

## **THE NETHERLANDS**

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
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### **Section I – Implementation and dissemination of the Recommendation**

1. How would you assess the status of implementation of the Recommendation in your country?

Fully satisfactory ☒ Adequate ☐ Insufficient ☐ Absent ☐

Please explain your reply.

There remains room for improvement in certain policy areas, however.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please explain and, if appropriate, provide examples of any such measures found:

Work is in progress to bridge the gap that remains between *de jure* and *de facto* equal treatment on the grounds of sexual orientation and gender identity.

Are there measures in place to redress any such discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

The Netherlands is a party to the relevant human rights treaties in this area. In addition, article 1 of the Dutch Constitution provides that everyone in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or any ground whatsoever is not permitted. Furthermore, the Equal Treatment Act (*Algemene wet gelijke behandeling*) has been in force since 1994, laying down general rules to protect against discrimination on the grounds of religion, belief, political opinion, race, sex, nationality, heterosexual or homosexual orientation or marital status. Anybody who believes that they have been discriminated against on one of these grounds can apply to a court for a judgment on the matter. If the person who considers that they have been or are being discriminated against adduces facts before a court from which it may be presumed that such discrimination has taken place, the other party is required to prove that the action in question was not in breach of this Act (section 10 of the Equal Treatment Act).

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5)

(including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If appropriate, please provide examples of measures adopted or in preparation.

Firstly, a Cross-ministerial Working Group on LGBT Equality has been established. That group coordinates and drives the policy of the ten jointly responsible ministries. In addition, a Memorandum of Understanding ('Rainbow Cities') has been drawn up in cooperation with local government authorities to combat discrimination on the grounds of sexual orientation or gender identity.

A National LGBT and Gender Equality Policy Plan has been produced and National LGBT equality monitoring systems have been put in place. Furthermore, a decree amending educational goals in relation to sexual diversity (*Besluit houdende wijziging van de kerndoelen onderwijs op het gebied van seksuele diversiteit*) has been enacted. That decree aims to ensure that children are taught about sexuality and sexual diversity. Finally, a couple of other bills are being considered: a bill on recognition of gender identity (*wetsvoorstel erkenning gender identiteit*) and a bill on legal parenthood status of female partners of mothers otherwise than as a result of adoption (*wetsvoorstel juridisch ouderschap van de vrouwelijke partner van de moeder anders dan door adoptie*).

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

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5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

SEE ATTACHED doc, under paragraph 5.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation?

None.

7. Has the Recommendation, including its Appendix, been translated in all your national languages?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?

The dedicated NGOs are on track in this respect.

## Section II – Implementation of the specific provisions in the Appendix

### I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The government is making efforts to ensure tougher sentences in cases of violent crime where the circumstances or motive are of a discriminatory nature. The sentence recommended by the Public Prosecution Service in the case of violent crimes where the circumstances or motive are discriminatory was increased as of 1 May 2011.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The government is supporting activities to increase victims' willingness to report, and lodge criminal complaints about, discriminatory incidents. That support is targeted at the regional anti-discrimination services and the criminal justice system.

On 15 November 2012 a national information meeting was organised by the Police Diversity Expertise Centre (*Landelijk Expertise Centrum Discriminatie*; LECD) which focused on registering and tackling discriminatory incidents. At the meeting, particular attention was paid to raising awareness among police officers, so that they draw up criminal complaints in discrimination cases, rather than merely registering reports of incidents. A tailor-made course is available for the regional units that are to be established in the future.

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In order to improve the knowledge and expertise about discrimination in the criminal justice system, measures have been adopted to support the use of criminal law to tackle discrimination. The current police training programme includes the subject 'multicultural skills', which addresses different cultures and lifestyles and proper application of the Public Prosecution Service's prosecution guidelines 'Instructions on Discrimination'. In addition, regularly recurring training courses on recognising and acknowledging discrimination are necessary to ensure that discrimination incidents are dealt with properly by the police. In autumn this year, a workshop for police officers on handling discrimination incidents will be developed by the LECD. Furthermore, police officers will be trained to identify offences involving a discriminatory element more easily.

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*; DJI) operates a system of confidential advisers dealing with inappropriate behaviour. In the event of discrimination, employees of the prison service can contact one of these advisers. Obviously, the training programme for confidential advisers covers discrimination and how advisers should deal with it in their official capacity. Last year, a meeting of confidential advisers also focused specifically on the subject of homosexuality. The integrity module of the basic DJI training programme for executive staff addresses discrimination in general and will include a case-based discussion of LGBT issues as of 1 January 2013. The annual survey of prisoners includes questions about discrimination, specifically including on the grounds of sexual orientation.

14. Have appropriate measures been taken to combat all forms of “hate speech” against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Representatives of public authorities have a visible profile and, since they must set an example to others, speak out in favour of equal treatment regardless of sexual orientation and gender identity and against discrimination against members of the LGBT community.

## **II. Freedom of association**

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

Article 1 of the Constitution provides that all persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or on any grounds whatsoever is not permitted. Article 8 of the Constitution regulates the freedom of association. The article recognises the right of association, which may only be restricted by Act of Parliament in the interest of public order. Furthermore, section 6a of the Equal Treatment Act provides that it is unlawful to discriminate with regard to membership of or involvement in an employers' organisation or trade union, or a professional association, or with regard to the benefits which arise from such membership or involvement. Subject to statutory exceptions, everyone is guaranteed freedom of association.

16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

No specific measures have been taken. In general, pursuant to section 10, subsection 2 (e) of the Netherlands Institute for Human Rights Act (*Wet College voor de Rechten van de Mens*) a request to make findings may be submitted by an association or a foundation which, in accordance with its constitution, represents the interests of those whom the equal treatment legislation is intended to protect. This includes those requiring protection on the grounds of sexual orientation and gender identity. A particular case before what was formerly the Equal Treatment Commission (*Commissie gelijke behandeling*), and has since been replaced by the Netherlands Institute for Human Rights, concerned a foundation which, in accordance with its constitution, had as its objective: ' a. promoting the social acceptance and integration of homosexuality and bisexuality; b. promoting personal equal opportunities for homosexuals and bisexuals in society; and furthermore everything that may be directly or indirectly related or conducive to the foregoing, all of this to be understood in the broadest sense'. In its decision of 18 November 2010 (decision no. CGB 2010-169) the Commission held that the foundation's request to make findings was admissible.

17. Have measures been taken to ensure that non-governmental organisations defending the human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The relevant NGOs are officially recognised by central government and local authorities, and consulted by them on a regular basis.

### **III. Freedom of expression and peaceful assembly**

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

Article 1 of the Constitution provides that all persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race, sex or any other grounds whatsoever is not permitted. Article 7 of the Constitution regulates the freedom of expression, providing that no one shall require prior permission to publish thoughts or opinions through the press, without prejudice to the responsibility of every person under the law. Article 9 regulates the right of assembly and demonstration. It provides that the right of assembly and demonstration shall be recognised, without prejudice to the responsibility of everyone under the law. This right can only be restricted by Act of Parliament for the protection of health, in the interest of traffic and to combat or prevent disorder. Subject to statutory exceptions, everyone is guaranteed freedom of expression and freedom of assembly.

19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Dutch police always handle the supervision/security of demonstrations properly, be it LGBT demonstrations or demonstrations of any other nature; no distinction is made in this respect. No preferential treatment is given for LGBT demonstrations, but neither is any different or lesser form of treatment given. This means that measures are indeed taken with due care. Furthermore, the police themselves get involved with demonstrations and events aimed at equal treatment and non-discrimination in order to send out a signal that discrimination and violence against LGBT individuals will not be tolerated.

#### **IV. Right to respect for private and family life**

20. Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

21. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

22. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The legal position of transgender individuals is being improved: the gender identity of transgender individuals will be recognised and the possibility of changing that gender identity easily will be created.

23. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Gender-neutral civil marriage and registered partnerships have been introduced.

24. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples:

25. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Major steps have been taken with respect to equal opportunities for LGBT people. Efforts are being made to improve the legal position of children who are brought up by two mothers. For instance, legal consequences under the law of parentage will apply to marriage between two women; the same will apply to registered partnerships. The Same-Sex Marriage Act (*Wet openstelling huwelijk*) has been evaluated. Statutory amendments will be required to establish further equivalence between marriage and registered partnerships in so far as improving the legal position of children is concerned. A man who has entered into a registered partnership with a woman no longer needs to acknowledge paternity of his child if that child is born within the registered partnership.

## **V. Employment**

26. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐



Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

i) Access to employment

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

ii) Promotion, dismissals, pay and other working conditions

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

iii) Prevention and punishment of harassment

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

iv) Protection of privacy of transgender persons

(in accordance with paragraph 30 of the Appendix to the Recommendation)

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Gender identity is not specifically mentioned as one of the grounds in equal treatment legislation. However, the criterion 'sex' in the Equal Treatment Act is understood to refer indirectly to gender identity.

## **VI. Education**

27. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

i) Anti-discrimination training or support and teaching aids

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

ii) Information, protection and support for pupils and students

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

iii) Objective information on sexual orientation and gender identity in school curricula ?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

iv) School equality and safety policies and action plans

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Every child is entitled to enjoy an education without discrimination on grounds of sexual orientation or gender identity. Therefore the education enjoyed by pupils does not vary on those grounds. All

primary and secondary schools are obliged to give consideration to sexual diversity, and all pupils learn to deal respectfully with social diversity, including sexual diversity. Training, information, policies, action plans and other types of plans are available for these purposes.

### **VII. Health**

28. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

29. Has homosexuality been removed from the national classification of diseases?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

30. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

The treatment of primary sexual characteristics is fully reimbursed under the Healthcare Insurance Act (*Zorgverzekeringswet*). The treatment of secondary sexual characteristics such as breast implants or the removal of body hair is not reimbursed. Breast implants for other women are not reimbursed either, with the exception of women who have had breast cancer.

### **VIII. Housing**

31. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

32. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

All social services in the field of homelessness, youth welfare etc. operate without discriminating against LGBT individuals. If general services are not capable of providing suitable intervention to meet the specific demands of LGBT individuals, tailored intervention might be offered. One example of this would be shelters for men who are at risk of honour-based violence because they are gay, bisexual or transgender.

### **IX. Sports**

33. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Royal Dutch Football Association (*Koninklijke Nederlandse Voetbal Bond*) has launched an action plan to tackle homophobia in football. The Dutch Minister of Health, Welfare and Sport also makes an active contribution in the context of EPAS/the Council of Europe. Finally, the government contributes financially to the National Gay & Straight Sport Alliance.

### **X. Right to seek asylum**

34. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

35. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

### **XI. National Human Rights Structures**

36. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

National legislation contains no specific provision on gender identity or on discrimination on multiple grounds. The concept of 'sex' in the Equal Treatment Act is interpreted as including transsexual and transgender individuals. The Netherlands Institute for Human Rights has also made findings regarding these groups in a number of cases (see for instance decision no. CGB 2012-146 of 31 August 2012 and decision no. CGB 2009-107 of 16 November 2009). The Institute is not competent to review the acts of public authorities; anyone may lodge complaints concerning such acts with the National Ombudsman (*Nationale Ombudsman*). The National Ombudsman considers complaints about public authorities, covering almost all public bodies: government ministries, water authorities, provinces, the Employee Insurance Agency (*Uitvoeringsinstituut Werknemersverzekeringen*), the Social Insurance Bank (*Sociale Verzekeringsbank*) and the police. The National Ombudsman also regards private bodies that perform a governmental task as public authorities.

With respect to discrimination on multiple grounds, the Netherlands Institute for Human Rights deems itself competent to make findings on discrimination on multiple grounds, and has done so on several occasions (see for instance decision number CGB 2008–107 of 19 August 2008). In practice, the Institute is able to rely on current legislation in cases involving discrimination on multiple grounds. Although the Institute's findings are not binding, they are followed in 75% of cases.

### **XII. Discrimination on multiple grounds**

37. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

### **Section III - Follow-up**

38. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix ?

Combating discrimination on the grounds of sexual orientation or gender identity should be given a firm position within the infrastructure and mechanisms of the Council of Europe.

39. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

Yes, and we would propose starting with the most far-reaching forms of discrimination and flagrant human rights violations. Furthermore, consideration could also be given to the features of processes in the member states such as interministerial cooperation, dialogue with NGOs, policy letters or reports to Parliament, national monitors, inspections, etc.

40. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.

There are none.