



The Netherlands



LGBTI organisations in the Netherlands continued to advocate for improvements in law and policy throughout 2015. The ‘single fact’ dismissal rule was finally removed from employment legislation, meaning that LGB teachers could no longer be dismissed on the grounds of their sexual orientation. NGOs called on the government to adjust the legal recognition process and abolish official sex registration to better protect trans and intersex people. 2015 also saw the publication of numerous reports into various aspects of the lives of LGBTI people in the Netherlands, revealing varying levels of public acceptance.

Asylum

- In September, the government changed its asylum policy for LGBT applicants from Russia, following pressure from NGOs including LGBTI NGO COC Nederland. Russian LGBT asylum seekers are now considered a 'group at risk' and the Dutch authorities no longer suggest that they could move to other parts of Russia to be safe. Three Russian LGBT asylum seekers received a permit to stay after the policy was changed.
- NGO COC wrote to State Secretary Klaas Dijkhoff (People's Party for Freedom and Democracy, VVD; centre-right) in October after receiving multiple complaints from LGBT asylum seekers who had been bullied or harassed in temporary shelters. Separate accommodation was not introduced by the national government but the municipality of Amsterdam established a safe house for LGBT asylum seekers in December.
- Two civil society organisations, Human Rights Watch and OutRight Action International, wrote to the foreign affairs and justice ministries on 9 October, urging them to exercise care while assessing the applications of Iranian LGBT asylum seekers, as LGBT individuals were still being systematically prosecuted.

Bias-motivated violence

- As of January, countering violence against LGBT people is an official priority of the Dutch police and the Ministry of Security and Justice in their 2015-2018 Security Agenda. However, the government has not yet operationalised this priority into concrete policy measures.
- The Dutch police released their latest figures on discrimination and violence against LGBT people (referring to 2014). 1,403 cases were reported, up from 428 in 2009.

Data collection

- In February, the Dutch Social and Cultural Research Body (SCP) published their 'Young People and Sexual Orientation' report. Young LGB people ranked their life at six out of ten, compared to eight out of ten for heterosexual youth. LGB youth report more mental health problems and the suicide rate among LGB youth is five

times higher than amongst heterosexual youth, according to the SCP report.

- In November, NGO Trans Network Netherlands published the results of an online survey on the subject of violence towards trans people. 351 participants were questioned as part of the '*Safe, as Long as One Does Not Notice*' study. 54% of respondents had experienced verbal threats or physical violence in the previous 12 months. One in four said they needed professional help as a result of the harassment they encountered.
- On 10 December, the Dutch Social and Cultural Research Body (SCP) published *The over-55s and sexual orientation*, a report about the experiences of older LGB and heterosexual people. The research shows that LGB people are equally as happy as their straight peers but 31% of them are never open about their sexual/gender identity. 20% expect negative reactions from other people living in care homes for elderly people and 10% expect care home personnel to react negatively.

Education

- Minister for Education Jet Bussemaker (Labour Party, PvdA; social democratic) decided to continue to financially support the Gay-Straight Alliance network in schools from 2015 to 2017.

Employment

- A proposal to amend employment legislation, originally submitted in 2010, to prevent teachers from being dismissed and students being expelled on the grounds of sexual orientation was implemented. The so-called 'single fact' rule had been circumvented by some religious schools to expel LGB teachers and students, not on the 'sole fact' of their sexual identity, but on circumstances connected to it. The Senate voted to remove the single fact exception from the Equal Rights Act 1993 on 10 March, by 72 votes to 3. This change was effective from 1 July.

Equality and non-discrimination

- NGOs COC, Transgender Network Netherlands and Netherlands Netwerk Intersekse/DSD continued to make

proposals to abolish official sex registration. The results of a government report on the issue, originally published in 2014, were debated in parliament on 18 June. Minister of Justice Ard van der Steur (VVD) then developed a new policy in September, which included the establishment of a commission of government officials that began investigating concrete possibilities to limit sex registration.

- On 28 October, Minister for Health Edith Schippers (VVD) announced that the permanent restriction on gay and bisexual men donating blood would be lifted. The minister stated it would be replaced with a 12 month deferral period. LGBTI rights groups criticised the move as sexually active individuals who do not engage in risky behaviours are still excluded from donating.

Foreign policy

- At the Parliamentary Committee on Foreign Affairs on 15 June, Minister of Foreign Affairs Bert Koenders (Labour Party, PvdA) stated that the government intended to include the human rights of intersex people in their human rights foreign policy; human rights of LGBT people were already included as a priority.

Legal gender recognition

- In April, NGOs Transgender Network Netherlands, NNID and COC made a plea to the Ministry for Security and Justice, asking for improvements to the 2014 gender recognition law. At a meeting with the ministry in September, the organisations called for removing the need for the approval of a judge for intersex people to change their sex registration at any age. For trans people, they proposed to removing the minimum age of 16 for the change of gender registration as well as the need for a psychological opinion. The Dutch government promised to evaluate the law in 2017.

Police and law enforcement

- 'Pink in Blue' police teams were dispatched to more regions during the year; now there are contact points in all ten police regions, although only four can be reached by phone. These police teams, of LGBT people and allies, are specialised in countering violence against LGBT people.

Public opinion

- The Dutch Social and Cultural Research Body (SCP) published research on social acceptance of LGBT people on 11 May. 66% of the Dutch population had a positive opinion about lesbian, gay and bisexual people and 78% were in favour of equal marriage. However, 35% thought it is offensive to see two men kissing in public, compared to 24% taking offence at two women kissing, and 12% after seeing a heterosexual couple kissing. One third of those surveyed think that 'there is something wrong' with people who don't feel male or female. About one in ten Dutch people have prejudices about bisexual people, for example that bisexuals 'can't choose'. The research also shows that countries such as Spain, Sweden and Iceland are now more accepting of LGBT people than the Netherlands.

- According to Eurobarometer 2015, 65% of people surveyed in the Netherlands believe that discrimination on the basis of sexual orientation is widespread (EU28 average was 58%). When asked about gender identity, 56% felt discrimination on this ground was widespread (EU 28 average was 56%). 96% totally agreed with the statement that LGB people should have the same rights as heterosexual people (EU 28 average was 71%). When asked to grade how comfortable they would be with certain scenarios on a scale of 1 (not comfortable at all) - 10 (totally comfortable), 96% said they would be comfortable or moderately comfortable with an LGB work colleague (EU28 average was 72%). When asked about a potential trans work colleague, 91% said they would be comfortable or moderately comfortable (EU28 average was 67%).