*190218Call for input Independent UN Expert*

**Call for input Independent Expert on protection against violence and discrimination based on sogi**

**Response by the Netherlands**

1. What are the current efforts by States to increase their knowledge of the LGBT population? Specifically, are questions about sexual orientation and gender identity included in government surveys (e.g. the census, national health surveys, income and living condition surveys, or other surveys funded or mandated by the State), administrative records (e.g. birth certificates/birth registries, identity Cards, school records, professional licenses, social security and public benefit records, and other government documents)?

The current efforts in the Netherlands are:

* The independent National Institute for Social Research (SCP) produces a bi-annual National LGBT-monitor (since 2006). This National LGBT-monitor draws on national and international representative surveys and registered data about: (a) the well-being and safety of and (b) the public attitude towards the LGBT-population.
* The data are drawn from different large scale national surveys: National Safety Survey (SO), National Health Survey (SO), National Labour Conditions Survey (SO). The monitor also includes data from the international Health Behaviour in School-aged Children (HBSC) (SO) and the European Social Survey (ESS) (SO).
* Additionally a bi-annual Safety at School-monitor is commissioned by the government. This monitor contains data about – amongst other - the perceived and actual safety of LGBT-scholars and students (SOGI). A periodic national youth survey on sexual health and wellbeing of 25-minors includes lgbt-youth (SOGI) completes the monitors that are being put in place in The Netherlands.
* No administrative records are kept about the sexual orientation of citizens (SO).
* Since the introduction of a national Gender Recognition Law, local public administrations keep record of the change in birth certificates and registries in case citizens report and officially register their change of gender (GI).
* The National Institute of Statistics (CBS) holds records of the number of different and same-sex registered partnerships and civil marriages.

2. What kinds of data can be collected by government to understand the nature and extent of violence (e.g. through statistics on LGBT-phobic hate crimes and hate speech), discrimination, and disparities in health, education, labour, civic participation, and other important areas?

Data that governments can collect are:

* Cases of violence or threads of violence reported to local police (SO).
* Cases of discrimination reported to local antidiscrimination service (SOGI).
* Disparities in well-being and health of young (SOGI) and senior citizens (SO).
* Disparities in socio-economic and labor market position (SOGI).
* Disparities in perceived and actual safety in public arena (SO) and in education (SOGI).

3. What safeguards are in place, and what safeguards are needed, to protect the human rights of individuals providing personal data as well as individuals collecting such data? This question includes the following:

a. Safeguards to protect the privacy of individuals who provide data about their sexual orientation/gender identity, and the confidentiality of the data provided by these individuals.

b. Broader statutory rules or administrative policies to insure transparency and accountability of government institutions such as statistical bodies.

* The government complies with the European Union’s General Data Protection Regulation (GDPR). This regulation prohibits – amongst others – using or processing data about one person’s sexual conduct or sexual orientation, except for specific circumstances that are explicitly mentioned in the law. One of these exemptions for using and processing this kind of data, is its use for research or statistic purposes.
* Data are collected by the independent National Institute for Statistics (CBS) and independent National Institute for Social Research (SCP). The public data are collected anonymous and not traceable to natural persons.
* Institutes that collect data have to comply with national laws and regulations protecting the privacy of citizens.

4. What are the risks associated with the collection and management of data on sexual orientation and gender identity and initiatives to overcome those?

* Not applicable in the Netherlands

5. Are there circumstances where data collection is ill-advised, such as in countries that criminalize same-sex behavior or where particular government agencies have demonstrated a cause for concern regarding their treatment of issues related to sexual orientation and gender identity?

* Not applicable in the Netherlands

6. When States engage in data gathering activity, to what extent is civil society able to meaningfully participate in the design and implementation of these programs? This question includes the following:

a. Do states have policies that guide the process of civil society participation, national statistical programs and other State efforts to increase knowledge about LGBT populations?

* Since 2006 the Netherlands has a policy aiming for comprehensive data collection (SOGI) and increasing knowledge about its LGBT population.

b. Does civil society have the capacity, in terms of expertise and technical knowledge, to meaningfully participate in State efforts to gather data?

* Questions in national surveys about SOGI are being pre-tested before implementation.

c. What constitutes meaningful participation in this area?

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7. Does the lack of a global classification scheme carry risks that data will not be useful for international comparisons or will not accurately reflect the identities and lived realities of local populations?

* Yes, however it appears that in some regions classification-at-regional-level is emerging. The International Health Behaviour in School-aged Children (HBSC) survey, the European Social Survey and the Eurobarometer are helpful to some extend of international comparisons.