

SUMMARY

Commissioned by the WODC, research and consulting bureau Breuer&Intraval evaluated the Action Plan for Safety of Lgbti 2019-2022¹. through a plan and process evaluation. The evaluation aims to provide insight into the quality of the policy logic of the action plan and the related drafting process. In addition, this evaluation charts the course of the implementation process and presents preliminary results and five in-depth case studies. The purpose is to incorporate areas of concern arising from the research into further policy developments. The research was conducted between May 2023 and March 2024.

For this research, a scientific literature study was conducted, policy documents and studies were analysed, and (group) interviews were held with some 45 stakeholders (drafters, implementers, policy staff of the Ministries of Justice and security (JenV) and OCW (Education, Culture and Science) and of the four largest municipalities in the Netherlands (G4), staff of police, OM, anti-discrimination organisations (ADVs), and interest groups).

The Action Plan for Safety of Lgbti 2019-2022

The action plan was drawn up after the Sjoerdsma and Van den Hul motion was adopted by a large majority of the House of Representatives. The goal of the action plan reads, "To promote the safety of lesbian women, gay men, bisexual persons, transgender persons and intersex persons (lgbti). The measures focus primarily on the criminal justice approach to discrimination and promoting the target group's sense of physical safety but are embedded in a body of measures that see to social safety. A total of 38 actions are included in the action plan, divided into four pillars. Here we list the pillars, and how they would contribute to the main goal of the plan.

A. Apply an intersectional approach.

By adding this pillar, the drafters wanted to emphasize that the vulnerability of lgbti individuals can vary greatly, and call attention to the position of the most vulnerable individuals within the entire group.

B. Lower barriers to reporting to police or an ADV.

The underlying assumption is that reporting incidents of discrimination and violence leads to (a) more insight into the nature and extent of discrimination and violence, and (b) to more detection, prosecution and conviction. Finally, reporting discrimination to the police, provided this procedure is satisfactory for the victim, can contribute to a sense of being heard and thus to processing what has occurred.

C. Provide lgbti-specific measures of safety in the private sphere and online.

Pillar C was included in the plan because it became known at the time the action plan was drafted that cases of violence in the private sphere and online, are relatively more common among lgbti persons than among cis heterosexual persons.

D. Set the standard.

The actions under this pillar focus mainly on anchoring the anti-discrimination message that the Dutch government promotes in the legal system.

¹ The action plan, drafted in 2018, uses the abbreviation 'lgbti', which is why we use it in this report.

Literature study

For this study, a literature review was conducted into effective interventions and effective mechanisms to counter discrimination and violence against LGBTI individuals. Based on the selected articles, a subdivision was made into the themes of education, health care and interventions aimed at countering violence and stigma. In addition, overarching interventions such as structural, interpersonal and individual interventions were included.

One effective intervention that emerges from this study is the establishment of Gender and Sexuality Alliances (GSAs) in schools. GSAs are groups consisting of both LGBTI and non-LGBTI students and teachers, who collectively promote and discuss sexual and gender diversity in their schools. The goal is to create a positive social norm regarding sexual and gender diversity, making the school climate safer for LGBTI students. GSAs prove effective in that both LGBTI students and non-LGBTI students cooperate and thereby alter perceptions of the 'social norm'. For this to succeed, it is important that teachers and school administrators support and facilitate GSAs.

Process evaluation

Based on a process evaluation we describe the 38 actions that the action plan contains. We investigated the way the actions are developed into more concrete measures. We then checked the implementation; are the measures implemented, and if so, how? These results are described in chapter 5.

Five in-depth case studies

After this broad description of the 38 actions, we selected five case studies for in-depth research. These are: the pink social map, police queries, the 'Alliantie Gelijkspelen', an alliance working towards social safety for LGBTI in sports, educational drama performances in schools and the expansion of the National Expertise Center for Discrimination (LECD). The selection of these five case studies was based on the content, multi-agency involvement, representation of individual groups within the LGBTI community, as well as the distribution of cases across the two ministries, the four social pillars and the scope (local, national) of the actions.

1. Pink social map

The municipality of Rotterdam aims to increase knowledge on the possibilities of reporting discrimination by ensuring that access to reporting facilities is as easy as possible. They do so by means of, among other things, the 'pink social map'. The map, drawn up by RADAR, is a digital map on which the locations of 'pink' organizations are marked. Below the map are the contact details and a brief description of the organizations. The purpose of the pink social map is to show people and organizations the way to all 'pink' social organizations in the city, such as meeting places for LGBTI persons and organizations that provide support and expertise.

During the evaluation, the status of the website was not clear. It is currently unknown who manages and maintains the map, the information is out of date and the map is no longer displayed on the site. Organizations listed on the map state that the map does not make it easier to be found. Moreover, the map does not pay specific attention to reporting, and

it does not actively refer to reporting facilities, so the contribution to its original purpose seems limited.

2. Queries police registrations

Every two weeks, national police systems are searched with specific search terms (queries) to collect discrimination incidents, including those involving lgbti individuals. Experts from the Centre for countering Police Discrimination (ECAD-P) assess the initial dataset, analyse every incident and filter out wrongfully added cases, resulting in a net overview of reports with a discrimination aspect. ECAD-P experts screen all cases and enrich them with advice for further follow-up.

Within the ten regional units, contact persons have been appointed who are fully or partially available to deploy cases from the ECAD-P list within the unit. They act as boosters and emphasize the need for follow-up and handling, delegating cases to district level within their unit or following them up themselves. Incidents of discrimination are also discussed in the six-weekly regional discrimination meeting (RDO). This meeting is attended by the Public Prosecution Service (OM), police, and ADVs, who jointly decide on follow-up steps.

The overview produced nationwide is of great value to the units. It saves time because all cases are bundled together. As a result, discrimination receives more attention within the unit; officers do not always recognize the discrimination aspect in a case, or do not ask enough questions about it. Recognizing discrimination, when it is punishable and how a case can best be followed up is the added value of this working method. Moreover, discussion in the RDO contributes to shared responsibility for dealing with discrimination in the region. Finally, the comparison on national level, facilitated by this working method, contributes to a better understanding of the nature and extent of discrimination incidents in the Netherlands, making a more effective approach possible.

3. Alliantie Gelijkspelen

The Alliantie Gelijkspelen (equal play alliance) is committed to creating an inclusive sports environment in which everyone, regardless of age, physical or mental health, ethnic background, sexual orientation, gender identity or social position, can fully participate in sport and physical activity. Sports associations often appear to be insufficiently aware of the need for inclusiveness, especially for lgbti acceptance. The use of homophobic chanting or name calling in Dutch football contributes to a culture of exclusion, where sports members feel unsafe or misunderstood. As a result, gender and sex diverse persons regularly feel out of place in the sports world, especially in team sports. Homosexual men participate in sports as much as heterosexual men, but are least likely to be members of sports associations, especially where there is a macho culture in sports. Bisexual men exhibit similar sports patterns to heterosexual men, and often deliberately hide their sexual orientation while playing sports.

Between 2022 and 2023, the Alliantie Gelijkspelen conducted a pilot in six municipalities to increase lgbti acceptance in sports. Within some sports clubs, the pilot encountered resistance, for example because acceptance of lgbti persons and fighting discrimination was considered a controversial topic. In some clubs, the pilot has led to silence, lack of understanding and open resistance, especially among parents of children playing sports.

Nonetheless, board members of sports clubs underline the importance of the pilot, especially the supportive initiatives of the Alliantie Gelijkspelen. They emphasize that

structural change requires more effort, including long-term actions aimed at a change in culture. This could eventually lead to full inclusion of LGBTI individuals in sports.

4. Educational theatre performances in schools

This case study is an example of the use of an intersectional approach. This approach focuses on people who are discriminated against because of multiple (background) characteristics (which may include gender identity or sexual orientation). Some existing initiatives in the Netherlands pay attention to this. One example is a course called 'Vrijheden' (Freedoms), in which theater producers who are often experts by experience, play a central role.

The Confro Foundation is one such theater producer, providing group-based training to open discussion on current issues among young people and teachers. Part of their approach includes opening the discussion on harmful traditional practices and paying attention to the existence of dual issues such as religion and sexual orientation. In an accessible and playful way, Confro creates a safe environment in which children and youth can be candid. Confro's curriculum emphasizes various labels and groups to which a person may belong, including (but not limited to) LGBTI. Confro's approach contributes to mutual understanding and a more inclusive society, which ultimately promotes the social safety of students, including LGBTI students. Confro not only engages with students, but also involves parents and refers students to appropriate support organizations. Because different young people's worlds are involved, (perceived) safety in family situations can also improve, and there is greater understanding and empathy among professionals.

The goal of the action, to make aspects on which one can be discriminated against more visible and discussable seems to be met. Although success cannot so much be attributed to the action plan - the activities are not carried out because they are part of the action plan - the priority given to this by the municipality of Rotterdam leads to a more socially safe and inclusive city. Initiatives such as Confro contribute to this approach.

5. Expansion of the LECD

The National Expertise Centre for Discrimination (LECD) functions as an internal expertise agency within the Public Prosecution Service. It has the primary goal of optimizing criminal enforcement in the area of discrimination. The LECD's advice to the national public prosecutors should lead to the best possible handling of discrimination offenses and criminal offenses with a discrimination aspect. The Dutch Public Prosecutor's Offices consult the LECD for advice and information. The LECD thus plays a crucial role in the criminalization and prosecution of perpetrators of discriminatory statements and acts. In addition to its core role in criminal prosecution, the LECD also provides support in developing operational frameworks for both the police and the Public Prosecution Service. In addition, the LECD cooperates with various (government) agencies and institutions that work to combat discrimination.

In 2019, the LECD was expanded by 2.5 FTEs. This action is included in the action plan, although the expansion is not exclusively dedicated to LGBTI-related discrimination. LECD staff focus on a broad approach to discrimination without specific assignment to a particular ground of discrimination. However, the expansion has led to generic improvements that have benefited all discrimination cases handled by the Prosecution, including LGBTI-related cases. The expertise of the LECD contributes to promoting the protection of LGBTI individuals

in the Netherlands. The pooling of knowledge and attention of discrimination makes a valuable contribution to the pursuit of the Action Plan's objective.

Conclusion

Drafting the action plan

The adopted motion to draw up an action plan for the safety of lgbti persons was not widely supported, particularly within the Ministry of JenV. The ministry did not want to create a unique position for one specific target group within groups that encounter discrimination. It was therefore clear from the beginning that no budget would be available for this action plan. The drafters therefore chose to include many already existing, ongoing actions in the plan. These actions would receive more attention and urgency through this bundling. The multitude of actions and the broad objective of the plan make it difficult to draw an overarching conclusion about the rationale of the entire plan. Especially with less practically formulated actions, it was unclear in advance how they would contribute to the main objective.

The 38 actions included in the plan were not studied beforehand on their effectiveness, although a number of them do have a scientific basis. Nor was the existing situation mapped out: what is the nature and extent of the problem (discrimination and violence against lgbti persons); how does this differ between the subgroups within the term 'lgbti'? The action plan would have gained strength if objectives had been made more practically implementable beforehand, and a selection of promising or proven interventions had been made. In addition, it largely lacked an understanding of differences in the social position, acceptance, legal protection, and specific issues that cause (social) unsafety for groups within 'lgbti', or for other subgroups dealing with an intersection of vulnerabilities.

The division of the action plan into four pillars arose during the drafting of the action plan and follows from the inventory of existing actions. Although these pillars reflect current developments in the (in)safety of lgbti persons, the division into these pillars was pragmatic.

Implementation, experiences and results

Almost all of the 38 actions in the plan have been translated into concrete activities and implemented in whole or in part. A number of actions existed prior to the plan and were continued. A few actions were stopped prematurely, partly due to COVID-19, lack of budget or lack of participants. Many implementers of actions in the action plan appear to be unfamiliar with the action plan. This is especially true for implementers at the local level. This can be explained by the fact that they are already carrying out existing actions initiated, for example, from lgbti or 'rainbow' funds received by municipalities. Many interviewees were unaware that an action was also included in the action plan. Hence, the action plan does not seem to have added urgency for these parties.

The Alliances, financed by the Ministry of Education, Culture and Science, implement several actions of the action plan. There is a great deal of expertise and experience among these implementing parties, and many of these actions seem to be successful. Police actions regularly lack concrete details of an action and their impact - partly due to large differences between units - remains unclear. Plans and vision documents change regularly

within the police organization, and implementation stalls due to high workloads, personnel shortages, and the shorter police training.

Within many organizations, including the police, employees and volunteers who actively engage (sometimes in addition to working hours) with the target group appear to play a crucial role. The fact that the implementation of actions to promote the safety of lgbti people depends on volunteer commitment and/or personal involvement in the issue makes implementation vulnerable.

Side effects

Although actions increase the visibility of and support for lgbti people, they sometimes provoke negative reactions, such as demolishing of rainbow symbols and negative reactions on social media. Although such actions often come from a small group, they can have major consequences. It is important to take into account the resistance that an emancipatory movement can provoke.

The action plan as a means

Overall, we conclude that support for actions to increase the safety of lgbti people is high. However, the question is whether an action plan is the appropriate means for this, compared, for example, with the more long-term subsidy structure of the alliances, as the Ministry of OCW has set out. Besides preventive interventions, protections in legislation remain important. The evaluation shows that countering discrimination and violence of lgbti persons remains vital. Many initiated actions require ongoing attention and for part of the lgbti group, specific measures that contribute to their safety and acceptance (especially intersex persons, but also transgender, non-binary and bi+ persons are needed. In developing follow-up policies, a clear analysis of the problem at hand, with a focus on diversity, is indispensable. We give a number of recommendations for this purpose.

Recommendations

Continuation of policies aimed at countering violence and discrimination against lgbti persons should meet some conditions. Firstly, it should be drafted in accordance with the target group and interest groups. Secondly, the goals should be apparent and measurable, and interventions should logically follow from these goals. Thirdly, a budget should be made available, and continuity should be ensured. Improving safety is a long-term process. Acceptance of gay and lesbian people, which has been part of the Dutch emancipation policy for decades, is higher than for bi+, transgender, non-binary and intersex persons. It will still take considerable effort to structurally improve their social position. A plan should pay attention to the individual groups; generalizations to the entire lgbti population should be avoided. Furthermore, policy has to take into account the diversity within the broad umbrella of lgbti, and an understanding of deep-rooted social norms about sexuality and gender, and the influence this has on safety of all subgroups within lgbti+.

Based on this evaluation, we propose the following recommendations.

- Provide insight into the well-being of the entire target group (with attention for the diversity within) and monitor both the prevalence of violence and discrimination and (perceived) social safety. For example, we see that lgbti-persons participate less often in team sports; such a phenomenon is not reflected in the number of actual discrimination incidents but is a signal of lagging lgbti-acceptance;

- Utilize available evidence from scientific studies as well as from practical knowledge (more) when developing interventions;
- The use of practical knowledge can be promoted by improving the exchange of knowledge and experiences between involved parties. This opportunity has remained unused during the present action plan;
- Build knowledge on 'what works' - effective elements of interventions - through evaluation and monitoring;
- Then improve the effectiveness of interventions through adjustment;
- Involve target groups in developing interventions, paying attention to representation of the various subgroups within the umbrella term 'lgbti'; as well as intersectionality;
- Provide (long-term) funding to ensure continuity of interventions;
- Consider when the message can be general, aimed at inclusion of all and against discrimination (violating Article 1 of the Constitution). And when specific attention to lgbti persons, or subgroups within them, is required.
- The action plan has so far paid little attention to the specific situation of transgender persons. Current developments that have taken place since the publication of the action plan are worrying: there is increasing transphobia and fierce expressions of discrimination against transgender persons (especially online).² Transgender persons increasingly have to justify their existence. This calls for decisiveness in future action;
- Intersex persons are not yet represented in the action plan. Map the prevalence of discrimination and violence against this group, as well as (perceived) social safety. Make an inventory of the specific wishes and needs of this group, including in legislation and care;
- Pay more explicit attention to the position of bi+ persons. Interventions aimed at accepting other than heterosexual orientations, are in practice mostly or solely aimed at homosexual and lesbian persons. The Veiligheidsmonitor 2023 (safety monitor) has shown that the situation of bi+ persons differs in many areas;
- Keep in mind that interventions do lead to an increase in safety for l, h, b, t and i persons. When these subgroups are grouped under the denominator lgbti, but interventions are (mainly) aimed at the acceptance of 'l and h' (or turn out to be so in practice), a 'false sense of security' can arise for the other subgroups. After all, the policy then suggests that much is being done, also for 'b, t and i'.
- Reflect on the instrument 'action plan' as a means to achieve the goal of 'countering discrimination and violence against lgbti persons'. Since it was embedded in the motion that there should be an action plan (this was literally stated in the motion), this has become the means to work with. Start by mapping the nature and extent of the problem, and identify the best possible instruments to reach the desired outcome;
- When continuing actions and measures, look at the form it should take. There is sufficient evidence that lgbti-persons in the Netherlands deserve protection - just like other discriminated groups in society. However, the question is, what means should be worked with. OCW's method of alliances seems a promising approach. In addition, protection in legislation has not yet been finalized.