA+).

Digital learning curricula should necessarily include aspects of gender responsive teaching learning processes, gender bias within digital spaces, cyber safety, privacy and digital rights. The DNEP 2019, Chapter 18 Technology in Education, P.19.6.1, National Repository of Education proposal to build a data bank should be removed in accordance with the constitutional values of dignity and privacy whereby the honourable Supreme Court has declared privacy as a fundamental right of Indian citizen protected by the Constitution as being intrinsic to right to life and personal liberty in Article 21 and enunciated in the Personal Data Protection Bill, 2018. Similarly, as per DNEP 2019 Chapter 6, Equitable and Inclusive Education, P.6.7.1 the national register on

transgender children must be abandoned, as it may lead to a detrimental labelling of children at a young age.

b) Gender and LGBT*QIA+

Gender and sexual identities are not pre-determined. Children continue to discover their gender and sexual identities through their adolescence and youth. An inclusive school environment should not fix behaviour into set gender and sexuality labels. It should enable healthy expression without stigmatising behaviour, which does not conform to existing oppressive norms.

The policy document conflates the definition of transgender persons and persons with intersex variations, who may or may not identify as transgender. This conflation is harmful for both groups. “Transgender Person” means a person whose gender does not match with the gender assigned to that person at birth and includes trans-men, trans-women (whether or not they have undergone sex reassignment surgery, or hormone therapy, or laser therapy et cetera), gender-queers and a number of socio-cultural identities such as – kinnars, hijras, aravanis, jogtas et cetera. A transgender person should have the option to choose either ‘man’, ‘woman’ or ‘transgender’, as well as have the right to choose any of the options independent of surgery/ hormones.” Intersex, on the other hand, refers to persons with variations that are congenital differences in reproductive parts and/or secondary sexual characteristics, and/or variations invisible to the eye such as chromosomal and/or hormonal differences. We choose to say persons with intersex “variations”, as against intersex “conditions”, to emphasize variations in bodies without pathologizing them.

The DNEP’s section on transgender children (DNEP 2019 Chapter 6, Equitable and Inclusive Education, section 6.7, pp 153) is a welcome step, but should be phrased in broader terms to refer to all children who may not identify with or express themselves in accordance with the gender assigned at birth. ‘Transgender children’ is an insufficient descriptor: it would be preferable to change it to “transgender and gender non-conforming children”, an inclusive category adopted by the Ministry of Social Justice and Empowerments 2014 report of the Transgender Experts Committee.

Post the Supreme Court's decision in NALSA vs. Union of India (2014), both gender identity and gender expressions are constitutionally protected. The DNEP 2019 should recognise this and identify measures or strategies to ensure a conducive atmosphere in schools for children who may not identify with the gender assigned at birth, or who may express gender in ways different from the gender assigned at birth. In this regard, teacher training and revision of school curricula are essential.

NALSA's directive of reservations for transgender persons in education should be implemented. However, this should proceed on the basis of extensive consultations with the community.

The Supreme Court in a landmark judgement on 6th September 2018 decriminalised homosexuality and affirmed the identities and choices of lesbian, gay, bisexual and transgender persons and enshrined their right to sexuality and privacy in law. The policy must take this into cognisance and ensure there is no discrimination and bullying against students, teachers or any other staff on the basis of sexual orientation and gender identity by actively enacting no discrimination and anti-bullying rules. Thus, the education systems should be made inclusive of individuals who don't conform to the binaries of gender and sexuality, and belong to a much larger diverse society.

Additionally, it is recommended that safety of intersex, transgender, and gender-non conforming students should also be viewed within the schools, and not just outside school. A report by UNESCO of a survey conducted in Tamil Nadu notes that respondents who identified as transgender said that they were mostly victims of physical harassment; 60% of them said they were physically harassed in middle/high school and 50% in upper secondary school, respectively, while 43% said they were sexually harassed in elementary school. However, only 18% of the participants reported incidents of bullying to school authorities. Further, the report notes that the consequences of the intimidation were quite harsh: 73% had reduced social interactions with their peers; 70% suffered from anxiety and depression; 70% said they lost concentration in the studies; 63% reported a lower academic performance; and 53% reported having skipped classes. About a third (33.2%) said that bullying played a key role in the suspension

of school. This is in congruence with another 2013-14 qualitative study by Surabhi Shukla which found that gender non-conforming students are labelled as gay, lesbian or transgender and are bullied verbally, physically, sexually and relationally by students, teachers and administrators, regardless of their actual sexual orientation. Bullied students reported to being isolated, depressed, showed a fall in grades and educational aspiration, suicidal ideation, and increased absenteeism.

c) Gender and Disability:

The DNEP 2019 should ensure the transport for children with disability, in order to facilitate access. DNEP 2019 Chapter 6, Equitable and Inclusive Education, Section P.6.8.5 should refer to individualized education programmes for children with learning disabilities. The policy should make explicit provisions for children, especially for girls from marginalised communities with learning disabilities who may have special needs.

The DNEP 2019 should be careful in proposing home-based schooling for persons with disability since, in practice, such provisions are always used as a means to deny admissions to regular schools. Home-based schooling should not be at the cost of inclusive education.

2) Comprehensive Sexuality Education (CSE):

Evidence has shown that Comprehensive Sexuality Education that is scientifically accurate, culture and age appropriate, gender sensitive and life skills based, can provide young people with the knowledge, skills and efficacy to make informed decisions about their sexuality and lifestyle. Research points to the fact that CSE can effectively delay sex among young people, even as it increases condom and overall contraceptive use among sexually active youth. Scholarly research during the last two decades has also shown that sexuality education does not increase rates of sexual activity among teenagers, but does increase knowledge about sexual behaviour and its consequences. It also reduces risk-taking behaviours among those who are sexually active.

The existing narrow understanding of sex education: DNEP 2019, Chapter 4 Curriculum and Pedagogy in Schools, Section P.4.6.8.5 (“consent, harassment, respect for women, safety, family planning, and STD prevention”) should be broadened towards a more comprehensive focus on gender equality and sexual well-being, which is in line with changing social realities and developments in rights jurisprudence. Additionally, CSE with a strong gender focus and sexuality perspective, as given in the UNESCO framework, would be useful for addressing the concerns of same sex relations and LGBT*QIA+ community. This will make students better citizens by being aware of the wide spectrum of gender diverse identities around them. Principles of CSE should also be imbibed within the schools to make them safe spaces for these students. School programmes such as the School Health Programme, the Adolescent Education Programme, and the National Adolescent Health Programme (Rashtriya Kishor Swasthya Karyakram – RKSK) should be implemented comprehensively. Curricula on health and gender should be updated to ensure adherence to the legal guidelines on transgender rights in NALSA Vs. Union of India, and on rights of LGBT persons in Navtej Johar Vs Union of India.

Thus, we strongly recommend that CSE should be made mandatory at schools, not as one class in a month but an academic requirement. It should also be mandatory at the in-service and pre-service teachers training, and for completion of B.Ed and B.El.Ed courses.

For CSE, we recommend a curriculum, which meets the following objectives (as outlined by the United Nations Population Fund (UNFPA)):

- Foster respect for human rights and diversity
- Encourage critical thinking skills and young people’s participation in decision-making
- Nurture attitudes that promote gender equality and inclusion
- Adapt to suit the age, culture and needs of young people
- Communicate a positive, life-cycle approach to sexuality
- Contain scientifically accurate information
- Offer a safe and healthy learning environment
- Include participatory teaching methods to help strengthen

communication skills and decision-making abilities
Address gender inequality, vulnerabilities, exclusion and human rights violations, including gender-based violence and sexual abuse

3) Teachers' Training/Capacity Building:

DNEP 2019, Chapter 15, Teacher Education is dedicated entirely towards teacher training and we welcome the strengthening of departments/centres of education at universities. Additionally, we appreciate the opening statement regarding teachers and the sorry state of teacher preparation, recruitment, deployment, service conditions and teacher agency / empowerment. Although, none of the ideas discussed in DNEP 2019 would be possible without a clear road map to transform the way teachers are positioned in the educational system. We have some excellent recent reports like the Justice Verma Commission report in this regard. The last decade has also seen a number of state-level initiatives to enhance the professional capabilities of teachers and also foster learning communities. The lesson from many of these good micro-level initiatives needs to be reviewed and taken to scale.

In some states' there is an unwritten practice of not promoting women as head-teachers/ headmistresses in boys' schools/co-educational schools. Such discriminatory practices need to be reviewed and abolished. We recommend that a comprehensive policy is not enough; it needs to be supported by structures that allow practice to be followed in a transparent manner, reducing the stress, delays, and confusion associated with non-transparent processes.

Additionally, we recommend that counsellors and teachers in school have to be sensitized on gender issues and diverse identities including, but not limited to, gender diversity. At the same time, the B.Ed and DIETs should also include gender as a cross cutting theme to help build the equitable and inclusive society that DNEP 2019 envisions to create.

Teachers also have their own sexuality and diversity. Hence, there should be safe spaces within the trainings to talk about them.

Master trainers at B.Ed and DIET levels should be developed through continuous and rigorous inputs on gender and sexuality, so that they facilitate teachers' trainings with quality, and gain desired outcomes.

The above specific recommendations require larger enabling conditions. DNEP 2019, Chapter 3, Reintegrating Dropouts and Ensuring Universal Access to Education P.3.12, suggests that there should be flexibility in the norms and standards contained in the schedule to the Right to Education Act, 2009. We appeal to the drafting committee that minimum standards of education infrastructure and quality input ensured in RTE 2009 (both for government and private schools) should not be diluted. For instance, the DNEP 2019 suggests that Section 12(1)(c) of the Right to Education Act, 2009 which suggests that at least 25% of Class 1 should belong to 'weaker sections and disadvantaged groups in the neighbourhood' affects the autonomy of private schools. Any attempt to dilute Section 12(1)(c) is problematic, since children from marginalised and poor communities and children with disability are covered by it, and any dilution would affect their right to gain admission in private schools under the 25% quota. Thus RTE 2009 must be implemented in letter and spirit at the earliest, for this policy to take shape in reality.

We, the undersigned, would collectively urge the drafting committee to look into these pertinent recommendations and suggestions. We strongly feel that without a comprehensive understanding of gender and sexualities integrated into a policy document, the well-intended policy will not be able to achieve its dream of 'transforming our nation sustainably into an equitable and vibrant knowledge society'.

Signed by:

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