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# Legal protection of LGBTI people The Netherlands

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# Constitution, Article I

Non discrimination.

Specific grounds + 'on any other ground'

# General law on equal treatment

No direct or indirect discrimination allowed.

Specifically mentioned: hetero- or homosexual orientation.

Applicable in the realm of the labor market and socio-economic relations (housing, health, welfare, culture, education)

# Exceptions

Allowed if the different treatment can be objectively justified by a legitimate goal and the means to achieve that goal are appropriate and necessary.

Law not applicable within religious institutions and organizations.

## Penal Code

Punishable is discrimination on the basis of hetero- or homosexual orientation. Up to a maximum of two years imprisonment, fines. Transgender identity not explicitly mentioned.

# Categories in Penal Code:

- Discriminatory insults
- Inciting to discrimination and hatred against a group of people
- Dissemination of material with a discriminatory content
- Participation in an organization with a discriminatory character
- Discrimination (on purpose and not on purpose), while practising a job, profession, business

## Other legislation in the Netherlands that protects LGBT people:

- Same sex marriage since 2001
- Adoption by same sex couples since 2001
- Legal motherhood of female partner of biological mother since 2014 (no adoption necessary)
- Gender recognition law for transgender people since 2014

## Other forms of protection:

- Anti-discrimination offices; NGOs; role models
- In education attention for sexual diversity
- Registration of hate crimes with a homophobic or transphobic background
- Pink Police force
- National discrimination bureau at Attorney-General's office
- EU policies