

Netherlands

ASYLUM

LGBT Asylum Support received over 60 reports of discrimination and violence against LGBTQ asylum seekers during the summer, and appealed to the Ministry of Justice to increase protective measures, including through separate housing. Civil society requested the Ministry to make it easier for LGBTI Iranians to seek asylum. So far the policy has not changed.

BIAS-MOTIVATED SPEECH

A report found that young LGB people face twice as much online bullying as those who are heterosexual.

Non-binary person, Nanoah Struik received thousands of hateful online messages after it became public that they were granted an 'X' gender marker on their ID in 2019.

In April, following civil society pressure, the Minister for Legal Protection announced that hate speech and discrimination on the basis of gender identity and expression and sex characteristics would be criminalised. A first draft of the law, currently up for public review, fails to include GIESC in all non-discrimination articles of the Penal Code. The revised Penal Code will use the term 'sexual orientation' as a ground instead of 'hetero- or homosexual orientation'.

BIAS-MOTIVATED VIOLENCE

Hate crimes against LGBTI people were reported by the media almost every week in 2020. For instance, a gay couple in Amsterdam was attacked several times when walking hand-in-hand, and trans women were attacked in different cities. Civil society urged the state to better protect LGBTI people.

On 3 July, Minister of Justice and Security, Ferdinand Grapperhaus met with civil society, and victims of hate crime, vowing to increase protections. TNN and COC Netherlands presented the Minister with an action plan, but so far no additional measures have been taken. Two days before the meeting, a bill was tabled by the GroenLinks and ChristenUnie parties to increase the penalties for hate crimes.

BODILY INTEGRITY

A research report commissioned by the government found at least 15 'conversion therapy' providers and 68 LGBT people who were subjected to conversion therapy, sometimes over the course of a year. Civil society continued calling for a ban. The largest party in parliament, VVD, announced that it would draft a bill.

The publication of the government commissioned study on medically unnecessary and non-consensual surgeries on intersex children was postponed until 2021. The researchers are yet to involve the intersex movement in the process.

DIVERSITY AND INTERSECTIONALITY

Funding ended in 2020 for projects working on the rights of LGBTI asylum seekers, elderly LGBTI people and LGBTI people with disabilities. On civil society's request, parliament voted for continued funding for elderly LGBTI people and LGBTI people with a disability for 2021.

EDUCATION

Research platform Pointer discovered that several orthodox schools used teachings against "homosexuality". Minister of Education, Arie Slob first defended the approach, but the parliament denounced this and amended the law in November, obliging all Dutch schools to make sure that LGBTI youth are respected and protected.

In September, COC Netherlands launched an app where LGBTI youth under 19 can connect safely online.

EMPLOYMENT

The government commissioned a study on paid transition leave for trans people in employment, following the parliament's 2019 request.

EQUALITY AND NON-DISCRIMINATION

On 19 March, in the case of a trans student, the Institute for Human Rights ruled that trans people may not be discriminated against in their access to safe bathrooms.

In April, TNN's annual monitoring report found that the number of discrimination cases against trans people continued to rise for the third consecutive year.

In June, the Second Chamber of Parliament adopted a Constitutional amendment explicitly banning discrimination on the ground of sexual orientation. The government stated that "gender", already mentioned in the Constitution, shall be interpreted as covering gender identity, gender expression, and sex characteristics. The bill will be debated in early 2021. The amendment was part of the 2017 Rainbow Ballot Box Agreement.

FAMILY

In May, COC Netherlands launched a letter-writing campaign addressed to the Minister of Legal Protection, Sander Dekker, to provide legal recognition to families with more than two parents. To date the Minister has launched a consultation on a bill on partial parental authority for those families, which the campaign called insufficient.

FOREIGN POLICY

The Dutch ministry of Foreign Affairs declared LGBTI human rights to be one of its seven priorities for international development aid policy, and made significant funding commitments.

FREEDOM FROM TORTURE, CRUEL, INHUMAN OR DEGRADING TREATMENT

In February, trans organisations TNN and NNID demanded a public apology and financial compensation for trans and intersex people who were required to undergo forced medical interventions, including sterilisation, to access LGR between 1985 and 2014. In November, the government announced it would apologise and provide compensation, but the details of both are yet to be seen. Civil society is working on the next steps.

HEALTH

In November, Movisie published a factsheet on the effects of the COVID-19 pandemic on LGBTI people, with almost a third reporting difficulties. COC published a list of resources for LGBTI, and TNN for trans people. LGBTI+ Support launched a counselling hotline.

On 2 June, trans organisations TNN and Transvisie set up a new information service for trans people.

In March, the Dutch Health Authority published a list of urgent healthcare services during the COVID-19 crisis, excluding trans healthcare. Civil society appealed to the authority. The pandemic has led to increased waiting times, despite the opening of a third gender clinic in Nijmegen. Many surgeries were postponed and the intake of new patients is now limited.

In May, the Quartermaster on trans healthcare published a report calling for freedom of choice and joint decision-making in trans healthcare. TNN welcomed this individualised approach, but called for a firmer stand for depathologisation.

LEGAL GENDER RECOGNITION

The government announced in July that from 2024, ID cards will no longer feature gender markers. This had been advocated for and was welcomed by civil society, and is a part of the Rainbow Ballot Agreement.

The public consultation on LGR law reform ended this year. The proposal includes abolishing the expert opinion requirement, but fails non-binary people and those under 16 who would still need to go through a court procedure.

PARTICIPATION IN PUBLIC, CULTURAL AND POLITICAL LIFE

In June, Utrecht and in October, Amsterdam signed “The Dutch Intersex Treaty”, committing to targeted policy and measures protecting intersex people.

PUBLIC OPINION AND ATTITUDES

YouTube star Nikkie de Jager came out as trans and was met by overwhelmingly positive reactions.

SOCIAL SECURITY AND SOCIAL PROTECTION

A study by Movisie confirmed the extreme vulnerability of homeless LGBTI youth and their lack of access to safe housing and of 900 to 2,000 LGBTI young people living in the streets. COC called on State Secretary Paul Blokhuis for safe shelters and several parties requested a governmental action plan.



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