Asylum

In June, LGBTI NGO COC presented the report *Trots of schaamte?* to the State Secretary for Asylum and Migration Affairs, finding that the Dutch LGBTI asylum policy heavily relied on stereotypes about LGBTI people. It recommended removing the stereotyping criteria and that asylum officers should take into account photos presented by applicants or testimonies from partners or NGOs. In July, Harbers included many of the findings into the new LGBTI asylum policy. However, implementation over the following months was found to be flawed. In December, Harbers made a commitment to better implement the policy.

Bias-motivated speech and violence

Verbal and physical violence continue to be an issue. According to research first launched in 2008 by the government, police, and anti-discrimination bureaus, between 1,000-1,500 LGBTI people report verbal and physical violence each year. According to the report that was published in 2018 by government, police, and anti-discrimination bureaus 1,149 cases of verbal/physical violence and discrimination on the grounds of SOGIESC were reported during 2017. This number does not include 731 cases of verbal/physical violence and discrimination on the grounds of SOGIESC against public servants (i.e. police, health care workers, etc.).

In November, trans NGO Transgender Network Netherlands (TNN) presented its report *Everywhere on the lookout*, finding that trans people are seven times more likely to suffer violence than the average population and showing significantly higher numbers of domestic abuse among trans people, for both youth and adults. The perpetrator in most cases was the (step)father. The LGBT Monitor 2018 by the Netherlands Institute for Social Research (SCP) revealed that trans youth reported more abuse and neglect at home than cisgender youth, and twice as often bullying at school.

In April, several gay men were attacked after being called ‘dirty faggot’ by a group of young men in Dordrecht. Similar to other cases, the judge failed to consider the homophobic aspect in the case, sparking protests from the LGBTI community.

After repeated calls from LGBTI NGOs, the Dutch parliament adopted a resolution in April, requesting the government to present an action plan against anti-LGBTI violence. The plan is yet to be presented.

Bodily integrity

In December, the UN Committee against Torture (CAT) published its concluding observations, recommending the Dutch government to take legislative, administrative and other measures to protect the physical integrity and autonomy of intersex people. The CAT urged the government to ban non-consensual and medically unnecessary treatment on intersex children, investigate such practices, and provide redress for victims of these treatments.

Data collection

The periodic LGBT monitor of the Netherlands Institute for Social Research (SCP), commissioned by the government, routinely fails to take intersex into account. Therefore, essential data on intersex people, e.g. levels of acceptance by society, remains lacking.

Education

In December a report by COC in cooperation with Columbia University was published on the situation of LGBT youth in Dutch high schools, finding that nearly three out of four hear hateful remarks and/or feel deliberately excluded by their peers, almost half are verbally harassed because of their identity, and that they feel five times more lonely than other students.

Employment

The Amsterdam municipality enacted the first ever transition leave regulation. Although it is a minor improvement, it does create more certainty for trans employees and human resource management alike. NGOs continue lobbying for regulations on transition leave nationally.

Equality and non-discrimination

In July, the Dutch House of Representatives voted in favor of a bill to include GIESC in the Dutch Equal Treatment Act, which
currently only implicitly covers them under “sex”. The final vote is expected to happen in 2019. If approved, the Act will explicitly protect trans, non-binary and intersex people from discrimination, in fields such as labor, education and goods and services. The government is also considering changing the current wording “homo-or heterosexual orientation” to “sexual orientation”.

Family
In 2018, the Government secretary for Family Law announced more research will be done regarding the legal protection for ‘rainbow families’ consisting of more than two parents, with results published in 2019. NGOs protested this decision, as a government commission had already studied the subject for over two years. The same is the case for new legislation on surrogacy and improvement of the lesbian parenting law.

At least two clinics (Leiderdorp, Elsendorp) confirmed that they will open their services to gay couples wishing to become parents through altruistic surrogacy.

Freedom of expression
For the first time, intersex people were represented in several Pride activities, in Utrecht, Rotterdam, and Amsterdam.

Health
The waiting lists for trans healthcare continue to increase, in some cases to over a year. Despite continuing negotiations, no substantial change occurred in 2018.

The State Secretary for Public Health announced reimbursement of breast surgery for trans women to be implemented in spring, but no regulation was adopted.

In July, the government announced to cover PrEP for men who have sex with men and for the members of other key populations on an individual basis, from 2019 onwards. The government will reimburse 75% of the costs.

Legal gender recognition
On 28 May, the Limburg District Court of Roermond ordered the removal of the gender marker in the Dutch population register of Leonne Zeegers, an intersex person, who does not identify as male or female. The court stated that binary options are too restrictive, violating the right to private life and self-determination. It suggested that in view of social and legal developments, Dutch law allow for the removal of gender markers. Following continued civil society advocacy, the State Secretary for the Interior Raymond Knops stated that he will start working on such a bill.

The Dutch government is working on a plan to limit sex registration as much as possible, expected in 2019.

The government issued no response to last year’s external evaluation of the Dutch transgender law, which suggests abolishing the expert opinion requirement for LGR and lowering the age limit to 16.

Participation in public, cultural and political life
During the March local elections, multiple municipalities signed local Rainbow Ballot Agreements. Four trans women were elected as city council members, in Nijmegen, Apeldoorn and Utrecht.

For more information visit Rainbow-Europe.org