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UPR: Netherlands

**COC Netherlands (NGO with ECOSOC Consultative Status), Transgender Network
Netherlands and ILGA-Europe
United Nations Human Rights Council, Geneva, 21 September 2012**

Dear Madame President,

The Netherlands has come a long way in improving human rights of lesbian, gay, bisexual and transgender people. We commend the government on recent decisions to make comprehensive sexuality education compulsory and to simplify legal sex reassignment procedure, abolishing the sterilization requirement for transgender people.

However, legal gaps as well as social challenges towards achieving full equality of LGBT people require more and continuous attention by the Dutch government.

We recommend the Dutch government to include sexual orientation and gender identity and gender expression as an explicit ground for non-discrimination in article 1 of the Dutch Constitution. We also recommend to include gender identity and gender expression as an explicit ground for non-discrimination in the existing General Law on Equal Treatment.

The situation regarding health care for transgender people in the Netherlands is troublesome: many experience discrimination and non-recognition in health care. Additionally, long waiting lists limiting access to specific transgender health care have a negative impact on their well-being. We encourage that more research is done and attention be provided for the health needs of transgender people.

The present Dutch Equal Treatment Law provides religious schools the right to refuse or expel homosexual teachers and students that are open about their sexual orientation. The Council of Europe called for the abolishment of the paragraphs, stating that a publicly financed education system should be accessible by anyone without discrimination. We recommend that the government repeal provisions allowing expulsion or dismissal of students and staff for reasons related to their sexual orientation.

Moreover, the human rights situation of LGBT asylum seekers and refugees remains problematic. While Dutch government has always shown a deep commitment to non-discrimination, asylum officials are still often relying on stereotypes. There are cases of LGBT asylum seekers being denied asylum under the assumption that they can and should conceal their identities to avoid persecution in their countries of origin. Additionally, many LGBT asylum seekers face verbal and physical abuse in detention centres and authorities have not always responded adequately.

We call on Dutch government to provide safe shelter for LGBT asylum seekers and to swiftly implement policy that guarantees non-discrimination in the asylum procedure.

Thank you Madame President